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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Second periodic reports submitted by States parties
under articles 16 and 17 of the Covenant**

Addendum

ECUADOR* **

[25 October 2002]

* The initial reports (E/1978/8/Add.1, E/1986/3/Add.14 and E/1988/5/Add.7) concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, as well as the second periodic report concerning rights covered in articles 6 and 9 of the Covenant, submitted by the Government of Ecuador, were considered by the Working Group of Governmental Experts of the Economic and Social Council in 1980 (see documents E/1980/WG.1/SR.4 and 5) and in 1984 (see documents E/1984/WG.1/SR.20 and 22), and by the Committee on Economic, Social and Cultural Rights at its fifth session in 1990 (see documents E/C.12/1990/SR.37-39 and 42).

** The information submitted in accordance with the consolidated guidelines concerning the initial part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.7).

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Introduction

1. The present report of Ecuador on economic and social rights covers the 1990s, with projections to 2002.
2. As has been noted, Ecuador defended its initial reports and its second periodic report concerning rights covered by articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights.¹ It should be pointed out that the relevant reports have already been submitted to the new committees established by the United Nations, in particular the reports submitted to the Committee on the Elimination of Discrimination against Women (CEDAW/C/ECU/4-5), the Committee on the Rights of the Child (CRC/C/3/Add.44) and the Committee on the Elimination of Racial Discrimination (CERD/C/226/Add.1), which may be used to supplement certain chapters of this document that may be considered incomplete.
3. The population of Ecuador has decreased. If we bear in mind the projections made during the 1990 national census, there is a shortfall of almost half a million people. This can be explained, in the main, by the wave of emigration from Ecuador to other countries, particularly the United States of America, Spain and Italy.²
4. The new Constitution, adopted by the Constituent Assembly in 1998, establishes certain basic rights, such as the recognition of ethnic minorities and their ancestral languages and cultures, which were not covered in previous constitutions. Equal access to first- and second-generation rights, the establishment of mechanisms to defend them, such as constitutional protection (amparo), habeas data and the ombudsman, are innovative elements.
5. For a better understanding of the statistics contained in this report, which are based on the exchange rate for the sucre that was in force until 2000, we have included as an annex a table with equivalencies of the exchange rate during the 1990s.

Article 1

6. Article 1 of the Constitution of Ecuador states that “Ecuador is a social, sovereign, unitary, independent, democratic, multicultural and multi-ethnic State based on the rule of law. [...] Sovereignty resides in the people, whose will is the basis for authority, who exercise it through government bodies and the democratic means provided for in this Constitution”. In article 4, the Constitution establishes the right of self-determination: “In its relations with the international community, Ecuador [...] rejects all forms of colonialism, neocolonialism, discrimination or segregation, [and] recognizes the right of peoples to self-determination and to free themselves from oppressive systems.”

Article 2

7. Article 23 of the Constitution provides for: “Equality before the law. All persons shall be considered equal and shall enjoy the same rights, freedoms and opportunities, without

discrimination on grounds of birth, age, sex, ethnic group, colour, social origin, language, religion, political affiliation, property, sexual orientation, state of health, disability or difference of any other nature.”

8. Through its institutions, Ecuador has the supreme task of guaranteeing the effective exercise of respect for and realization of fundamental human rights and the rights of citizens, without distinction as to their nationality, either because such rights are contained in the Ecuadorian Constitution or because Ecuador is bound by international agreements to uphold such rights.

9. Under article 3 of the Constitution, the State has the duty to “ensure the effective exercise of human rights”.

10. Article 13 of the Constitution recognizes the equality of the rights of aliens and Ecuadorians, except for those civil and political rights restricted to Ecuadorians in accordance with the Constitution and the law.

11. Article 1 of the Aliens Act requires the State to regulate the status of aliens in Ecuador.

Article 3

12. The text of the Constitution, prepared by the National Constituent Assembly and published in *Official Gazette* No. 1 on 11 August 1998, took account of the proposals put forward by civil society and incorporated such elements as gender equality, social justice, multicultural identity, human rights, environment, promotion of the economic, social and cultural rights of Ecuadorians, and the rule of the democratic system. Articles 34, 41 and 102 of the current Constitution refer to rights relating to gender equality.

13. Article 34 states that “the State shall guarantee equal rights and opportunities for women and men with respect to access to resources for production and to economic decision-making affecting their marital partnership and property”. According to article 41, “the State shall formulate and implement policies with a view to achieving equal opportunities for men and women”. Article 102 provides for “the equal participation of women and men as candidates in popular elections, in administrative and decision-making bodies in the public sphere”. These articles supplement article 23, paragraph 3, which deals with constitutional rights and explicitly states that there shall be no discrimination on the grounds of sex, ethnic group, colour, disability, or any other differences.

14. Article 47 of the Constitution considers children, adolescents, pregnant women, disabled persons, the elderly and the seriously ill as vulnerable groups and states that they shall receive special attention from government and private bodies.

15. The Constitution reaffirms the conviction that Ecuadorian legislation currently prohibits all forms of discrimination on the grounds of race, sex, religion or disability, and that policies are

being devised to enhance genuine participation by women where rights and equal opportunities are concerned, a process which should involve the whole of society, setting aside the idea that equality should be regarded as a problem affecting women alone.

16. The important role of women in the development of Ecuadorian society, basically characterized by women's greater participation in decision-making in recent years, was achieved with great effort. Women are increasingly becoming more prominent in politics, seeking to make themselves heard as part of the country's population.

17. In the past decade, women have assumed a more visible role in politics. During the 1980-1984 presidential term, a woman was appointed Minister of Social Welfare for the first time. In 1990, none of the ministries was headed by a woman. During the 1993-1996 presidential term, there were two women ministers: the Minister of Education and the Minister of Social Welfare. Of the 74 deputies, 3 were women. In 1978, only 4 per cent of those elected to town councils were women while, during the 1997-2000 presidential term, there were 86 women candidates for various posts, 58 for alternate representatives and 5 for provincial representatives.

18. Today, however, it is a normal, although not very frequent event, to see women at the head of large organizations, governing bodies, trade organizations, associations of all kinds and so on. There are more and more women in ministries and congresses, taking difficult and important political decisions.

19. According to the 1990 population census, there were 4,851,777 women and 4,796,412 men in Ecuador; women account for 50.3 per cent of the total population. There are more males than females between the ages of 0 to 14, and more females than males between the ages of 15 and 64; this is, basically, because women have a higher life expectancy at birth.

20. Women constitute 48.9 per cent of the rural population and 51.4 per cent of the urban population. This means that more women live in urban than in rural areas.

21. Women start families at earlier ages than do men. According to the National Statistics and Census Institute (INEC), most women marrying in 1997 fell in the age groups under 15 and between 15 and 19, most men marry between the ages of 20 and 24.

22. The Constitution protects marriage as well as de facto unions, in which a man and a woman who have no ties of matrimony to another person can form a de facto household, with the same rights and obligations as those of families constituted through marriage. "Cohabitation is much more frequent among women of the Coastal region; there are more cohabiting than married women at the Coast, while marriage is more common in the Highlands."³

23. The fertility of Ecuadorian women has declined, as can be seen in the following table.

**Overall fertility rate for women between the ages of 15 and 49
(Expected number of children, 1965-1999)**

Years	Number of children
1965-1969	6.9
1975-1979	5.4
1981-1982	4.9
1982-1987	4.3
1984-1989	3.8
1989-1994	3.6
1994-1999*	3.4

Source: *Retrato de mujeres. Indicadores sociales sobre la situación de las campesinas e indígenas del Ecuador rural, El desarrollo social en el Ecuador 2*, Quito, Technical Secretariat of the Social Front (STFS), United Nations Development Fund for Women (UNIFEM) and Global Programme on AIDS, 1998.

* Demographic and mother-and-child-health survey 1999
(Encuesta demográfica y de salud materna e infantil - ENDEMAIN-99).

24. The last survey, ENDEMAIN-99, indicated that the overall fertility rate in Ecuador for the period 1994-1999 was 3.4 children per woman. The estimated overall rate in rural areas is 4.4 children, which is considerably higher than the urban overall fertility rate of 2.8 children.

25. At the regional level, the lowest overall fertility rate is in the Island region, with 2.3 children, an indicator similar to that of developed countries; the rate on the Coast is 3 children, and 3.6 children in the Highlands. The highest level is in Amazonia (5.5 children per woman, which reflects the average number of births in Ecuador in the mid-1960s).⁴

26. While the illiteracy rate in Ecuador has declined considerably, differences in that rate between the sexes persist. In 1998, some 12.1 per cent of Ecuadorian women and 8.3 per cent of Ecuadorian men were illiterate. Illiteracy is highest among the rural population.

27. Ecuador has succeeded in raising the level and quality of education through its reform of the system, with a view to improving and accelerating children's school achievement. It has also managed to reduce disparities in the field of education. Efforts to ensure that women receive an education increase the probability that they will enter the workforce and that their children will have higher levels of education. When women are more educated, they have access to employment in the formal sector - family incomes are higher, families have fewer children, the children are generally better educated and the vulnerability of women to violence is reduced. While the participation of women in the labour market in recent years has exceeded that of men, unemployment still affects more women than men.

28. The Labour Code provides for equal remuneration for women and men, which depends on women's place and type of work. Thus, article 78 of the Labour Code establishes that "there shall be equal remuneration for equal work, without distinction as to sex, race, nationality or religion; in addition, specialization and experience in the performance of work shall be taken into account for the purposes of remuneration".

29. There are fewer women in the workforce than men and, when women work, it is more usual for them to work in the informal sector, which pays less than the formal sector. The participation of women is heavily influenced by their level of education and the number of children that they have. The difference in remuneration between men and women is smaller in the formal sector than in the informal sector. In 1995, women's income was on average about a third (27 per cent) lower than that of men. This difference is even greater in agricultural work, where women earn some 37 per cent less than men.⁵

30. The following table indicates the average incomes of men and women by occupation. It shows that, on average, women's incomes are lower than those of men. The estimated difference between urban and rural areas is also noteworthy.⁶

Area	Average income		
	Women	Men	Disparity (percentage)
Urban	881 077	1 337 489	65.9
Rural	328 911	613 253	53.6
National total	700 040	1 036 779	67.5

Source: INEC, Survey of Living Conditions, Round III, 1998.

31. In order to improve women's capacity to look for and obtain good jobs, reforms were introduced in labour legislation with a view to eliminating discrimination against women. The Labour Protection Act provides for the hiring of a minimum percentage of women workers; such hiring will be regulated by the sectoral commissions of the Ministry of Labour, but other reforms clearly correspond to the sphere of social policy, such as the promotion of day-care and pre-school services. The purpose of such reforms is to enable women to hold jobs and, at the same time, to improve children's capacity to learn, develop, and finish school.

32. The greatest differences arise from levels of education and the way in which the market remunerates different types of education: those with more experience receive higher salaries; men earn more than women; and, since most women tend to hold poorly paid jobs, this is reflected in a larger number of women in this area. Moreover, the lower remuneration of women is in part due to the fact that they gain less work experience than men because they do not work continuously owing to the demands of motherhood and housework. While there are fewer differences in formal employment, differences increase markedly in cases of self-employment.

33. In the rural sector, adult women, particularly peasant and indigenous women, participate in the workforce on an equal basis. Most women in agriculture work on family-owned land without remuneration⁷ and suffer the consequences of the discrimination of past decades.

34. There have been many legislative reforms and policy measures to promote equal opportunities for men and women:

(a) Revised regulations on the operation of the commissariat on women and the family, published in *Official Gazette* No. 758 of 14 August 1995. These regulations note that violence against women and children is a social problem requiring adequate guarantees for professional handling. The commissariat on women and the family will have preferential but not exclusive competence in cases of domestic violence and offences committed against women and children. Such offences will be punished in accordance with the legislation in force. In accordance with the provisions of article 662 of the Penal Code, preventive and corrective measures may be adopted in order to protect the security and physical and emotional integrity of women and children.

(b) Ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”), published in *Official Gazette* No. 728 of 30 June 1995;

(c) Violence against Women and the Family Act, published in *Official Gazette* No. 839 of 11 December 1995, which criminalizes and punishes physical, psychological and sexual violence against women and the family and provides for measures to protect victims of domestic violence. The Act provides that the international instruments on the prevention and punishment of violence against women that Ecuador has ratified shall have the force of law;

(d) Labour Protection for Women Act, published in *Official Gazette* No. 124 of 6 February 1997, which amends the Labour Code, the Electoral Act and the Judiciary Organization Act;

(e) National Women’s Council (CONAMU). A public law institution with a social and public purpose, attached to the Office of the President of the Republic. It guides public policies with a gender perspective, and controls and regulates activities with a view to ensuring equal opportunities for women and men in all public-sector bodies, promotes the full participation of women and the development of their potential in social, economic and political life, developing programmes for the social integration of women, and with a view to promoting women’s employment and self-employment, literacy and education, and comprehensive care for women who have been victims of violence. It promotes programmes that enable women and men to balance work with family life. CONAMU was established by Executive Decree No. 764 of 24 October 1997, published in the supplement to *Official Gazette* No. 182 of 28 October 1997;

(f) Free Maternity (Amendment) Act, published in *Official Gazette* No. 381 of 10 August 1998, with the objective of reducing maternal and infant mortality rates. Another objective is to guarantee the right to free, high-quality health care that covers the costs of medicines, basic laboratory examinations and follow-up examinations for pregnant women, newborns and children under 5 years of age.

35. In recent years, there has been a growing interest in reducing discrimination against certain groups on grounds of gender, race or ethnic origin with a view to guaranteeing such groups proper access to public services and fair treatment in the labour market. Many of the social policy measures that are currently being carried out will have an impact on the well-being of future generations.

Article 4

36. Ecuador ensures the supremacy of the provisions of its Constitution in such a way that no law conflicts with the rights guaranteed under the International Covenant on Economic, Social and Cultural Rights. The Constitution and laws recognize, guarantee and promote human rights and encourage the economic, social and cultural progress of all persons under its jurisdiction.

Article 5

37. The Constitution of Ecuador guarantees the effective exercise of human rights. The provisions of other laws must be consistent with the Constitution, giving priority to the rights and freedoms of the human person and promoting development in order to achieve social and economic progress.

38. Anyone whose constitutional rights are affected by an administrative or judicial measure is entitled to the following remedies:

(a) Habeas corpus,⁸ which is applied when a person is illegally deprived of his or her liberty;

(b) Habeas data: “All persons shall be entitled to have access to documents, data banks and reports dealing with them or with their property, which are held by public or private entities, and to be aware of the use that is made of such data and the purpose of such use”;⁹

(c) Constitutional protection (amparo): “This remedy, which shall be given preferential and summary-treatment, shall involve the adoption of urgent measures to halt, avoid the commission of or immediately redress the consequences of an illegitimate act or omission by a public authority that violates, or may violate, any right enshrined in the Constitution”;¹⁰

(d) Office of the Ombudsman: “There shall be an Ombudsman, who shall have national competence to promote or sponsor habeas corpus and amparo actions by persons requiring such measures; to protect and promote the observance of the fundamental rights guaranteed by the Constitution; to monitor the quality of public services and perform any other functions assigned to him or her by law.”¹¹

39. In accordance with the information provided by the Office of the Ombudsman, between the date of its establishment in September 1988 and October 1999, the following cases have been received and dealt with:

Complaints of human rights violations	3 160
Cases settled	2 201

Requests received for:

Habeas corpus	495
Remedies of habeas corpus granted	357
Habeas data	30
Remedies of habeas data granted	26
Constitutional <u>amparo</u>	186
Remedies of <u>amparo</u> granted ¹²	136

40. Most complaints of alleged human rights violations were made against the police, the judiciary, the provincial governments, public and private enterprises and the armed forces.

41. The creation of public awareness is essential in order to enable Ecuadorians to assert their rights properly.

Article 6

Employment and modernization

42. As a member of the International Labour Organization (ILO), Ecuador has signed ILO Conventions No. 122, concerning employment policy, and No. 111, concerning discrimination in respect of employment and occupation, and, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, has submitted reports on the provisions of article 6 to the competent monitoring committees.

43. According to the new Constitution, chapter 4, section 2, article 35, "Work is a right and a social duty. It shall be protected by the State, which shall guarantee workers' dignity, a decent living and fair remuneration that covers their own and their families' needs."

44. Article 1 of the Labour Code establishes the framework and principles governing relations between employers and workers in the various forms and conditions of employment, and includes the labour standards contained in specific legislation or international conventions.

45. Ecuador's legislation provides for freedom of work and contract. Thus, article 3 of the Labour Code promotes the right of workers to choose freely to apply their efforts to whatever legitimate work they wish. All work should be remunerated.

46. The Women's Employment Protection Act, published in the *Official Gazette* No. 124, of 6 February 1997, which amends the Labour Code, provides for a minimum quota of women workers, to be set by the sectoral commissions of the Ministry of Labour. The Act also amends the Judiciary (Organization) Act in order to reduce discrimination against women, stipulating that at least 20 per cent of high court judges, notaries, registrars and other officials shall be women.

47. According to article 4 of the Act, women working in the private sector may lodge complaints concerning the application of the law with the labour inspector or deputy inspector.

Employment policy

48. As a result of the problems arising from the country's economic crisis, the social situation has deteriorated and poverty and social inequalities have increased. More than 78.5 per cent of Ecuador's population is poor and 46.2 per cent destitute, i.e. their households cannot cover their minimum food requirements. In recent years the number of households with income below the poverty line has increased, and this has proved a major obstacle to economic development.

49. Those in the rural sector, in particular indigenous peoples and Blacks, live a life of marginalization and social exclusion that is a legacy of the past. Their main problems are restricted access to land and the highly concentrated structure of landownership, a situation that has persisted because of the limited redistributive impact of the 1964 and 1973 Land Reform Acts.

50. The rural population has little choice in terms of rural employment: the majority of workers are underemployed, with high illiteracy rates and low levels of education, and live in marginal conditions with few basic services. This is reflected in very low-productivity occupations and limited income, derived from subsistence smallholdings. Apart from the marginal traditional way in which farming is carried out, on land that in many cases is situated on hillsides, unirrigated and eroded, a lack of credit and technical assistance has led people to migrate from the villages to the big cities, especially Quito and Guayaquil, where they form "urban poverty belts", or slums on the outskirts of cities; in many of the cities with problems of this kind, the legal status of such settlements has not yet been regularized.

51. The rural population overall stood at 4,384,695 in 1990 and comprised 49 per cent women and 51 per cent men. Of these, 96 per cent are employed: 64.8 per cent of those employed are men and 35.2 per cent women. The unemployment rate is 4 per cent and the economically inactive population is 36.9 per cent of the working-age population.

52. The distribution of workers employed in the rural sector of the economy is as follows: 14.1 per cent work in the modern sector, 85 per cent in the traditional sector and 0.9 per cent in domestic service. A breakdown by activity shows 65 per cent working in agriculture, 10.2 per cent in manufacturing and 10 per cent in commerce and restaurants.

53. The unemployment rate in the rural sector is 4 per cent, of which women account for 62 per cent and men for 37 per cent. Unemployment tends to be greater in urban areas than in rural areas.

Total rural population 1990

	Total	Percentage
Total population	4 384 695	100
Population aged 0-10	1 235 387	28.20
Working-age population	3 149 308	71.80
Economically active population	1 986 435	63.10
Unemployed	79 563	4
Total employed	1 906 872	100
Modern sector	268 122	14.10
Traditional sector	1 621 361	85
Domestic service	17 389	0.91
Economically inactive population	1 162 873	36.90

Source: National Institute of Employment (INEM), *Encuesta Permanente de Hogares, Empleo, Subempleo, Desempleo* (Permanent survey of households, employment, underemployment and unemployment).

54. According to a study carried out by the Social Front Secretariat, rural poverty was around 70 per cent in 1994, while urban poverty stood at 35 per cent. "There are also wide social differences between areas with predominantly indigenous populations and the rest of the country: whereas the overall poverty rate in 1994 was 52 per cent, among the indigenous population it was 80 per cent [...]. In regional terms, there is a considerable gap between the East and the other regions. The East is the only region where destitution is a large-scale phenomenon: thus the worst living conditions can be found in the rural part of the Eastern region, where, in some cantons such as Orellana (Napo), Morona (Morona Santiago), and Lago Agrio (Sucumbios), poverty levels reach 95 per cent or more. Poverty in the rural Amazon region is closely associated with major gaps in the infrastructure, low wages and, in particular, low agricultural productivity [...]. In the Coastal and Highland regions, although overall levels of poverty and destitution are comparable, the nature of social deprivation in the two regions differs. Rural poverty affects mainly the Highland region - in particular the provinces of Loja (84 per cent), Chimborazo (81 per cent) and Cotopaxi (80 per cent). Generally speaking, there is less rural poverty in the Coastal region than in the Highland region."¹³

55. In the urban sector, the open unemployment rate rose from 6.1 per cent in 1990 to 6.9 per cent in 1995, 11.5 per cent in 1998 and 14.4 per cent in 1999; there was an increase of 66.7 per cent between 1995 and 1998 and 25.22 per cent between 1997 and 1998. Unemployment affects large, low-income households. There was a sharp fall in unemployment in 2002 as a result of migration and the economic recovery.

Period	Unemployment	Change (per cent)
1990	6.1	0
1995	6.9	13
1998	11.5	66.67
1999	14.4	25.22
2000	17	18.06
2002	8.4	-50.59

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo* (Urban employment, underemployment and unemployment survey).

56. Women from poor households, with or without a family to support, encounter greater difficulties in entering the labour market where they suffer from poor basic education and basic work skills, and household and family responsibilities.

57. The groups worst affected by unemployment are young people aged between 15 and 24, particularly young women.

Unemployment by sex and age group (1998)

Age	Men	Women	Total
10-11	151	428	579
12-14	3 476	3 953	7 429
15-24	86 188	110 926	197 114
25-54	71 878	113 053	184 931
55 and over	13 775	5 453	19 228

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

58. Unemployment has increased throughout the country, but more in the Coastal region than elsewhere, mainly owing to the damage inflicted by the El Niño phenomenon. The unemployment rate rose from 7.1 per cent to 15.8 per cent between 1995 and 1999, which represented a relative increase of 123 per cent over that period.

Trends in unemployment rates

Region	1995	1998	1999	Change 1995-1998		Change 1995-1999	
				Absolute	Per cent	Absolute	Per cent
Highland	6.5	9.6	12.7	3.1	48	6.2	95
Coastal	7.1	12.8	15.8	5.7	80	8.7	123
Amazonia	5.5	8.6	12.2	3.1	56	6.7	122

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

59. There are two basic causes of unemployment: diminishing demand for labour and growth in the working-age population.

Total urban population (1990)

Group	Total	Men	Women
Total population	6 172 978	3 020 358	3 152 620
Population aged under 10	1 432 662	730 411	702 251
Working-age population	4 740 316	2 289 947	2 450 369
Economically inactive population	2 259 331	723 208	1 536 123
Economically active population	2 480 985	1 566 739	914 246
Unemployed	150 472	66 945	83 527
Employed	2 330 513	1 499 794	830 719

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

Total urban population (1995)

Group	Total	Men	Women
Total population	7 037 563	3 422 990	3 614 573
Population aged under 10	1 468 250	746 211	722 039
Working-age population	5 569 313	2 676 779	2 892 534
Economically inactive population	2 464 999	798 138	1 666 861
Economically active population	3 104 314	1 878 641	1 225 673
Unemployed	212 655	104 226	108 429
Employed	2 891 659	1 774 415	1 117 244

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

Total urban population (1998)

Group	Total	Men	Women
Total population	7 780 286	3 800 813	3 979 473
Population aged under 10	1 686 600	881 700	804 900
Working-age population	6 093 686	2 919 113	3 174 573
Economically inactive population	2 533 202	822 851	1 710 351
Economically active population	3 560 484	2 096 262	1 464 222
Unemployed	237 034	91 862	145 172
Employed	3 151 203	1 920 794	1 230 409

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

Total urban population (1999)

Group	Total
Total population	8 023 454
Population aged under 10	1 742 514
Working-age population	6 280 940
Economically inactive population	2 511 360
Economically active population	3 769 580
Unemployed	543 452
Employed	3 226 128

Source: National Institute of Statistics and Censuses (INEC), *Encuesta Urbana de Empleo, Subempleo y Desempleo*.

60. The growth in the economically active population confirms a trend that has been observable for several years, i.e. that more and more people are participating in economic activity. Thus the overall participation rate (economically active population/working-age population) was 52.34 per cent in November 1990, 58.43 per cent in 1998 and 60 per cent in 1999.

61. According to the urban employment, unemployment and underemployment survey for November 1998, women are the worst affected by unemployment. While 15.9 per cent of women are economically inactive, the rate for men is 8.3 per cent; that is to say, women and men do not have equal opportunities.

62. The labour market is different for men and women throughout the country: more men than women find waged work, while women tend to cluster in own-account activities and unpaid family work. Opportunities for women to find work in the public or private sector or to run their own businesses are much more limited in the countryside than in the cities, particularly for peasant and indigenous women.¹⁴

63. The growth in exports had held out hope of a significant recovery in the demand for labour in the rural sector. In fact, the recovery has proved modest and less than adequate, mainly as a result of the destruction caused by the El Niño phenomenon, which hit the Coastal region in 1997 and 1998: agriculture and livestock production were adversely affected, falling by 0.8 per cent; 80 per cent of the region's roads were destroyed; and the hospital infrastructure was also affected, with damage to at least 23 health facilities.

**Traditional exports
(Millions of dollars f.o.b.)**

	1995	1996	1997	1998	1999
Bananas	857	973	1 327	1 070	954
Coffee (beans or processed)	244	160	121	105	78
Cocoa (beans or processed)	133	164	132	47	106
Tuna and fish	89	85	99	83	69
Shrimps	673	631	886	872	607
Total	1 996	2 013	2 565	2 177	1 815

Source: Central Bank, *Boletín Estadístico*.

64. The El Niño phenomenon also had an adverse effect on traditional exports and drove up imports of consumer non-durables (foodstuffs) and capital goods destined for rehabilitation of the Coastal region. The United Nations Economic Commission for Latin America put the infrastructure, production and income losses at US\$ 2,900 million (14.5 per cent of GDP).

**Imports of consumer goods
(Millions of dollars f.o.b.)**

	1995	1996	1997	1998	1999
Non-durables	398	459	563	660	412
Durables	340	319	385	420	160.3
Total	738	779	948	1 080	572

Source: Central Bank of Ecuador's statistics.

65. These problems, and others related to the drop in production caused by the El Niño phenomenon, put pressure on price levels, the exchange rate and interest rates. The recovery of agricultural exports in recent years has not generated sufficient new jobs or reversed the negative trend. The unemployment rate is 14.4 per cent and underemployment stands at 56.9 per cent. Real wages are continually declining and there is a greater concentration of wealth.

66. Against this background, poverty has increased in Ecuador in recent years: the proportion of the urban population living in poverty in 1997 was 69.7 per cent, of whom 30.5 per cent were destitute, while in 1999, the poverty rate was 78.5 per cent, of whom 46.2 per cent were destitute. Within the rural sector, the problem is most acute among the indigenous and Black populations.

67. The picture is rather different, however, in the area of non-traditional products. An analysis of the growth in non-traditional exports from Ecuador during the last 10 years shows what could well be described as an economic miracle. Not only have non-traditional exports leapt from US\$ 318 million in 1992 to a projected US\$ 1,344 million for the current year, but most of this growth has taken place among products incorporating some degree of industrial processing: these climbed from US\$ 228 million to US\$ 941 million, whereas commodities expanded from US\$ 89 million to US\$ 402 million. Another area which is beginning to see significant growth is fresh fruit exports, projected to reach US\$ 33 million in the current year. The best-performing processed products are fishery products, which have expanded from US\$ 55 million to US\$ 335 million, but there has also been significant growth in chemical and pharmaceutical products, leather, plastic and rubber articles, and a range of other products that will account for more than US\$ 170 million in exports this year. Dollarization appears to have had a profound effect on exports of metal products, vehicles and textiles - both clothing and other products. One point worthy of note is the decrease in exports of fruit juices and canned fruit as a result of the positive performance of natural fruit.

Disability

68. According to a survey carried out by the National Council on Disabilities (CONADIS) for 1996, the number of persons with disabilities is around 1,600,000, or 13.2 per cent of the total population.¹⁵

69. The national disabilities plan currently being implemented in Ecuador provides a theoretical and diagnostic framework for planning initiatives on behalf of persons with disabilities: the plan includes programmes, projects and activities to be carried out both by the State and by the private sector. In order to fulfil its responsibilities, CONADIS prepares annual operating forecasts: these are subject to the overall State budget, which is the main source of funding.

Annual operating forecasts

(Suces)

1995	1 546 422 350
1998	3 643 811 000

Source: CONADIS

70. Under article 47 of Ecuador's current Constitution, the State provides care for vulnerable groups: "In the public and private spheres, priority, preferential, specialist care shall be given to children and young people, pregnant women, persons with disabilities, persons with highly complicated terminal illnesses and older persons. Similar care shall be given to individuals in risk situations and victims of domestic violence, child abuse and natural or man-made disasters."

71. State education programmes provide for the integration of persons with disabilities in general, who may join regular programmes, and there is also an educational integration plan for children with special educational needs, to which the school curriculum can be adapted.

Responsibility for vocational training and employment rests with governmental and private services, which are supported by the State through CONADIS; however, they are subject to serious constraints, particularly in terms of budget and human resources.

72. According to article 53 of the Constitution, “the State shall guarantee the prevention of disabilities and comprehensive care and rehabilitation of persons with disabilities, particularly the destitute. The State, society and the family have joint responsibility for their social integration and equality of opportunity. The State shall take steps to ensure access to goods and services for persons with disabilities, particularly in the areas of health, education, training, employment and leisure; and to remove barriers to communication and obstacles to their mobility in public spaces, buildings and transport. Municipalities shall have an obligation to adopt such measures within the scope of their powers and jurisdiction. Persons with disabilities shall be given preferential treatment in respect of tax credits, exemptions and reductions, in accordance with the law. Persons with disabilities have the right to use alternative means of communication, such as Ecuadorian sign language for the Deaf, oralism, Braille, etc.”

73. The main problems confronting persons with disabilities in Ecuadorian society can be summarized as follows:

- (a) Limited disability-prevention programmes;
- (b) Limited early diagnostic and intervention services;
- (c) No programmes to provide generic medicines to persons with serious disabilities in lower socio-economic groups;
- (d) Limited services to assist with integration into education, society and employment;
- (e) Limited technical aid services;
- (f) Limited education and training for persons with disabilities;
- (g) Lack of employment opportunities for persons with disabilities who are trained or professionally qualified;
- (h) Shortcomings in implementation of legal provisions to remove barriers in public spaces, buildings and transport for persons with disabilities.

74. Discrimination against persons with disabilities exists in Ecuador, and particularly against women in employment: their inclusion in the workforce is considered problematic, given the risk of an accident that might exacerbate their physical condition, with financial consequences for the company hiring them; there is little awareness of their true qualities or potential. In particular, they have not been treated as a special case but considered in the more general context of the disability issue in Ecuador - all the more so since the National Council for Women (CONAMU) came into existence as an independent body responsible for policies and actions in the area of protection and provision for women.

75. CONADIS was established under article 7 of the Disabilities Act, promulgated in the *Official Gazette* of 7 August 1982, as a body with authority at the national level to promote social projects, carry out studies and coordinate initiatives by those sectors and State or private institutions that have responsibility for care, prevention, education and integration in respect of persons with disabilities. Its other function is to devise national policy on disabilities.

76. The Disabilities Act, Act No. 180, cannot be said to have changed disabled persons' lives, but it must be admitted that it has helped make all levels of Ecuadorian society more open to free and frank discussion of the issue. Accordingly, there has been a positive response to the initiatives planned and implemented by CONADIS through the State and private institutions responsible for prevention, care and integration in respect of persons with disabilities. Ecuador has a legal basis for meeting the needs of this sector and improving the situation of persons with disabilities, but in practice the required coordination among the various areas is lacking: treatment and quality of service are poor and the Government's budget allocation is inadequate, which means the level of NGO involvement is constantly increasing.

77. Ecuador has no national plan for assistance or training for persons with any kind of disability. None of the conventional educational centres have admission, training, job placement or monitoring programmes.

78. Sectoral policies in the area of employment provide for the following actions by the State of Ecuador through the Ministry of Labour and Human Resources:

(a) To provide optimal coordination of education, health and welfare services with professional and vocational training, in order to facilitate appropriate employment;

(b) To establish suitable mechanisms to coordinate the efforts of State and private institutions in the health, education and employment sectors with respect to workplace accident prevention, or in independent form, for those not yet in regular, stable employment;

(c) To encourage the establishment and strengthening of credit institutions and institutions providing financial support on preferential terms for the formation of production units for persons with disabilities;

(d) To establish a model of comprehensive rehabilitation comprising evaluation, orientation, adaptation, vocational training, job placement and follow-up, and to strengthen and reorient Ecuador's professional and vocational training and rehabilitation centres.

79. Persons with disabilities have been excluded from active participation in society; barriers and prejudices have not yet been broken down; such people are at a disadvantage in the labour market; and all the services for persons with disabilities are concentrated in the major cities and provinces, with the result that thousands of people who live far from the centres of development are marginalized. In order to implement its policies, the State relies on bodies such as the

Ecuadorian Vocational Training Service (SECAP), which is expected to adapt the entry requirements for its regular vocational and professional training programmes to accommodate persons with disabilities.

Ecuadorian legislation on disabilities: Constitution; Disabilities Act (Act No. 180); Regulations to Act No. 180; general and sectoral policies on disability

80. The Spanish Government makes an important contribution through the National Institute of Migration and Social Services, the Spanish International Cooperation Agency, the *Red Iberoamericana de Cooperación Técnica para Discapacidades* (Ibero-American Network for Technical Cooperation on Disabilities) and the *Real Patronato sobre Discapacidad de la Reina Sofía de España* (Queen Sofia Royal Foundation for the Disabled).

81. As of 14 December 1999, CONADIS had provided identity cards to a total of 30,000 persons with disabilities across the country; in order to facilitate access to benefit, the Government decided it would be fair to extend entitlement to the *bono solidario* (solidarity voucher) to disabled persons of limited economic means who are legally certified as at least 60 per cent disabled by a medical unit of the Ministry of Health, Social Security, the Armed Forces and the National Police. Nationwide, 4,500 persons with disabilities were in receipt of the *bono solidario* as of December 1999 and a significant number more could qualify, depending on decisions by the National Council for the Modernization of the State and the Government's budgetary situation.

82. Mention should be made of the work being done for persons with disabilities in Ecuador by non-profit NGOs. The Ramón Arregui Monreal Programme of the *Fundación General Ecuatoriana* (Ecuador Foundation) provides work training for young people aged between 15 and 25 with mental disabilities. They take courses in tailoring, handicrafts, ceramics, carpentry, horticulture and general services.

83. Eight classes have completed the programme to date, and a total of 182 students have been trained. On graduation, up to 60 per cent of students are found employment in open competition. The remaining 40 per cent are placed in their primary support group (i.e. their family) or found sheltered employment or work within the community. The Programme monitored the 182 who graduated between 1991 and 1998, conducting interviews with 150 of them, 55 women and 95 men; 32 could not be traced. Eighty-two (54.7 per cent) were found to be in work. The men had found work more easily than the women (64 out of 95 and 18 out of 55, respectively). In 51.2 per cent of cases, they had found work through the Ecuador Foundation, nearly all of them in private companies. The remainder had rejoined their primary support group (family) and were performing domestic tasks, but only in two cases was this work remunerated.

Article 7

Right to work

84. The Constitution recognizes as fundamental duties of the State: "To eradicate poverty and promote the economic, social and cultural advancement of its inhabitants";¹⁶ to that end, the

State recognizes and guarantees “the freedom to work” and “the right to a standard of living that will ensure health, food and nutrition, drinking water, a healthy environment, education, work, employment, leisure, housing, clothing and other necessary social amenities”.¹⁷

85. According to the Constitution, “work is a right and a social duty. It shall be protected by the State, which shall guarantee workers’ dignity, a decent living and fair remuneration that covers their own and their families’ needs”. This article lays down that: “workers’ rights are inalienable. Any condition requiring renunciation, impairment or alteration thereof shall be void”.¹⁸

86. The Constitution introduces significant changes in terms of recognition of rights, including “the entry of women into paid employment, with the same rights and opportunities, guaranteeing equal pay for work of equal value”. In addition, “particular respect shall be paid to labour and reproductive rights with a view to improving working conditions and access to social security systems, especially for expectant and breast-feeding mothers, working women, and those in the informal and handicraft sectors, women heads of household and widows. All types of discrimination against women in respect of work are prohibited. The work of the spouse or partner in the household shall be taken into account in order to ensure equitable compensation, especially in situations in which he or she may be at an economic disadvantage. Unpaid domestic work shall be recognized as productive labour”.¹⁹

87. The Labour Code establishes the right of persons to choose any lawful occupation: “Nobody shall be required to perform services free of charge, or paid services which are not compulsory under the law, except in cases of extreme emergency or where immediate assistance is needed. Apart from such cases, no one shall be obliged to work without a contract and appropriate pay. Generally speaking, all work shall be remunerated.”²⁰

Wage-setting system

88. Article 118 of the Constitution defines the institutions that make up the public sector. Article 35, paragraph 9, establishes two main sectors: officials subject to the laws regulating the public administration and workers and employees who are covered by the Labour Code.

89. In accordance with the principles established in the Constitution and the provisions of the Labour Code, wage levels are set using three mechanisms:

(a) In the past, responsibility for setting wage levels rested with Congress, but it subsequently passed to the Administration and the task is now performed by the National Wages Council (CONADES). The minimum living wage for all workers is fixed every six months by decision of CONADES. At the same intervals, CONADES also decides on overall wage rises. The President of Ecuador sets the basic pay for State teachers by decree, in accordance with the relevant legislation and subject to the minimum wage fixed by CONADES.

(b) The Sectoral Minimum Wage Commissions are tripartite bodies comprising representatives of workers, employers and the Government; they are responsible for fixing wage levels, salaries and/or minimum sectoral pay rates for workers protected by the Labour Code, in various branches of activity, through the sectoral commissions and with advice from CONADES.

(c) A third wage-setting mechanism is the negotiation of collective agreements, whereby unionized workers negotiate directly with their employer, with the participation of the Ministry of Labour and Human Resources, on conditions of employment, including basic salary levels and certain social benefits, depending on the company's resources.

90. The minimum living wage applies to persons who, because of the kind of activity they are engaged in, are not covered by the occupations listed in the sectoral wage scales by area of economic activity.

91. According to information from the Minimum Wage Division of the Ministry of Labour and Human Resources, Ecuador has no statistics on the number of persons in this group.

92. INEC is the body that conducts surveys of living conditions and employment, unemployment and underemployment, and collects data on workers' incomes. The forms used by INEC have been found not to include a question specifically on basic wages, only on total income - which also includes any additional income. This shortcoming is compounded by the fact that the INEC survey is carried out exclusively in urban areas.

93. The minimum wages fixed in each case are legally binding, and they are enforced by the Ministry of Labour and Human Resources inspection service; application of the minimum living wage and the minimum salaries, wage levels and/or pay scales within each sector is monitored through the Department of Labour in the province of Pichincha and the corresponding regional offices in the rest of the country, i.e. the Regional Labour Offices for the Coastal region, the South and the Centre, and the Labour Inspectorates in other provinces; workers and employers may apply to their local departments for advice on the application of the current wage legislation and to request its enforcement.

94. Since 1997, the Ecuadorian Social Security Institute (IESS) has helped enforce the applicable wage scales: in order to improve its members' holdings, it now requires employers to base both the employer's and the worker's contribution to the Institute on the wage levels established in law.

Setting the minimum wage

95. In setting the minimum living wage, the Minimum Wage Department, which acts as technical secretariat for CONADES, prepares a technical report analysing the economic and social situation in the country as a whole and that of the group of workers covered by the minimum living wage and sectoral wage mechanisms.

96. The report prepared by the technical secretariat of CONADES, together with the input and suggestions of members of CONADES itself, are basic to the analysis used in setting the minimum living wage. For the wage-setting process within the sectoral commissions, a survey and associated studies are conducted; while in the collective bargaining process the major factor is the goodwill of the parties, together with each company's economic situation and outlook.

97. Human resources management in Ecuador is governed by various items of legislation; the two basic texts covering the civil service are the Civil Service and Public Administration Act and the Public Officials (Remuneration) Act, while the private sector is covered by the Labour Code and the Constitution.

98. The Public Officials (Remuneration) Act was promulgated in 1975 in order to regulate the civil service pay system. Legislation on professional pay was passed in the 1990s and chiefly regulates the basic professional pay scales.

99. Article 51 of the Public Finance (Reform) Act, published in the *Official Gazette* No. 181, of 30 April 1999, establishes the National Public Sector Pay Board, whose function is "to establish pay policies to be applied in State institutions, whether their officials, employees or workers are covered by the Civil Service and Public Administration Act, other special legislation regulating their service, or the Labour Code".

100. The technical report prepared by CONADES is seen as a basic working instrument for the analysis and discussion of pay, but the dominant consideration is nevertheless the effect on the State Treasury, for the minimum living wage is indexed to a range of benefits that apply to workers protected by collective agreements or teaching and other professional pay scales, and thus has a major impact on State finances. The policy applied since 1994 is to increase other benefits that form part of workers' remuneration, such as the cost-of-living adjustment and the bonus payment, which have fewer economic implications for the State.

101. The mechanisms for setting, monitoring and adjusting public sector pay are governed by the provisions of article 53 of the Public Finance (Reform) Act: "The National Public Sector Pay Board shall have sole authority to determine and establish the policies and standards governing remuneration of officials and employees of State institutions; thus the Board, while preserving the purchasing power of salaries, shall establish, on the basis of the availability of funds, the salary scales applicable to such officials, which shall be generally applied."

102. The system of basic public sector pay is established on the basis of the availability of State funds, level of (past) inflation and degree of responsibility.

103. Similarly, for the private sector, the National Wages Council is the body that determines wages policies, the minimum wage and overall increases for workers.

Total income, workers in general
Borja-Parodi, August 1988-August 1992
(Suces)

Pay component and year	1990		1992		Increase for period	
	1 January	22 July	1 January	10 August	Percentage	Absolute
Minimum living wage	32 000	32 000	40 000	60 000	87.50	28 000
Cost-of-living supplement	2 500	2 500	20 000	20 000	1 233.33	17 500
Bonus payment	1 000	1 000	1 000	1 000	100.00	0
Travel allowance	2 400	3 200	4 000	7 200	260.00	4 800
Nominal monthly pay	37 900	38 700	65 000	88 200	132.72	50 300
Thirteenth month's wage	2 667	2 667	3 333	5 000	122.22	2 333
Fourteenth month's wage	5 333	5 333	6 667	10 000	122.22	4 667
Fifteenth month's wage	833	4 167	4 167	4 167	400.00	3 333
Reserve fund	2 667	2 667	3 333	5 000	122.22	2 333
Total income	49 400	53 533	82 500	112 367	175.18	62 967

Total income, workers in general
Duran Ballen-Dahik-Peña Triviño, August 1992-August 1996
(Suces)

Pay component and year	1992	1994	1995	1996		Increase for period	
	10 August	1 January	1 January	1 January	1 July	Percentage	Absolute
Minimum living wage	60 000	66 000	75 000	95 000	95 000	58.33	35 000
Cost-of-living supplement	20 000	100 000	125 000	145 000	155 000	675.00	135 000
Bonus payment	1 000	1 000	96 000	180 000	240 000	23 900.00	239 000
Travel allowance	7 200	12 000	16 000	20 000	20 000	177.78	12 800
Sixteenth month's wage		11 000	12 500	15 833	15 833	58.33	15 833
Nominal monthly pay	88 200	190 000	324 500	455 833	485 833	450.83	397 633
Thirteenth month's wage	5 000	5 500	6 250	7 917	7 917	58.33	2 917
Fourteenth month's wage	10 000	11 000	12 500	15 833	15 833	58.33	5 833
Fifteenth month's wage	4 167	4 167	4 167	4 167	4 167	0.00	0
Reserve fund	5 000	5 500	6 250	7 917	7 917	58.33	2 917
Total income	112 367	216 167	353 667	491 667	521 667	364.25	409 300

Total income, workers in general**Abdala Bucaram-Rosalía Arteaga, August 1996-February 1997****Fabián Alarcón, February 1997-August 1998****Jamil Mahuad-Gustavo Noboa, August 1998 to date****(Suces)**

Pay component and year	1996	1997	1998	1999		Increase for period	
	10 August	1 January	1 January	1 January	1 July	Percentage	Absolute
Minimum living wage	95 000	95 000	100 000	100 000	100 000	5.26	5 000
Cost-of-living supplement	155 000	175 000	190 000	300 000	300 000	93.55	145 000
Bonus payment	240 000	282 000	386 000	546 400	700 000	191.67	460 000
Travel allowance	20 000	32 000	40 000	56 000	80 000	300.00	60 000
Sixteenth month's wage	15 833	15 833	16 667	16 667	16 667	5.27	834
Nominal monthly pay	525 833	599 833	732 667	1 019 067	1 196 667	127.58	670 834
Thirteenth month's wage	7 917	8 090	8 333	8 333	8 333	5.26	417
Fourteenth month's wage	15 833	16 667	16 668	16 668	16 668	5.27	834
Fifteenth month's wage	4 167	4 167	4 167	4 167	4 167	0.00	-
Reserve fund	7 917	8 090	8 333	8 333	8 333	5.26	417
Total income	561 666	636 847	770 168	1 056 568	1 234 168	119.73	672 502

Total income, workers in general**(Suces)**

	1990	1995	1999	Change		
	January	February	December	January 1990- January 1995	December 1990- January 1990	January 1995- December 1999
Minimum living wage	32 000	75 000	100 000	134%	213%	33%
Cost-of-living supplement	2 500	125 000	300 000	4 900%	11 900%	140%
Bonus payment	1 000	96 000	700 000	9 500%	69 900%	629%
Travel allowance	2 400	16 000	80 000	567%	3 233%	400%
Sixteenth month's wage		12 500	16 667			33%
Thirteenth month's wage	2 667	6 250	8 333	134%	212%	33%
Fourteenth month's wage	5 333	12 500	16 667	134%	213%	33%
Fifteenth month's wage	833	4 167	4 208	400%	405%	1%
Reserve fund	2 667	6 250	8 417	134%	216%	35%

	1990	1995	1999	Change		
	January	February	December	January 1990- January 1995	December 1990- January 1990	January 1995- December 1999
Total nominal income	49 400	353 667	1 234 292	616%	2 399%	249%
Basic shopping basket	124 785	858 832	3 990 099	588%	3 098%	365%
CPI	17.1	99.5	448.7	4.8	25.2	3.5
Disposable family income	79 534	569 403	1 987 210	616%	2 399%	249%
Total real income	288 889	355 444	275 082	23%	-5%	-23%
Financing of basic shopping basket	63.7%	66.3%	49.8%	4%	-21.9%	-24.9%

Source: Data on urban consumer price index, inflation and basic family shopping basket: INEC; data on pay: Ministry of Labour and Human Resources.

Note: Cost of basic shopping basket for five-member household. Disposable monthly family income based on 1.61 household members earning the minimum living wage. CPI: urban consumer price index, (INEC). Financing of basic shopping basket: family income divided by cost of basic family shopping basket.

104. Trends in the general minimum living wage and other legally established components of general workers' income show an overall change of 33 per cent and 249 per cent respectively in the period between January 1995 and December 1999. The consumer price index has risen by 351 per cent, i.e. by more than the percentage rise in nominal income, which means that real income has fallen by some 23 per cent.

105. The basic family shopping basket and the poor family's shopping basket are important tools in determining the basic needs of workers and their families. INEC carries out a monthly study on the basis of a model five-member family, taking into account food, housing, clothes and miscellaneous items, but, whereas the first case looks at the minimum requirements of medium-to-low-income urban households, the second assesses the minimum subsistence needs of the poorest population groups.

106. Family income is calculated on the basis of 1.61 persons earning the minimum living wage; by relating that amount to the cost of the relevant family shopping basket, it is possible to determine the level of coverage of household consumption or any shortfall, as the case may be.

107. Trends in the cost of the shopping basket are as follows: in January 1995, it was worth 858,832 sucres and by December 1999 it had gone up to 3,990,099 sucres - a global increase of 365 per cent. Thus, while the level of coverage was 66.3 per cent in January 1995, it was 49.8 per cent in December 1999, which represents a 25 per cent decline in consumption over that period.

Wage-monitoring system

108. Wages and salaries are set in accordance with the provisions of the law; recently, however, budgetary constraints have made it impossible to monitor implementation. Nevertheless, in cases of complaint by workers or employers, the necessary inspections are conducted through the labour inspectorates.

109. Such monitoring is carried out by the Ministry of Labour and Human Resources inspectorates, which are responsible for ensuring and requiring full compliance with the provisions of the law. The minimum living wage is adjusted on a six-monthly basis and wages, salaries and minimum sectoral pay rates on an annual basis.

Pay equality

110. Ecuador is not used to tackling inequalities, but mechanisms and techniques are being established to introduce, in all areas of the economy, the rights guaranteed under the Constitution and the international instruments as part of the social capital that forms the basis of modernization.

111. The Constitution promotes women's access to paid work on the basis of equal rights and opportunities, and guarantees equal pay for work of equal value. The Constitution also recognizes unpaid household work as productive labour.

112. The public sector applies a policy of pay equality between men and women in similar posts or doing similar work. The differences to be found are due to the fact that managerial posts are occupied mainly by men; differences can also be seen in comparisons between public-sector bodies, where considerable differences in pay levels can be found.

113. Fair pay for the job is a right that admits of no discrimination of any kind. The wage regulations established for workers protected under the Labour Code at the national level apply to both sexes. Moreover, the sectoral commissions aim to ensure that work is remunerated according to the tasks workers perform, and there are therefore different occupational structures for each area of activity.

114. Although wages and minimum sectoral pay rates are fixed without gender discrimination, studies carried out by CONAMU have shown that inequalities exist with regard to pay for women working in the informal sector.

115. With regard to measures adopted to prevent discrimination against women in the area of equal pay for work of equal value, article 1 of the Women's Employment Protection Act of 16 January 1997 stipulates a minimum quota of women workers.

116. The agreement signed between CONAMU and the Ministry of Labour and Human Resources provides for coordinated action in areas of common interest to apply the principle of gender equality, supporting women in their access to the labour market and in the area of income, and narrowing the gap between men and women.

117. One of the undertakings made by the Ministry of Labour and Human Resources is to compile, publicize and update statistical information on women's access to employment and pay; the Ministry's data will therefore be processed in order to obtain a picture of women's position with regard to employment and pay in each area of economic activity. In this regard, various parameters are being set in order to enable the project to be implemented within the established time frame.

118. Analysis of the results obtained from processing these data will form the starting point for the implementation of the Women's Labour Protection Act in this area.

119. The special employment projects developed by the Ministry of Labour and Human Resources are generating new permanent jobs and/or improving existing jobs, raising living standards and income levels while at the same time promoting redistribution of resources towards the poorest sectors of the population and helping reduce rural-urban migration.

120. To this end, monitoring, follow-up and evaluation procedures are being developed to measure impact and effectiveness, as well as the numbers of direct and indirect beneficiaries, in compliance with the objectives and goals incorporated in the design of each of these projects. Instruments have been designed to carry out these procedures.

121. The Ministry also acts as intermediary between job seekers and employers. Following such interventions, evaluations are carried out periodically in order to assess the level of satisfaction with and adaptation to jobs and to make statistical estimates of the percentage of people placed in relation to supply and demand.

Public and private sectors

122. The minimum living wage and sectoral minimum wage set for workers protected by the Labour Code apply at the national level, and to both the public and the private sectors. Certain additional benefits - monetary and otherwise - are nevertheless awarded in each sector, depending on companies' financial resources or government budgets.

123. In law, the various elements comprising the total income of public-sector and private-sector workers protected by the Labour Code are as follows:

(a) Basic wage or salary: in accordance with articles 133 and 119 of the Labour Code, the State, through the competent bodies, guarantees the minimum living wage and the wages, salaries and/or minimum sectoral pay rates for workers in each area of activity;

(b) Cost-of-living supplement: entitlement of workers earning a basic wage of up to 600,000 sucres. For anyone earning more, the supplement is 205,000 sucres a month;

(c) Bonus payment: set at 7 million sucres a year, payable in 10 equal instalments together with the month-end wage or salary payment, except in September and December (Labour Code, arts. 115-118);

(d) Sixteenth month's wage: established by Act No. 19, published in the *Official Gazette* No. 90, 18 December 1992. Equivalent to one eighth of the basic wage, but the payment shall not be less than one twelfth of two units of the current general minimum living wage or more than one unit of the general minimum wage;

(e) Travel allowance: persons not provided with transport are entitled to an allowance as part of their basic wage, up to the equivalent of two units of the current general minimum living wage, provided that they live within a radius of one kilometre of their place of work. The allowance is calculated by multiplying the urban bus fare, as indicated by the National Transport Board, by four trips a day and 20 working days;

(f) Thirteenth month's wage: equivalent to one twelfth of the amount earned between 1 December the preceding year and 30 November of the year in which the payment is made, counting basic wages, overtime and extra time, commission, etc. (Labour Code, arts. 95, 111 and 112). Payable up to 24 December;

(g) Fourteenth month's wage: equivalent to two units of the current general minimum living wage and payable up to 15 September for the period between 1 September the preceding year and 31 August of the year in which payment is made (Labour Code, arts. 113 and 114);

(h) Fifteenth month's wage: 50,000 sucres, payable in five instalments of 10,000 sucres each during the first seven days of February, April, June, August and October, for the period between 1 February the preceding year and 31 January of the year in which payment is made (Act No. 79, published in the *Official Gazette* No. 464, 22 June 1990);

(i) Reserve fund: calculated on a similar basis to the thirteenth month's wage, but the actual period depends on the date of entry. Entitlement as of the end of the second year of service; amount to be deposited in IESS by the employer (Labour Code, arts. 196 and 201);

(j) Share of profits: private-sector workers are entitled to a share in the company's annual profits, calculated on the basis of income tax statements or determinations (Labour Code, arts. 97-110, and the relevant amendments under Act No. 85, published in the *Official Gazette* No. 672, April 1995). Reference period 1 January to 31 December; payable up to 15 April the following year.

Health and safety at work

124. The Ministry of Labour and Human Resources, through the Department of Labour or its branch offices, is competent to supervise and monitor Ecuadorian workers' observance of the legal provisions in force on health and safety at work, through the Department of Health and Safety at Work and the labour inspectorates.

125. The current legal basis is the Labour Code, title IV, "Hazards at work", article 416, which establishes employers' and workers' obligations with regard to risk prevention: "Employers have a duty to guarantee their employees working conditions that do not place their health or life

at risk. Workers have a duty to observe the preventive, safety and health measures established in the regulations and provided by the employer. Failure to do so constitutes just cause for termination of their contract of work.”

126. The Department of Health and Safety at Work and the labour inspectorates have a duty to require the owners of workshops or factories and other workplaces to comply with the regulations in force on minimum conditions of health and safety in the workplace, in order to guarantee adequate conditions enabling employers and workers to perform their tasks.

127. The Department of Labour or its branch offices shall issue the relevant regulations stipulating the measures to be taken in the various industries to prevent work-related hazards and shall monitor implementation of the required preventive measures to safeguard workers' health and safety.

128. In companies where the hazards at work regime applies, in addition to the rules on risk prevention laid down in the Labour Code, the provisions and standards issued by IESS shall also apply (Labour Code, arts. 418, 434 and 438).

129. Under article 443 of the Labour Code, the Ministry of Labour and Human Resources is empowered to “suspend activities or close down workplaces or collectives where workers' health and safety are at risk or impaired, or where the established health and safety measures are contravened, without prejudice to further legal sanctions. Such a decision shall require a previous opinion from the Head of the Department of Health and Safety at Work”.

130. The regulations currently in force on workplace safety are:

(a) Regulations on Company Medical Services;

(b) Regulations on Workers' Health and Safety and Improvement of the Workplace Environment, published in the *Official Gazette*, No. 565, 17 November 1986, and as amended (*Official Gazette* No. 997, 10 August 1988);

(c) Mine Safety Regulations, published in the *Official Gazette*, No. 999, 30 July 1986;

(d) Regulations on Workplace Safety and Prevention of Hazards in Electric Power Facilities, published in the *Official Gazette*, No. 249, 3 February 1999;

(e) Regulations on Safety in Public-Sector Construction Projects, published in the *Official Gazette*, No. 253, 9 February 1999.

131. The administrative measures adopted are subject to the relevant legal provisions and regulations.

132. The mechanisms and procedures for monitoring implementation of these standards include Ministry of Labour and Human Resources plans and projects, and complaints from workers, trade unions or works committees concerning non-compliance. Ecuador's standards on health and safety at work do not exclude any group of workers and cover all workers.

Statistics on workplace accidents and work-related illness

Number of workplace accidents and work-related illnesses

Year	Type of incapacity			Total	No. of members
	Temporary	Permanent	Death		
1990	4 185	224	192	4 601	802 140
1991	4 216	330	162	4 708	866 018
1992	3 333	290	157	3 780	984 596
1993	4 337	343	167	4 847	1 056 198
1994	4 014	368	170	4 552	1 060 750
Total	20 085	1 555	848	22 488	

Source: IESS.

Type of workplace accidents and work-related illnesses (1989-1992)

Type of injury	Type of incapacity					Total	
	Death	Permanent absolute	Permanent total	Permanent partial	Temporary	Number	Percentage
Fracture	157	17	4	103	2 811	3 092	0.00
Dislocation	0	0	0	6	248	254	1.38
Twist, sprain	0	0	1	5	1 127	1 133	6.14
Concussion, internal injury	349	20	22	111	225	727	3.94
Amputation, enucleation	2	4	38	508	106	658	3.57
Other injury	4	12	1	23	4 572	4 612	24.99
Superficial injuries	0	2	1	26	2 490	2 519	13.65
Bruising, crushing	56	7	6	86	3 993	4 148	22.48
Burns	13	2	0	25	865	905	4.90
Poisoning, acute poisoning	0	0	0	1	7	8	0.04
Effects of cold, etc.	0	0	0	0	2	2	0.01
Asphyxiation	39	4	5	0	36	84	0.46
Electrocution	18	1	2	16	276	313	1.70
Total	638	69	80	910	16 758	18 455	100.00

Trends in work-related accidents

Safety indices, Ecuador (IESS members)

Year	Frequency index	Seriousness rating	Risk rate
1988	2.90	670.00	231.30
1989	3.45	735.96	210.27
1990	2.86	913.34	319.34
1991	2.71	766.91	282.99
1992	1.92	594.87	309.82

Frequency index: $FI = \frac{\text{Number of accidents resulting in sick leave} * 10_6}{\text{Number of hours worked}}$

Incident indices (Ecuador, IESS members)

Year	1988	1989	1990	1991	1992
Incident index	0.58	0.69	0.57	0.54	0.38

Seriousness rating: $SR = \frac{\text{Time lost by accident victims} * 10_6}{\text{Number of hours worked}}$

Fatal injury rate (Ecuador, IESS)

Year	1988	1989	1990	1991	1992
Fatal injury rate	0.081	0.098	0.119	0.093	0.079

Risk rate: $RR = \frac{\text{Number of days lost} * 10_6}{\text{Number of accidents}}$

Source: *Boletín Estadístico de Accidentes de Trabajo* (Workplace accidents: statistical bulletin).

Equal opportunities

133. According to article 124 of the Constitution, entry to and promotion within the civil service and public administration shall be determined on the basis of merit and competition. A system of free appointment and promotion shall apply only exceptionally to public officials. This rule applies to all civil servants, male or female. The Civil Service and Institutional Development Office (OSCIDI) has issued standards and policies for the application of this rule. Under article 57 of the State Finance (Reform) Act, the Ministry of Labour and Human Resources shall carry out a classification of public-sector officials and workers in order to

determine which of them shall be covered by the Civil Service and Public Administration Act and which by the Labour Code. CONAMU has developed affirmative action measures in order to ensure gender mainstreaming in Ecuador's policies; for the full modernization of the State, conditions must be created for personal development on the basis of equal opportunity in education and training, and through the elimination of discriminatory treatment; attainment of equal opportunities for women and men is a matter of human rights and a basic prerequisite for social justice and development.

134. Education and training are essential for any improvement in job quality. One of the major vocational training bodies in Ecuador is SECAP, although its programmes still do not incorporate the gender perspective. The education system functions effectively as a means of social access, helping to satisfy expectations with regard to income and/or status and initiating change in Ecuador's economic and social structure.

135. SECAP is a specialized technical government body within the Ministry of Labour and Human Resources, with administrative and financial autonomy and its own assets and funds, whose chief mission is to provide intensive and rapid training for middle managers in the industrial, commercial and service sectors. SECAP has highly experienced technical and administrative staff to carry out this professional and vocational training. Its instructors, both Ecuadorian and foreign, are highly qualified: the Ecuadorians among them qualified abroad through scholarships and internships awarded by various countries. The foreign staff working in the various operations centres are there in accordance with SECAP's international technical cooperation agreements. SECAP courses may be long or short, which makes it easier for people to acquire job qualifications. The length of a given course depends on the method of training and the subject. Skills training, for example, is geared to workers who are currently employed and covers all industrial, commercial and service specialities. Course duration varies from 20 to 240 hours and aims to improve workers' knowledge, ability and skills.

Compulsory leave

136. "Workers protected by the Labour Code are entitled to 15 days' compulsory leave per year, plus one additional day from the fifth year of service. Calculation of payment in lieu shall be based on one twenty-fourth of the total received during the calendar year, taking into account basic wages, overtime and extra time, commission, etc. (Labour Code, arts. 69, 78 and 95). Workers covered by the Civil Service and Public Administration Act shall be entitled to 30 days' leave, once they have worked for the institution for 11 months without a break. The maximum length of the working day shall be eight hours, giving a maximum of 40 hours per week. Saturdays and Sundays shall be compulsory rest days and if, for any reason, it is not possible to interrupt the work on those days, another, equal period during the week shall be designated as a rest period, by agreement between the employer and the workers".²¹ [...] "The compulsory weekly rest days shall be paid at the full rate, i.e. the rate for two days in accordance with the type of work".²²

137. As well as Saturdays and Sundays, other compulsory holidays may be established by law. Fair pay for the job is a right that admits of no discrimination of any kind. The wage regulations established for workers who are protected under the Labour Code at the national level apply to both sexes. The sectoral commissions aim to ensure that work is remunerated according to the tasks workers perform, and there are therefore different occupational structures for each area of activity.

138. One of the Government's goals is to improve the standard of living at all levels of the population by promoting higher wages for workers, but also by attempting to slow inflation, in order to bring about a real recovery in purchasing power.

Article 8

Right of free association

139. In title III, chapter 2 of the Constitution on civil rights, article 23 recognizes and guarantees "freedom of association and assembly, for peaceful purposes".

140. In general, and specifically for workers and employers, article 35 embodies the right to organize without prior permission, but in compliance with legal requirements in all instances. Further to this right and freedom laid down in the Constitution, the Labour Code regulates freedom of association or what is termed the right to organize, specifically for workers and their employers (all the tenets of the Labour Code, as its text provides, apply exclusively to the parties in an employer-employee relationship). Other workers (in the general sense of the term and not strictly in the sense of the legal definition), like other persons, including public servants, may engage in civil and/or commercial associations in accordance with the legislation of Ecuador (e.g. the Civil Code, the Companies Act and the Craftsmen's Protection Act).

141. Article 447 of the Labour Code states in connection with freedom of association: "Workers and employers, without distinction and without need of prior authorization, have the right to constitute such professional associations or trade unions as they may deem appropriate, join them or withdraw from them, in compliance with the law and the statutes of the associations in question [...]. Professional associations or trade unions have the right to constitute federations, confederations or any other trade union groupings, and to join them or withdraw from them or from international workers' or employers' organizations. All workers over 14 years of age may belong to a professional association or trade union [...]. Organizations of workers may be suspended or dissolved only as a result of a judicial procedure in an industrial tribunal. When an employer or a company has agencies or branches in different provinces, the workers in each of these may establish a trade union, a professional association or a works council. Requirements as to numbers and other requirements of the law shall be established in respect of each of the agencies or branches."

142. According to article 448 of the Labour Code:

“Workers’ associations of all types shall have the protection of the State, provided that they pursue one of the following goals:

- (a) Vocational training;
- (b) Culture and education of a general nature or applied to the relevant branch of work;
- (c) Mutual support through the formation of cooperatives or savings banks;
- (d) Other goals involving the economic or social advancement of workers and protection of their class interests.”

143. Labour legislation recognizes the legal status of legally constituted organizations which are duly registered in the Department of Labour of the Ministry of Labour and Human Resources. The first chapter of title V of the Labour Code includes only two paragraphs. The first contains general rules equally applicable to what it terms “professional associations”, trade unions, federations, confederations, etc; professional associations are not defined legally, but theoretically they are considered to be associations of workers with the same profession, trade or activity.

144. “*Sindicato*” is a generic term for professional organizations of either workers or employers, regardless of their occupation or whether the workers who are members have one or several employers. Our Code, however, practically does not use the term “*sindicato*” (it is, however, the term most used in practice).

145. Federations are second-level organizations, comprising those of the first level, and confederations are meetings of federations, i.e. at the third level; established organizations of workers and employers have full rights to set up second-level and third-level organizations, i.e. federations and confederations, and to join them. The second paragraph contains the rules governing the company unions par excellence, known as works committees, which enjoy a legal presumption that they are representative in nature. They naturally consist exclusively of workers, and among these, those who provide services for the same employer regardless of their occupation, trade or branch of activity.

146. Ecuadorian legislation does not contain rules relating to the establishment of trade unions by category of workers. However, if workers wish to organize by category, they are free to do so provided that they comply with existing rules. Several categories exist in practice - works organizations and professional associations, associations of employees, organizations of workers only and organizations of employers, organizations by branch of activity, etc.

Labour organizations

147. There is no State interference in labour organizations; the authorities refrain from interfering in or inhibiting the rights of workers (with the exception of registration and approval of the statutes, as the law provides). Employers and workers have the right to draft the statutes and regulations of the organizations they constitute, elect their representatives in complete freedom, organize their administration and activities and draw up their programme of action. The Department of Labour Organizations of the Ministry of Labour and Human Resources states that there is no practical mechanism for ascertaining the number of workers who are currently union members, although when an organization is established checks are carried out to confirm that it has at least 30 founding members. This number may vary from one day to another, which means that even if we mentioned how many workers served to establish each organization, the number would bear no relation to the current state of affairs. In addition, the same worker may belong to several organizations.

148. The labour relations of workers are regulated by the Labour Code and the Civil Service and Public Administration Act. Some of the workers in the public sector are covered by this Act and the rest of the sector, together with the private sector, is subject to the Labour Code. With the enactment of the Public Finance (Reform) Act, the Ministry of Labour and Human Resources is in the process of classifying public-sector officials and workers in order to determine who should be subject to the Civil Service and Public Administration Act and who should be governed by the Labour Code.

149. Workers and employers who come under the Labour Code may form labour organizations, i.e. workers who serve in the public or private sectors; civil servants who come under the Civil Service and Public Administration Act are expressly prevented from establishing trade unions, under article 60 (g) of the Act, but this does not prevent civil servants from setting up civil associations. Workers may form associations of not fewer than 30 persons.

Right to strike

150. Article 35 of the Constitution of Ecuador “recognizes and guarantees the right of workers to strike and the right of employers to impose lock-outs, in accordance with the law. Crippling public services on any pretext is prohibited, particularly health, education, justice and social security, electric power, drinking water and sewerage, fuel processing, transport and distribution, public transport and telecommunications. The law shall establish the relevant penalties”.

151. Article 474 of the Labour Code states that “The law recognizes the right of workers to strike, subject to the requirements set out herein. A strike is the collective suspension of work by fellow workers.”

152. Unlawful strikes are governed by article 502 of the Labour Code: “If a strike is declared to be unlawful, the employer shall have the right to dismiss the strikers. A strike shall be considered unlawful only when the strikers commit acts of violence against persons or cause substantial damage to property.”

Collective conflicts

1988-2001

Years	Number of Conflicts	Percentage	Year-on-year change	Percentage
1988	397	16.70	-	-
1989	362	15.23	-35	-8.82
1990	339	14.26	-23	-6.35
1991	290	12.20	-49	-14.45
1992	186	7.82	-104	-35.86
1993	134	5.64	-52	-27.96
1994	104	4.38	-30	-22.39
1995	93	3.91	-11	-10.58
1996	108	4.54	15	16.13
1997	85	3.58	-23	-21.30
1998	103	4.33	18	21.18
1999	72	3.03	-31	-30.10
2000	51	2.15	-21	-29.17
2001	53	2.23	2	3.92
Total	2 377	100.00	2 324	4 384.91

Source: *Statistical Bulletin*, Ministry of Labour and Human Resources.

Strikes

1988-2001

Years	Number of strikes	Percentage	Year-on-year change	Percentage
1988	126	18.45	-	-
1989	167	24.45	41	32.54
1990	140	20.50	-27	-16.17
1991	87	12.74	-53	-37.86
1992	47	6.88	-40	-45.98
1993	28	4.10	-19	-40.43
1994	12	1.76	-16	-57.14
1995	7	1.02	-5	-41.67
1996	11	1.61	4	57.14
1997	18	2.64	7	63.64
1998	17	2.49	-1	-5.56
1999	8	1.17	-9	-52.94
2000	11	1.61	3	37.50
2001	4	0.59	-7	-63.64
Total	683	100.00	679	16 975.00

Source: *Statistical Bulletin*, Ministry of Labour and Human Resources.

Trade union rights

153. The Ecuadorian Confederation of Free Trade Unions (CEOSL) has said that with the enactment of the Public Finance (Reform) Act, in force as from 30 April 1999, the labour authorities have initiated a process of classification of workers subject to the Civil Service and Public Administration Act and those covered by the Labour Code, which will allegedly make it possible to deprive large numbers of workers of protection under the labour law in express breach of article 35, section 9, paragraph 4 of the Constitution: "The right of workers and employers to organize and to seek advancement freely, without prior authorization and in accordance with the law, shall be guaranteed. For all purposes relating to labour relations in State institutions, the labour sector shall be represented by a single organization." Under the Civil Service and Public Administration Act, workers subject to the Act are denied the right to belong to trade unions.

154. CEOSL indicates that, on the basis of the constitutional provision that the labour sector which is covered by the Labour Code in public institutions must be represented by a single organization, efforts are being made to eliminate the guarantees of trade union rights enjoyed by other organizations of this nature in the public sector.

155. CEOSL notes the growing use of an arrangement which progressively restricts and prevents the establishment of trade union organizations in the private sector, whereby workers are recruited for the usual work of a company through intermediary companies by which they are employed; although they provide services to a third party, the intermediary company does not offer any scope for the workers it recruits to exercise the right of association.

156. There are 800 organizations affiliated to CEOSL, and approximately 150,000 workers who are members of those organizations.

157. CEOSL views the restrictions derived from constitutional provisions which affect the right freely to organize trade unions as the source of legislation which directly or indirectly restricts that right and the position of the authorities which, by means of administrative procedures or by failing to comply with their duty to protect the right to organize, have generated restrictions on its exercise.

158. There is no information which allows us to assert that either the armed forces or the police have intervened deliberately to prevent the exercise of the rights set out in paragraphs 2 and 3.

Article 9

Right to social security

159. Chapter IV, section 6, article 55 of the Constitution specifies that "social security shall be a duty of the State and an irrevocable right of all its inhabitants. It shall be provided with the participation of the public and private sectors, in accordance with the law".

160. Social security provision is the exclusive task of IESS, which was set up in 1928 when the Compulsory Social Security Act was passed. This Act was ratified in 1935 and updated in 1942. At the present time the Institute is governed by an Act of 1988.

161. The population protected by IESS comprises its members and pensioners. The members are the insured population, composed of contributors and non-contributors (members of the rural worker group). The pensioner population includes persons receiving old age, disability or workplace hazard pensions, and recipients of widows' and orphans' pensions.

162. In 1998 the population protected by IESS numbered 2,075,910 insured persons, of whom 1,097,716 fell under the general insurance system and 978,194 benefited from the rural social security system. They represent 17 per cent of Ecuador's population; with the addition of the pensioners, coverage is barely 19 per cent. As a result, barely 19 per cent of the population of Ecuador are able to opt for the Institute's services, and, more seriously still, IESS benefits cover insured persons only and do not extend to their children or spouses. Thus only 2 out of every 10 Ecuadorians are protected by sickness and maternity insurance.

163. IESS statistics show that in 1998 most of the persons insured with the Institute - 88.4 per cent - are between the ages of 44 and 54, while the younger members up to 34 years of age account for 48.4 per cent. The number of pensioners is growing faster than the number of new workers joining IESS, so that the resources received in contributions in the short term will not be sufficient to finance the payment of the benefits the Institute provides.

164. Social security comprises the Compulsory Social Security System and the Voluntary Social Security System. The following persons are insured under the Compulsory Social Security System: persons who provide services or carry out work under a labour contract or by appointment, i.e. private employees, workers and civil servants; professionals with university or polytechnic degrees, who exercise their professions independently and do not work as employees; notaries, property dealers and merchants; members of the secular clergy; craftsmen, master craftsmen and independent craftsmen, labourers and apprentices; apprentices under contract, workers on trial, occasional and temporary workers, home-based workers, construction workers and other persons mentioned in special laws and decrees; professional artists; professional drivers who are independent members of an organization; self-employed independent workers, active members of associations, unions and trade associations in general connected with the economic activity performed by the persons whose main livelihood is their work, but who do not have an employer-employee relationship; agricultural and voluntary workers and others mentioned in special laws and decrees; professional footballers.

165. Article 42, section 31 of the Labour Code sets out the duty of employers "to enrol workers in IESS from the first day of work, notifying the start of work within the first 15 days and notifying departures, changes in wages and salaries, accidents at work and occupational illnesses, and complying with the other obligations for which the social security laws provide".

166. Social security affiliation is compulsory only for workers who are employed and has little attraction for independent workers. This means that only a small proportion of self-employed workers are members of the social security system.

167. IESS is obliged to accept the voluntary affiliation of any adult who is not a contributor to any social insurance system and expresses a wish to join the voluntary system. The voluntary member's contribution is 18.8 per cent of the earnings established for purposes of membership and gives him or her the right to sickness, maternity, disability, workplace hazard and life insurance benefits, benefits from the funeral expenses fund, a pension for disability or old age and a special reduced scheme if he or she complies with the requirements of IESS.

168. Article 56 of the new Constitution provides for the establishment of the National Social Security System, which "shall be governed by the principles of solidarity, compulsory affiliation, universality, fairness, efficiency, subsidiarity and adequacy in dealing with individual and collective needs, with a view to the common good".

169. The present Social Security system, through compulsory general insurance, covers the risks of illness, maternity, workplace hazards, unemployment, old age, disability and death.

Sickness benefits

170. Contributors to IESS have access to general sickness insurance, which covers the following:

- (a) Medical, surgical and dental care and pharmaceuticals;
- (b) A cash benefit when the illness causes incapacity to work.

171. In order to acquire this right, contributors must have paid six months of contributions, at least two of these in the six months prior to the start of the illness. Old age or disability pensioners have the entitlement from the time the pension is paid. Recipients of widows' pensions deriving from life and workplace hazard insurance will receive sickness insurance benefits, with the exception of maternity benefits.

172. When illness causes incapacity to work, the contributor must receive the cash benefit for illness, which is calculated as follows: for the first three days the employer pays 50 per cent of the daily wage or salary and 100 per cent of contributions; from the fourth day and for a period of 26 weeks (six months), the member will collect the following amounts from IESS: for the first 70 days of incapacity, 75 per cent of the daily average wage or salary over the last 90 days preceding the month in which the incapacity occurred; for the rest of the time 66 per cent of this average is paid up to the end of a six-month period.

173. Civil servants are granted the benefit on completion of the period of leave with pay established by the Civil Service and Public Administration Act, for up to six months, including the days of leave with sick pay. During the period of the benefit, 100 per cent of contributions are borne by IESS.

174. In order to finance the cash benefit for common illness as from the fourth day of incapacity, State institutions and private companies pay IESS a monthly additional contribution of 1 per cent of the wages or salaries of their workers.

175. The beneficiaries of this allocation are the members of the general insurance system, including construction workers, agricultural workers, members of the secular clergy, workers in the sugar industry and church workers, persons insured with the voluntary membership system, the voluntary continuation system, the system for professionals with a university or polytechnic degree, professional artists and self-employed and independent workers with the additional contribution of 1 per cent, and domestic service and wage-earning agricultural workers with the employers' 1 per cent contribution.

176. The maternity insurance provides insured persons during pregnancy, and the perinatal and post-natal period, with the following obstetrical benefits:

- (a) Prenatal, perinatal and post-partum obstetrical care;
- (b) Cash benefit for 12 weeks - 2 preceding and 10 following the birth;
- (c) Comprehensive paediatric care for the insured person for the first year of life, including pharmacological services and hospitalization.

177. Obstetrical care is provided to insured persons who have paid six mandatory monthly contributions in the year preceding the birth, with the exception of those voluntarily insured, who must have contributed for a year in order to have the right to sickness and maternity insurance benefits.

178. IESS provides a cash maternity benefit covering a period of 2 weeks preceding and 10 weeks following the birth; certification by private doctors or IESS medical staff of the prenatal and post-partum rest period to which insured persons are entitled is required. The benefit is set at 75 per cent of the insured person's most recent pay.

179. As regards the workplace hazards insurance, IESS considers an accident at work to mean an unforeseen sudden event which causes the worker physical injury or functional problems or immediate or subsequent death on the occasion or as a consequence of the work performed or caused by a third party. Premiums for this insurance amount to 1.5 per cent of the wages and salaries of the workers paid by public and private employers or by the voluntary contributor.

180. Accidents suffered by insured persons when travelling directly between home and work are also considered to be work accidents. In the case of self-employed workers, an accident which takes place in the circumstances of the previous paragraph is considered to be an accident at work, except that there is no employer-employee relationship. For workers in that situation, the activities covered by the workplace hazards insurance will be assessed by IESS before membership is accepted. This insurance covers:

- (a) Accidents at work;
- (b) Occupational illnesses.

181. The consequences of an accident at work are: temporary incapacity; permanent partial incapacity; permanent total incapacity for the usual work; permanent absolute incapacity; and death.

182. Occupational illnesses are acute or chronic ailments caused directly by the exercise of the profession or work performed by the insured person and causing incapacity.

183. IESS has an obligation to protect the health of insured persons by providing necessary and timely medical services. In cases where the social security units cannot provide care for their patients, it settles the medical expenses of insurance contributors or beneficiaries and recipients of widows' pensions who in an emergency are forced to resort to medical care in units other than those which are part of IESS. Emergencies are considered to be sudden and/or serious pathological states and accidents requiring immediate medical attention, the absence of which could endanger life or produce effects impairing the functional or organic integrity of the insured person.

184. Retirement means voluntary retirement from work, after making social security contributions for the required period and reaching the age for receiving a monthly cash income. Currently, old age, disability and special reduced pension schemes exist, each governed by a different set of rules relating to payment levels, period of contributions, age or eligibility requirements.

185. Unemployment insurance is a form of compulsory mutual insurance payable on cessation of work. It takes the form of the allocation of a sum of money directly related to the period of service and contributions by the insured person.

186. Survivors' or widows' and orphans' insurance consists of monthly pension payments to the next of kin of the member or retired person. The pensions are paid as from the date of death of the insured person.

187. In the case of funeral expenses, IESS provides a sum of money to the next of kin of a retired person or a member who has died, thus supplementing the widows' and orphans' insurance with an allocation similar to life insurance.

Social security management

188. Article 58 of the Constitution states that "the provision of compulsory general insurance shall be the responsibility of the Ecuadorian Institute of Social Security, an independent body headed by a specialized administrative department, comprising equal numbers of representatives of the three parties - insured persons, employers and the State - who shall be appointed in accordance with the law. The organization and management of the Institute shall be governed by the criteria of efficiency, decentralization and diversification, and its services shall be timely, adequate and of high quality. It may establish and promote the formation of institutions for the administration of resources to strengthen the social security system and improve the health care of members and their families. The armed forces and police may include social security units".

189. Forms of private retirement and unemployment insurance exist which workers may opt for in addition to the compulsory retirement scheme. Such arrangements, which are strictly private, determine the form and conditions for this type of insurance.

190. Some institutions, generally public ones, have been able to establish additional retirement schemes under agreements reached with their workers. This type of scheme is funded from the contributions of the parties involved.

Social security reform

191. In December 1998, the Government Commission responsible for initiating the reform process in IESS sent Congress a bill containing amendments to the Compulsory Social Security Act. The proposal is based on the principles laid down in the Constitution in force since 10 August 1998.

192. The proposed reform comprises two basic principles:

(a) Mutual assistance: it would function according to the principles of a system of payments with a basic pension for all members and would be administered by a reformed IESS;

(b) Capitalization of individual accounts, the administration of which would be the responsibility of specialized institutions, the retirement savings fund agencies, which would be private, leaving open the possibility for the existing IESS also to set up its own agency.

193. The definition of the contributions covers the member's wage, which would include immediately both the fifteenth and sixteenth months' wages and progressive compensation for the cost of living.

194. The bill refers to the revision of the pensions system, which opts for a mixed system in terms of administration, financing and benefits to contributors.

195. It combines two types of pension provision: "intergenerational solidarity scheme" and "compulsory individual saving":

(a) Pension scheme based on intergenerational solidarity-benefits financed by: contributions by active workers; employers' contributions; and State financial assistance;

(b) Pension scheme based on compulsory individual saving; benefits financed by: contributions by the active worker to a "personal account" during his working life and voluntary deposits by the member.

196. The types of pension scheme are as follows:

(a) The ordinary pension scheme, which would apply from the year 2000 when members reach 60 years of age and have recorded 30 years of contributions, or a minimum of 40 years of contributions without an age-limit, once approved by law;

(b) The disability pension scheme, which would grant disability pensions in the event of total or permanent incapacity;

(c) The old age pension scheme, in which members could retire at 70 years of age if they have contributed for at least 15 years. Members will also be able to retire at 65 with 20 years of contributions provided they can show that they have been unemployed for 180 consecutive days.

197. As regards health, "in compliance with the principles of the social security system established by the Constitution, health services must provide full coverage and also be the same both for members and for their relatives or other beneficiaries subsequently joining the scheme. The purpose of the individual and family general health insurance will therefore be to provide a social benefit based on mutual assistance and fairness, ensuring a balance in the flow of funds and also ensuring that losses are not generated, as has been the case in the past".²³

198. According to the proposal, the health benefits package will be that currently offered by IESS: prevention, curative medical and maternity assistance, treatment of chronic degenerative diseases and preventive dental treatment; the form shall be determined by protocols to be approved by the insurance administrator.

199. The principle of solidarity is expressed in the fact that all members exposed to the risk of illness contribute in order to cover the benefits for those who have actually become ill. The basic requirements for the operation of this new management model for the general health insurance of IESS are the separation of insurance functions from the purchase and allocation of services. A clear definition of separate functions allows specialization in the various parts of the health system and IESS itself and makes the achievement of the goals or results expected of a modern health system a feasible proposition.

200. Rural social security, a solidarity-based subsidiary system, will continue to operate on collective principles, with a system of financing allocations with fiscal support, similar benefits to those of the other contributors to the compulsory general insurance and individual contributions from its own members. At the present time 996,896 members are beneficiaries of this insurance.

201. In accordance with article 6 of Act No. 081, rural social security is financed with 1 per cent of the minimum living wage in force, broken down as follows: 0.30 per cent is covered by the State, 0.35 per cent by employers and 0.35 per cent by workers contributing to IESS, in addition to the 1 per cent of the minimum living wage contributed by heads of families.

202. This special system protects all members of families belonging to communes, cooperatives, associations, committees or any other similar forms of popular rural organization, and families which do not belong to any form of popular organization but wish to join the rural social security scheme. Voluntary membership is also permitted.

203. The rural social security scheme provides the following benefits to all members of the contributing family:

(a) Illness:

- Medical care and pharmaceuticals;
- Surgery;
- Hospitalization;

(b) Maternity:

- Obstetric assistance, including prenatal, perinatal and post-partum care;
- Medical care for the member's child during the first year of life;

(c) Dental care:

- Examination of the mouth;
- Preventive care;
- Tooth extraction;
- Dental operations.

204. Membership: the rural social security scheme may be joined by persons who live and work in a rural area, who have expressed a wish to become members and who are not legally able to belong to another insurance scheme or have become employers on a permanent basis.

205. Under the Administrative and Political Division Act, rural areas means areas located outside the main district and parish centres. The latter are included when the primary production sector constitutes the main activity of the majority of the population.

206. The rural family is a group of persons linked by blood relationships or affinity and other persons who, although not related, are considered as such and share the same family authority and income.

207. The head of the contributing family is the person who is responsible for supporting the family and is recognized as an authority by the rest of the group, whose main activity is to be found in the primary production sector or the secondary or tertiary sectors in the rural community.

208. Reform of the workplace hazards insurance: the general compulsory insurance which covers such risks as an accident at work or an occupational illness and provides benefits such as prevention, medical care, allocations for incapacity to work, compensation, disability pensions and dependants' pensions. Three types of products provided by the workplace hazards insurance derive from this definition, namely, prevention, health benefits including grants and cash benefits.

209. Each of these products has a different specialized provider. Health benefits are provided in the medical units of IESS, while cash benefits in the areas of pensions and prevention are the domain of the workplace hazards unit. Considering that the administration of this insurance has been devoted for the most part to prevention, the studies recommend that there should be a business unit which, using the same principles as other insurances, is responsible for insuring, purchasing medical services and providing cash benefits through the purchase of insurance policies on the market, supplies protection against accidents and occupational illnesses, and provides benefits such as income for partial and total disability and dependants' pensions.

Article 10

Protection of the family

210. One of the attainments of the 1998 Constituent Assembly was to secure recognition in article 6 of the new Constitution of the citizenship rights of children and teenagers:

“All Ecuadorians are citizens, and, as such, enjoy the rights established in this Constitution, which may be exercised in the circumstances and in accordance with the requirements provided for by law.”

211. The principle of equality before the law is thus guaranteed. All are considered equal, and enjoy the same rights, freedoms and opportunities, without discrimination on the basis of birth, age, sex, ethnicity or colour; a legal and institutional framework is established based on the policy of comprehensive protection, under which all children and young people are subjects of law, which makes good the shortcomings in the existing Children's Code, based on the old assistance-based policy of irregular circumstances, which viewed children as being under State protection, and which focused on various groups of children with problems (abandoned or needy children, offenders, or those displaying antisocial conduct).

212. The Constituent Assembly, in reforming the Constitution, consolidated the rights and legal protection of women, children and the family. Thus the new legal corpus establishes family rights and guarantees. Article 37 provides that:

“The State shall recognize and protect the family as the fundamental unit of society, and shall guarantee conditions that promote the full attainment of its purposes.”

The concept of family

213. “The State shall recognize and protect the family as the fundamental unit of society, and shall guarantee conditions that promote the full attainment of its purposes, through legal and de facto bonds based on equality of rights and opportunities for its members.”²⁴

214. The family is the basic social nucleus for continuity on a day-to-day and generational basis through the bonds of kinship.

215. Consanguinity is closely linked to legal kinship, and involves the exercise of rights and duties.

216. By day-to-day continuity is meant such tasks as the day-to-day care of children, preparation of meals, and consumption of goods and services such as food, education and housing.

217. Generational continuity means biological reproduction, namely, conception, gestation, life and death.

218. The family is also defined as any natural group unit for upbringing and socialization that provides support for the comprehensive development of the child, especially in terms of identity and self-esteem, which are not spontaneously generated but which result from the family environment children experience in life.

Age of majority

219. Children and young people up to 18 years of age have the right to respect for constitutional guarantees through children’s legislation, the Children’s Code and related regulations. Children between 14 and 17 years of age are considered adults for various legal and social purposes. Article 21 of the Civil Code provides that: “An infant is a person under 7 years of age; a pre-pubescent is a boy under 14 years of age or a girl under 12 years of age; a young adult, a person who is no longer a pre-pubescent; an adult, a person who has attained 18 years of age; a child or minor, a person who has not attained 18 years of age.”

220. Men and women in Ecuador are free to enter into matrimony, for which the minimum age is 18. Minors require authorization from their parents. The regulations governing matrimony, its obligations and rights, and the minimum age, are contained in the Civil Code and the Code of Civil Procedure.

221. The Constitution recognizes and protects the legally constituted family or de facto union based on the free consent of the partners on the basis of equal rights, obligations and legal capacity. With regard to de facto unions, article 38 of the Constitution provides that: “A stable and monogamous union between a man and a woman who have no ties of matrimony to another person, forming a de facto household, for the period and in accordance with the conditions and circumstances provided for by law, shall give rise to the same rights and obligations as those of families constituted through marriage, including with respect to the legal presumption of paternity and community property.”

Protection of the family

222. The Constitution provides that the State shall protect the family: “Responsible maternity and paternity are encouraged. The State shall guarantee the right of individuals to decide on the number of children they wish to have, adopt, maintain and educate”.²⁵

223. Under article 40 of the Constitution: “The State shall protect mothers, fathers and all heads of family in the discharge of their responsibilities. The State shall promote equal paternal and maternal responsibility and look to the fulfilment of the reciprocal duties and rights of parents and children. Children shall have the same rights without regard to filiation or adoption. On registration of birth, no declaration as to filiation shall be required, and no reference to filiation shall be included on the identity card.”

224. The Ministry of Social Welfare, through the Department of Child Protection, is conducting a series of programmes for the protection and strengthening of the family based on guidelines in consonance with the Children’s Code and regulations on the comprehensive protection of children and young people, with the support of and participation by the biological or foster family and civil society.

225. The family education programme is designed for children’s centres; it aims to support the role and improve the functioning of families with children under 5, and provide support to those attending children’s centres, so as to avert difficulties in growth and development. The programme also seeks to strengthen the educational function of the family, with participation of all family members, stimulate the development of the child, and shape an educational community embracing the children’s centre, the family and the child.

226. The family education programme has a multiplier effect in that children’s centre staff receive training which they then impart to parents at various children’s centres.

227. Facilitators and trained personnel have support manuals, the content and subject matter of which is closely linked to the institutional framework and the work that the centres do for the under-5s.

228. The homes run by the Child Protection Office of the Department of Child Protection follow policies to strengthen and promote family integration.

229. The principal areas of activity are:

(a) Identity programmes, aimed at pinpointing the social and legal status of children and young people;

(b) Education grants programmes, intended to provide financial support for institutionalized children and the community and thereby safeguard the right to education;

(c) Ongoing social, legal and psychological support by technical teams at operational units (children's day-care centres, infants' and children's homes and rehabilitation units) of the Department of Child Protection, for both children and families, with the aim of:

- (i) Providing assistance to families in residence;
- (ii) Developing a programme with the family whereby self-esteem and confidence are restored;
- (iii) Creating opportunities for the exchange of experience and mutual support between families with similar problems (parents' school);
- (iv) Disseminating relevant and necessary information on rights, duties, government and private community support;
- (v) Creating opportunities for recreation and socialization;
- (vi) Making resocialization and comprehensive development alternatives available to young offenders and their families, promoting attitude change and educational habits at the personal, family and social levels;
- (vii) Providing the family with guidance, counselling and treatment so as to overcome personal, social and legal difficulties.

230. Article 43 of the Constitution provides that: "Public health programmes and activities are free to all. Public health-care services are free to those in need. Emergency care may not be denied for any reason at State-run or private institutions."

Maternity protection system

231. The Free Maternity and Child Care Act that guarantees Ecuadorian women, in its article 1, free health-care services during pregnancy: "All Ecuadorian women have the right to free high-quality health care during pregnancy, delivery and the puerperium, as well as access to sexual and reproductive health programmes. Similarly, health care shall be provided free of charge to newborns and children under 5 years of age as a State-provided public health service."

232. Under article 153 of the Labour Code Ecuadorian women have the right to statutory maternity leave for 2 weeks before and 10 weeks after delivery.

233. Social security benefits are administered by IESS, which provides insured persons with a maternity benefit during pregnancy, delivery and the puerperium, comprising the following obstetrical benefits:

- (d) Prenatal, perinatal and post-partum obstetrical care;
- (e) Cash benefit for 12 weeks: 2 preceding and 10 following the birth;

(f) Comprehensive paediatric care for the child of the insured person for the first year of life, including pharmacological services and hospitalization.

234. Obstetrical care is provided to insured persons who have paid six mandatory monthly contributions in the year preceding the birth, with the exception of those voluntarily insured, who must have contributed for a year in order to have the right to sickness and maternity insurance benefits.

235. IESS pays a cash maternity benefit covering a period of 2 weeks preceding and 10 weeks following the birth; certification of prenatal and post-natal rest by private doctors or IESS medical staff is required. The benefit is set at 75 per cent of the insured person's most recent pay.

236. Access by pregnant women to the medical services they require has recently been improved. For example, in 1990, 4 out of every 10 births (38 per cent) were assisted deliveries in medical facilities; by 1998 the proportion of assisted deliveries had doubled (77 per cent). Nevertheless differences between the type of assistance received during delivery by women in rural and urban areas remain. In 1998, whereas in urban areas almost all deliveries (98 per cent) were assisted by professional, trained personnel, in rural areas this was true in 8 out of every 10 births (82 per cent).²⁶

237. It is disquieting that care for pregnant women did not improve over the decade. Medical supervision of pregnancies among Ecuadorian women, essentially inadequate, remained unchanged between 1995 and 1998, with women being given an average of five examinations during pregnancy. In cities women had an average of six medical examinations; in rural areas the average barely attained four examinations.

238. Lack of care is more pronounced among indigenous women, who, on average, had two prenatal check-ups. In 1995, 42 per cent of indigenous women had no prenatal examinations at all.²⁷

239. Lastly, another goal was to improve access to information, education and family planning services. In 1994 the vast majority of Ecuadorian women (92 per cent) were aware of one or more modern contraceptive methods. But there was a lower level of awareness among women in rural areas (85 per cent). The use of contraceptives showed a sustained increase in both rural and urban areas. In 1994 more than half of women in unions used contraceptives (66 per cent in cities and 44 per cent in rural areas); and in 1998 contraceptives were used by 4 out of 10 women of childbearing age, whether or not in a union.²⁸

Protection of children

240. The Ecuadorian State protects children against economic ill-treatment through the Labour Code and the Children's Code. It establishes policies for protection of dependent children in the workplace. The State regulates the kind of work that children may engage in, prohibiting jobs that pose a threat to their life or their physical, mental, spiritual or psychological development, or that hinder their education.

241. Children are prohibited from working in mines or garbage dumps or in jobs involving the handling of psychotropic or toxic objects or substances, or at night.

242. Article 34 of the Labour Code prohibits the hiring of children under 14 years of age: "To be hired, persons between the ages of 14 and 18 years require the express authorization of their next friend or if there is none, that of their ascendant relatives or the persons responsible for their maintenance and care. In their absence, the Youth Court may grant authorization."

243. Article 157 of the Youth Code provides that: "The Youth Court shall authorize a dependent child to work provided that the activities are compatible with such status, do not prevent the continuation of education, and have no harmful effects on health. The Court shall grant authorization subject to a report from a social team or the competent labour authority."

244. Article 158 of the Children's Code provides that the Youth Court shall keep a register of such authorizations and shall, subject to penalties for non-compliance, submit a copy of the corresponding entry to the Department of Employment and Human Resources and the Department of Child Protection. The record shall contain the following information: age, type of work, place of work, educational institution, where appropriate, length of working day and remuneration.

245. The Government, through the Ministry of Social Welfare, in conjunction with other government and private agencies and with non-governmental organizations, is implementing programmes to ensure that minors are not subject to economic exploitation and is providing financial subsidies to ensure access to services by the most vulnerable sectors of the population; assistance categories include food, administration, supplies and materials, occupational workshops, basic goods, collections of toys, equipment, health, hospitalization, children's day, Christmas, service grants, and others.

246. Protection measures take the following forms:

(a) Residential: this is a transitory or provisional solution while final placement is sought on the basis of the concept that every child has the right to be brought up in a family, protected by their parents, or, in their absence, by those who are in a position to offer affection and protection. The child's family has priority, and the institution makes every effort to support the family to avert crises that may result in abandonment and to restore and strengthen links with the child;

(b) Semi-residential: under this form of care children and young people remain in the institution from Monday to Friday, and are provided with technical services (social work, psychological and medical) and care (food, health, lodging, education), and spend Friday to Sunday with their families;

(c) Meals centre with educational support: care for children and young people, who attend at a particular time from Monday to Friday, and are given food, teaching back-up, and medical and psychological care. At children's meals centres, the focus is on providing nutritional support for children and young people at risk, so as to ensure adequate physical development of the child;

(d) Day-to-day care: this service is provided to children between 4 months and 5 years of age attending children's centres during the day, with the aim of promoting the comprehensive development of the child (early stimulation, health and nutrition).

Child workers

247. This indicator seeks to identify children with no access to education, or with difficulty in obtaining access to education, as they must work. It flags, for example, how many children under the legal age for employment are working, and whether or not they are able to study, and the number of children not enrolled at school.²⁹

National breakdown	Children 8-17 years of age	Percentage
Children working, not studying	281 296	11.8
Children not working and not studying	224 991	9.5
Children studying, not working	1 742 496	73.4
Children working and studying	125 394	5.3
Total	2 374 177	100

Source: SIISE National Census, 1990 (DPA 98).

248. The economic crisis has meant that increasing numbers of children have been brought into the labour force. Limited household income to meet basic needs has had a negative impact on quality of life; in many cases children have been compelled to stop studying and contribute to family income. The problem for children at work is that they are denied educational opportunities and cannot perform adequately at school. This limits their ability to join the labour market as adults, thus perpetuating their poverty.

249. There is no doubt that such work situations exist. Children in low-income families and working children contribute to family income as productive labour.

250. In rural areas children also work; however, there are no specific studies on this subject that would allow the number of children involved to be quantified.

251. In addition to traditional approaches, noted above, other alternatives to the institutionalization of children and young people who are at risk or who have been abandoned completely or in part have been introduced.

252. The family house is an alternative model to the institutionalization of children and young people who, as a result of a serious, long-lasting family crisis, are at risk or in danger of complete or partial abandonment. It offers a temporary, professional, therapeutic approach pending study of the family and legal situation in each case with a view to reintegration into the biological family or, if there is no biological family, promoting bonding in a family offering a real home. The family house is a typical ordinary family house, forming part of a neighbourhood with links with the community, in which a maximum nucleus of five people live and interrelate in the context of a family.

253. Foster families are families which, sponsored under a specific programme, take in children and young people and offer them support in the process of reintegration into the family. They are traditional, i.e. functional families.

254. With regard to orphans and abandoned children, alternative programmes exist offering reintegration into the family, foster families, family houses and adoption.

255. Reintegration into the family is a process involving restoration of family relations which have been undermined, thereby creating a suitable environment for return of the child to the home. The process is overseen by professionals who facilitate and organize reconciliation of the child with the parents or caregivers. Reintegration into the family must be attempted wherever possible and whenever the family offers guarantees for the welfare of the children. In family reintegration it is important to analyse the nuclear family and work through problems, otherwise the child will be abandoned again.

256. Assisted freedom offers an alternative for the rehabilitation of young people in which the family is integrated into the process; the young person attends the institution from time to time to receive comprehensive educational, social, psychological and legal assistance.

257. Adoption is a legal institution by means of which the abandoned child has an opportunity to form part of a stable, permanent family, thereby being assured the right to live in a family and attain harmonious and full development in an atmosphere of affection, legality and understanding.

258. Programme registration is regulated by the Department of Child Protection: "Programmes and projects undertaken by government and private agencies offering preventive measures and measures for the protection, rehabilitation, participation and defence of children must be authorized and registered with the Department of Child Protection."³⁰

259. The National Child and Family Institute (INNFA) is currently implementing six programmes for the neediest, one being the medical solidarity programme (PAMS), a national programme for people with sensory, physical or psychological disabilities, priority being given to indigent individuals under 18 years of age.

260. The aim of the programme is to offer specialized quality care and/or medical benefits to individuals with deficiencies, disabilities or handicaps, and to promote their social integration; priority is given to needy individuals.

261. In accordance with institutional policy, PAMS services are demand-driven and not supply-driven; the quality of the services and nominal charges for care have led to an annual increase of 10 per cent in coverage by PAMS units. To November 1999 there were 275,000 interventions, and by the end of the year this figure will doubtless exceed 300,000; in other words approximately 60,000 patients will each have received on average five interventions for their rehabilitation.³¹

National programmes

262. Programmes by the Department of Child Protection include training at children's centres and institutional evaluations of State-run and private centres. With regard to child stimulation, technical support material has been produced for the staff at centres, for example, the preparation and publication of guides on the comprehensive development of children under five dealing with stimulation, health, nutrition and safety. At present the Day Care Office makes available:

(a) Manuals on the organization of children's centres, nutrition and health, as well as a self-training manual dealing with the psychological and socio-affective development of the child, this approached in accordance with policy guidelines laid down under the consensual curriculum reform so as to maintain coherence and consonance with the country's educational policies;

(b) Training of staff at children's centres in guidelines on the functioning of centres and the importance of initial education, thus ensuring the rights of children;

(c) Grants at private children's centres for needy children with the aim of guaranteeing appropriate protection and care. In this connection the article in the regulations on the establishment and functioning of private children's centres relating to the awarding of grants is applied; such grants total 10 per cent of the total quota.

263. Capacity at State-run children's centres is very low in comparison with demand, which has increased as a result of the country's economic and social crisis.

Major problems

264. The document prepared by INNFA in August 1999 on protection and assistance measures for working children and young people under the protection and education programme states that "in Ecuador many children and young people work, most in intensive shifts".

265. Children work in prostitution, at garbage dumps, at brickworks, in textile weaving, in domestic service, on the street, in construction, on agricultural plantations, in carpet factories, in

ports, in fishing, in the mines and on night shifts. Conditions of work for such children are poor; they do not have adequate protective equipment, so that the work endangers their health and development.

266. To address this problem, the authorities are taking action through INNFA and other public and private bodies, including non-governmental organizations, to reduce levels of poverty.

267. INNFA is currently carrying out the following programmes:

(a) Child development programme (PDI): provides health, nutrition and psychosocial development care for children up to 6 years of age at children's development centres, with joint responsibility for care of children placed on parents, the community and local government. Coverage in 1999 was 45,000 children under 6, looked after at 1,200 children's day-care centres;

(b) Programme for working children (PNT): the programme is intended to provide schooling for working children from 7 to 15 years of age and the gradual elimination of hazardous work by children that endangers their safety. It provides for the award of school grants to 12,150 children between 7 and 15 years of age who work and do not study, in 23 cities throughout the country, and the award of school grants and financial support to the families of 1,050 children between 7 and 15 years of age performing dangerous work, in 18 cities throughout the country;

(c) Citizens' tender loving care programme (ACT): intended to promote good treatment, understood as improving the quality and warmth of interactions between children and young people and adults and among themselves on a day-to-day basis. Direct contact with 10,500 children and young people in projects on good treatment and local participation in 18 cities;

(d) National volunteers programme (PNV): aimed at involving groups of volunteers in support for INNFA activities, and training of volunteer groups in children's issues, with 325,000 beneficiaries of the head lice campaign 1999-2002;

(e) "Growing with our children" programme (CNH): activities to promote the greatest possible progress for each child, preparing the family to be the most suitable medium for the education, stimulation and social development of the child; 15,000 children up to 6 years of age have participated in educational activities for children and families in 12 provinces;

(f) Medical solidarity programme (PAMS): intended to support patients with limited financial resources suffering from complex illnesses. Coverage will extend to 65,000 individuals suffering from physical, psychological or sensory disability, who will be treated at medical rehabilitation centres. Some 6,700 individuals suffer from complex illnesses; they are provided with medical care through the social medical service.

268. In 1990 Ecuador became the first Latin American country and the third country in the world to sign the Convention on the Rights of the Child.

269. In 1992 Congress approved a reform of the Children's Code designed to amend traditional, obsolete legislation that did not respect the rights of children and young people. Regulations were issued three years later.

270. In 1998 the Constituent Assembly included in the Constitution the definition of children and young people as citizens endowed with all the rights of the individual; it also established the joint responsibility of the State in promoting the full development of society and the family, and the requirement for the State to establish special protection measures for situations in which the rights of children are violated: economic or sexual exploitation, violence, neglect, disability, etc.

271. The Constitution guarantees the rights of participation and association, the principle of equality before the law, the implementation of all constitutional guarantees, and the rights to due process and to an independent and impartial system of administration of justice. It places the judicial system for children under the judiciary; organizes a decentralized national system for the full protection of children and young people, with a joint national governing body for the formulation of national policy; and establishes the duty of provincial governments to formulate policy on children and young people at that level and allocate resources to the sector as a priority (Constitution, arts. 47-52).

272. The new Constitution highlights the need to reform the existing Children's Code, to which end an advisory committee, bringing together the Ministry of Social Welfare, the Congressional Commission on Women, Children and the Family, INNFA, Projusticia, the Children and Young People's Forum, and UNICEF, has formulated a draft. The proposal for a new children's code is at the second stage of consultation with various social and political sectors at the national level through the conduct of surveys to sound out and record the views of the principal stakeholders.

273. The Congressional Commission on Women, Children and the Family, together with the Inter-American Development Bank (IDB), Projusticia, and CONAMU, is formulating a new family code, intended to guarantee equal rights and opportunities in access to resources and in financial decision-making in respect of community property; it is proposed to extend legal relationships governing the family to other social groups that function as families on the basis of the mutual support of their members.

274. The Ministry of Social Welfare, through the Department of Child Protection, is conducting the "Our children" project, aimed at promoting child development, with the emphasis on children under 6 years of age. The project focuses on medium-term and long-term policies, that is, it is guided by a vision of the future of the country in terms of policies for the care and protection of children. The project is funded by IDB.

Article 11

Human development. Standard of living

275. In 1999 the economic crisis worsened in Ecuador, mainly owing to problems in the monetary part of the economy related to the steady rise of the dollar against the sucre. In February the monetary authorities were obliged to dispense with the exchange rate band mechanism and to permit the currency to float freely.

276. Because of the instability of the national financial system, the Government was obliged in March to declare a bank holiday and freeze assets in the financial system. During the year, the amount of deposit insurance refunds issued by the Deposit Guarantee Agency (AGD) represented over 130 per cent of Central Bank currency issues.

277. The Government issued approximately US\$ 1,500 million in bonds to provide liquidity for the banking system, a process that culminated in the closure of some units and the auctioning off of their physical assets. A number of bankers are now serving time in prison as a result.

278. The (short-term) issuing of bonds directly increases money circulation in the economy and also the country's internal debt. The excess circulation in the economy led the sucre to spin out of control. It fell by more than 263 per cent during the year.

279. Demand rose exponentially because of the excess liquidity, which led to rising prices and an increasing inflation rate. In March the inflation rate reached 13.5 per cent, and eventually the annual rate was 60.7 per cent. Purchasing power declined by some 50 per cent. Thus, the overall wages received by a worker, measured in dollars, stood at 957,167 sucres or \$134.18 in January, and 1,109,167 sucres or \$60.92 in December. Direct family expenditure was devoted primarily to food and clothing; their shares of the price index rose respectively to 17.8 per cent and 8.6 per cent.

280. The Central Bank, despite its efforts at intervention, was unable to dampen the volatility of the dollar, which by the end of 1999 had risen to nearly 20,000 sucres. The Government therefore rescheduled the payment of frozen assets in order to avoid exacerbating the economic situation. At the beginning of 2000 the Government decreed that the national currency would be replaced in circulation by the dollar, setting the exchange rate at 25,000 sucres per dollar.

Year	Price index	Annual change in GDP	Sucre-dollar exchange rate*	Unemployment rate**
1990	20.89	3	898	6.1
1995	108.99	2.3	2 925	6.9
1998	241.04	0.4	6 825	11.5
1999	367	-7.3	20 243	14.4
2000		4.8	25 000	17.0
2002		3.5	25 000	8.4

Source: *Statistical Bulletin of the Central Bank.*

* End-of-period setting rate.

** INEC.

281. In 1999 poverty reached critical levels owing to the recession. The number of newly poor people rose, principally because those who had previously had sufficient income to meet their basic needs were unable to continue doing so in the short term because of their recent drop

in income. Official statistics from INEC indicate that the national unemployment rate rose from 11.5 per cent in 1998 to 14.4 per cent in 1999. In absolute terms, there were 543,452 unemployed people in urban areas of Ecuador. The unemployment rate rose in 2000 to 17 per cent, before declining by half the following year, mainly as a result of emigration.

282. Poverty in Ecuador has changed dramatically in recent years. In 1997 the poorest 51.7 per cent of households accounted for just over 20 per cent of overall income; in 1998 the figure rose to 55.5 per cent, where it remained in 1999. The poor are thus becoming steadily poorer.³²

283. According to a study carried out by the COPRES-CEDATOS survey organization, “the biggest problem affecting the population is poverty. The lack of employment is the main factor causing poverty. In October 1999 overall unemployment reached 18.3 per cent, with 54.2 per cent underemployed. The properly employed economically active population reportedly stood at 27.5 per cent, or 997,264 persons. Unemployment was more serious among women (21.1 per cent) than men (16.5 per cent).”³³

284. The perception of poverty is based on the “indirect method”, whereby a poverty line is established as a function of the minimum income required to purchase a pre-defined basket of goods and services that meets a family’s basic needs. The cost of the basket is set as the limit below which poverty exists.³⁴ The cost of the basic basket as established by INEC is as follows:

Cost of the basic basket		Cost of the poverty threshold basket	
1999	suces	suces	United States dollars, 2002
January	2 512 250	1 140 969	242.91
February	2 603 742	1 176 697	245.43
March	2 875 117	1 293 050	248.38
April	3 122 004	1 386 524	250.99
May	3 168 974	1 413 659	252.71
June	3 204 801	1 423 280	252.79
July	3 279 856	1 457 622	254.63
August	3 307 825	1 456 104	256.54
September	3 360 077	1 472 150	256.89
October	3 479 926	1 506 420	
November	3 722 291	1 592 009	
December	3 990 099	1 694 738	

Source: INEC.

285. In 1999, 78.5 per cent of the employed population were poor, of whom 46.2 per cent qualified as destitute. Only 21.5 per cent were above the poverty line.³⁵

286. The decline of 7.3 per cent in GDP meant that because of the recession, the country lost some \$6,046 million in output compared with the previous year. There was no economic growth, owing to such problems as El Niño, white spot syndrome virus in shrimp and the freezing of bank assets.

287. The recession led to company closures, with a consequent increase in unemployment, which according to INEC, reached 14.4 per cent in September 1999, up from 11.5 per cent in 1998.

Poverty level. GNP

288. In 1997, the wealthiest quintile (20 per cent) of the population in Ecuador accounted for 54.3 per cent of the country's wealth, while the poorest quintile held 5.4 per cent. This indicator is useful in studying changes in the overall income distribution levels of the various social strata over time.³⁶

Demographic indicators, 1998 (Ministry of Public Health)	
Fertility rate*	87.7
Overall mortality rate*	4.4
Infant mortality rate	32.2
Neonatal mortality rate*	14.5
Post-neonatal mortality rate*	17.7
Perinatal mortality rate*	19.7
Maternal mortality rate**	93.4
Percentage of attended births	70.9
Maternal health coverage rate:	
Prenatal	69.3
Birth	26.9
Post-partum	15.1
Birth control	3.6
D.O.C.	4.9

* Rate per 1,000 live births.

** Rate per 100,000 live births.

The right to adequate food

289. Title III, chapter II (civil rights), article 23, paragraph 20, of the Constitution, provides that the State shall recognize and guarantee "the right to a quality of life ensuring health, food and nutrition, drinking water, sanitation, education, work, employment, leisure, housing, clothing and other necessary social services". Article 43, paragraph 2, of the Constitution stipulates that "the State shall promote a culture of health and life, emphasizing education for mothers and children in food and nutrition and in sexual and reproductive health, through the participation of society and collaboration by the media".

290. The crisis facing the country has been detrimental to the population, whose purchasing power has declined. The gap between the rich and the poor has grown as a consequence of the unequal distribution of wealth. Poverty has worsened dramatically in recent years, with high indices of malnutrition and unhealthy living conditions.

291. According to estimates by the Ministry of Public Health, 50 per cent of children under 2 years of age have stunted growth and receive an insufficient intake of energy, protein, iron, zinc and vitamin A. Biochemical surveys have determined that over half of pregnant women and children under three suffer from anaemia, and vitamin A deficiencies affect 200,000 children under the age of 5.³⁷

292. Nutritional studies have been carried out by the Ministry of Agriculture and Livestock using food balance sheets providing information on the calorie, protein and fat content of products covered by the bulletin. The food availability is defined as the apparent availability of nutrients, as a function of the daily per capita intake of the Ecuadorian population. The results - the quantities of food and nutrients per person - do not reflect effective intakes, but merely represent the quantity that was, on average, available to cover the population's food needs for the years 1990-1998.

293. This information does not reflect the actual food and nutritional situation of the Ecuadorian citizen, as the statistical data merely depict the theoretical availability (supply) of the foods, and nutrition depends on variables such as spatial distribution, socio-economic aspects, income distribution inequalities, etc.³⁸

**Availability of calories and proteins
(Daily, per capita)**

Year	Calories	Proteins	Fats
1990	2 441.32	59.59	49.53
1995	2 588.89	61.91	56.56
1996	2 565.75	66.67	60.94
1997	2 628.14	67.71	66.12
1998	2 509.04	61.50	63.55

Source: Ministry of Agriculture and Livestock, food balance sheets.

294. In respect of the food and nutritional situation of the Ecuadorian population, notwithstanding the fact that there has been sufficient domestic food production to meet overall demand, the main problem in recent years has been the population's access to food, as increasing poverty has affected marginal populations in both rural and urban areas especially hard. This is a result of the unequal distribution of wealth and an inefficient wage policy that has undermined the purchasing power of wage earners' incomes and forced them to modify the structure of family spending.

295. Other variables too are directly related to poverty, such as the excessive number of children per family, low educational and cultural levels, especially among mothers, and the lack of sewerage, drinking water and waste collection services.

296. The population projection for 1999 was 12,441,232, of which 5,225,317 (42 per cent) was rural. About 78.5 per cent of the population live below the poverty line. In rural areas, the share is some 90 per cent. It is in these areas that most of the indigenous and Black populations live. The sixth population census and fifth housing census, carried out on 21 November 2001, ascertained that the population of Ecuador was 12,090,804.³⁹

297. Since 1995, the Ministry of Public Health has been implementing the Comprehensive Micronutrients Programme through the National Institute of Science and Technology, and hopes to improve the nutritional status of the Ecuadorian population in respect of micronutrients (iodine, iron and vitamin A deficiencies). Studies by the Institute indicate that 55 out of every 100 women have some degree of anaemia, and that this deficiency is especially serious among dispersed rural populations; 57 out of every 100 inhabitants of such areas are anaemic.⁴⁰

298. Nationally, the average haemoglobin count was 12.5+/-1.9 g/dl, broken down as 12.9+/-2.1 g/dl for men and 12.2+/-1.7 g/dl for women; 46.8 per cent of men were anaemic, and 54.8 per cent of women. Among Blacks, the average haemoglobin count was 11.7+/-2.0 g/dl, which was below the level of 12.5+/-1.5 g/dl among the mestizo population. Among Blacks, 65 per cent were anaemic, while 50.8 per cent of mestizos had anaemia.

**Haemoglobin values and prevalence of anaemia by sex and ethnic group,
Ecuador, 1997**

Variables	Total sample	Haemoglobin		Anaemia	
		Average	Standard deviation	Number	Percentage
Sex					
Male	3 271	12.9	2.1	1 530	46.8
Female	4 326	12.2	1.7	2 370	54.8
Ethnic group					
Black	275	11.7	2	180	65.5
Other	7 322	12.5	1.9	3 720	50.8

Source: Ministry of Public Health, *ICT Information Bulletin*, No. 3.

299. When disaggregated by education level, average haemoglobin levels were similar. However, it was found that persons with primary, secondary and higher educations had higher average haemoglobin levels. The higher the level of education, the lower the anaemia rates. The highest prevalence of anaemia was found among the population with no education.

**Haemoglobin values and anaemia prevalence by education level,
Ecuador, 1997**

Variables	Total sample	Haemoglobin		Anaemia	
		Average	Standard deviation	Number	Percentage
Education (age 6 years and over)					
None	446	12.6	1.8	279	62.6
Primary	3 301	12.7	1.7	1 748	53.0
Secondary	1 678	13.1	1.8	689	41.1
Higher	436	13.5	1.8	167	38.3
Not known	1 008	11.4	1.7	616	61.1
Not applicable (< 6 years)	728	11.4	1.6	401	55.1

Source: Ministry of Public Health, *ICT Information Bulletin*, No. 3.

300. The average haemoglobin levels corresponding to various occupational categories have shown that working people have similar haemoglobin levels, with the following averages noted among various occupations: employees working for private enterprises, 13.8+/-1.9 g/dl; self-employed professionals, 13.9+/-1.8 g/dl; small-scale rural producers, 13.7+/-1 g/dl; domestic workers, 12.4 g/dl.

**Haemoglobin levels and prevalence of anaemia by occupation,
Ecuador, 1997**

Variables	Total sample	Haemoglobin		Anaemia	
		Average	Standard deviation	Number	Percentage
Occupation					
Labourer	127	13.6	1.6	49	38.6
Craftsperson	235	13.6	2.0	91	38.7
Public employee	209	13.5	1.8	86	41.1
Underemployed	100	13.7	1.7	45	45.0
Private enterprise employee	200	13.8	1.9	67	33.5
Private enterprise management	40	13.6	2.0	22	55.0
Small-scale trader	303	13.1	2.0	143	47.2
Independent professional	181	13.9	1.8	59	32.6
Small-scale rural producer	183	13.7	1.9	66	36.1
Agricultural worker, poor	293	13.2	1.7	160	54.6
Others	838	13.0	1.8	351	41.9
Domestic worker	1 658	12.4	1.7	901	54.3
No answer	216	13.6	1.8	97	44.9
Not applicable (< 14 years)	3 014	11.7	1.6	1 763	58.5

Source: Ministry of Public Health, *ICT Information Bulletin*, No. 3.

301. The Comprehensive Micronutrients Programme carries out activities such as the provision of iron, folic acid and vitamin A supplements, among vulnerable groups; iron for all pregnant women and children under one year old received at Ministry of Public Health facilities; vitamin A for all children between the ages of one and three living in extremely poor parishes; food supplements for the entire population, such as salt iodization and fluoridation and the fortification of wheat flour with iron and folic acid supplements; and promotion of food diversification based on educational dissemination and communication campaigns.

302. According to international standards, chronic malnutrition (height for age two standard deviations (SDs) below the reference level)⁴¹ affects one out of every four children under the age of 5 (table 1); the height deficit is significantly higher in the rural population, especially in the highland, where the prevalence is over 40 per cent. General malnutrition (weight for age two SDs below the reference level) affects 14.6 per cent of the population and follows the same trends. Problematic weight-for-height ratios (indicating acute malnutrition) are rare; a similar situation is observed in most developing countries.⁴²

Table 1
Prevalence of malnutrition among children under 5, by location
(Survey of living conditions, 1998)

Location		Chronic-height for age <-2 SD %	General-weight for age <-2 SD %	Acute-weight for height <-2 SD %
Coast	Urban	22.3	12.8	2.3
	Rural	23.2	20.0	3.8
	Total	22.5	14.9	2.7
Highlands	Urban	22.1	9.2	0.9
	Rural	41.0	18.8	2.8
	Total	32.9	14.7	2.0
East	Urban	19.1	8.3	0.0
	Rural	27.2	10.0	0.0
	Total	25.7	9.7	0.0
Total	Urban	22.2	11.7	1.9
	Rural	33.0	18.6	3.0
	Total	26.7	14.6	2.3

Source: SIISE, State Secretariat for Human Development, 1999.⁴³

303. The above table shows that the effect on height is the most pronounced. Most malnourishment stems from chronic underfeeding associated with other hereditary factors and with insufficient sanitation, which is most serious among the socio-economic groups and marginal geographical areas embracing the indigenous and Black populations.

304. The reduction in malnutrition rates in recent years is basically attributable to the implementation by the Ministry of Public Health of strategies advocating breastfeeding and the expanded programme on immunization. Living conditions have certainly not improved, but have rather led to impoverishment, as can be seen in the indicators analysed above. The adoption of the Free Maternity Reform Act, which established a legal and financial framework to ensure access by the poorest people to health services, afforded preventive care to infants and children under 5. It also ensured the decentralized handling of the earmarked funds, through local management committees and user satisfaction committees that allow for participation by women's groups in the planning process.

Situation of vulnerable groups

305. The Ministry of Agriculture and Livestock has been working since the 1980s on programmes to improve the situation of women. It is now intensifying its policies, programmes and actions, in accordance with the current role of women not only as a support for family agricultural production, but also as the persons directly responsible for this activity, as the man is often absent and family income must be increased.

306. Another sector of major importance to rural development is youth. These two sectors are the direct beneficiaries of the development projects supported by the Ministry, which leads to an overall benefit for the family, the community and the rural sector. This programme is run by the National Division for Campesino Women, Youth and Family, established under Ministerial Agreement No. 180, published in *Official Gazette* No. 958, on 3 June 1996.

307. The work of the National Division for Campesino Women, Youth and Family is aimed at fostering effective work and optimizing human, technical, financial and material resources to ensure change in the social and economic setting of this sector by designing policies, plans, programmes and projects with a focus on gender, while respecting and giving due attention to customs and ethnic and cultural aspects.

308. The Division's objective is to include a gender focus in all the Ministry's plans, programmes and projects, designing a training and technology transfer methodology with a gender perspective and developing training processes to initiate productive projects. It carries out the follow-up and monitoring of project implementation, offers aid and advisory services to organizations for the administrative and financial management of projects and for their funding, and coordinates the development of actions benefiting campesino women, youth and families, both within and among institutions.

New policies

309. The constraints imposed by the adjustment policies implemented by Governments in order to achieve a balanced budget have had an impact on the lowest income groups. In recent years, they have accelerated demographic changes in Ecuador in the shape of migration from the countryside to the cities, resulting in extremely fast growth of marginal urban areas forming belts of poverty, especially around Quito and Guayaquil. With the migration come substantial

changes in lifestyles, and even changes in eating habits, as more types of food are consumed that do not meet basic nutritional requirements but are inexpensive and thus more accessible. Other factors that influence food availability and consumption are the educational level of mothers, eating customs and practices and the quality and regularity of food supplies.

Food security

310. The food security of the poor population in Ecuador is fragile. The right to adequate food is a fundamental right. Priority is given to it at the various levels of government, and various actions are taken to ensure the realization of this right.

311. Executive Decree No. 1039, published in *Official Gazette* No. 234 of 13 January 1998, declares that “the food security of the Ecuadorian population and consequently the special programmes to ensure food security in the country are a State policy” for which the National Executive Committee on Food Security has been established. It lays down guidelines and policies to ensure the effective and equitable participation of the population in providing for food security.

312. The National Executive Committee on Food Security is chaired by the Ministry of Agriculture and Livestock, and includes the Ministries of Public Health, Social Welfare, Education, Foreign Affairs and the Environment, along with other bodies such as the Planning Office in the Office of the President, the National Security Council, the National Council for Water Resources, the Council for the Development of the Nationalities and Peoples of Ecuador, non-governmental organizations such as CEQUIPUS, the Communication and Development Foundation, the Inter-American Agriculture and Democracy Network (RIAD) and international organizations such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the World Food Programme (WFP), which play an advisory role.

313. This Committee, working under the auspices of FAO, has begun implementing the Special Programme on Food Security in Ecuador.

314. This programme has the objective of strengthening and channelling the efforts of public and private institutions as well as peasant organizations and international bodies dealing with the social and technical aspects of food security, within a political, programmatic and operational framework that is appropriate to the country’s circumstances.

315. Two general pilot programmes, or “umbrella programmes”, are currently being implemented, one in the Ambuquí sector of Imbabura province and the other in the Río Portoviejo Valley sector of Manabí province. This project includes the involvement of public-sector institutions, which provide experience and resources for agricultural and livestock production.

316. The programmes being implemented serve as a testing ground or laboratory in which technologies can be applied to increase and diversify traditional crops, improve community work using appropriate methodologies and ensure food security. They allow for better use of water resources and better environmental management in community produce gardens, agroforestry and fish farming, with a view to increasing incomes and improving living conditions.

317. The Government has established a National Institute of Agricultural Research (INIAP) to combat plant diseases that were affecting the country's crops. A 1992 act of Congress transformed INIAP into a decentralized public-law entity with legal personality and administrative, economic, financial and technical autonomy, with its own assets and a special budget.

318. INIAP is the main institution in the country devoted to agricultural research, and works closely with universities in that role. INIAP concentrates most of its efforts on developing know-how, technologies and services to meet the needs of small and medium-sized producers, to allow them to achieve higher production levels, greater productivity and production of better quality so as to meet the growing demand for food, improve the population's living conditions and promote equality, thus reducing poverty levels.

319. In so doing, strategies and mechanisms must be developed to allow for the effective participation of beneficiaries, users and clients in the definition of priorities, thus achieving and maintaining legitimacy and support.

320. The mission of INIAP is to "provide agricultural technologies and services", fulfilling the following objectives:

(a) Researching, developing and applying scientific and technical knowledge to ensure the rational exploitation, use and conservation of natural resources in the agricultural sector;

(b) Contributing to a sustained increase in agricultural production and productivity, and to the qualitative improvement of agricultural products through the development, adaptation, validation and transfer of technology.

321. INIAP has seven experimental stations and eight farms located in the various regions of the country.

322. It carries out activities in four areas: research; training and technology transfer; seed production and marketing; and the provision of technical support services.

323. The work done by INIAP in the field of scientific research has allowed it to develop, validate and transfer know-how and technologies that have helped increase production and productivity. This has resulted in the delivery of over 160 improved varieties with high yields

that are resistant to or tolerant of diseases and blights and adaptable to the various agro-ecological regions of the country, for the production of rice, sesame, cotton, oats, cocoa, coffee, cowpeas, barley, beans, broad beans, castor-oil plants, lentils, maize, peanuts, mangoes, African oil palm, potatoes, grasses, peppers, quinoa, sorghum, soy, wheat, triticale and various fruit species.

324. At the same time, the development of new varieties has provided the necessary technology for crop cultivation; blight, illness and disease control; economic fertilization methods; sowing area, time and density management; and post-harvest management.

325. INIAP has developed bovine and smaller species nutrition management techniques for the country's three regions. The Institute has carried out much work for the introduction and adaptation of grass and leguminous plants, with the aim of increasing the production capacity of the various livestock regions in Ecuador.⁴⁴

Dissemination of the nutrition programme

326. The Ministry of Public Health, in its National Health Plan and in the National Food and Nutrition Programme, is implementing a National Plan of Action for Nutrition (PANN 2000) a joint action strategy that includes the following components: "A serving for each child" - a food supplement component for children under two, pregnant women and breastfeeding mothers, the aim of which is to prevent stunted growth and malnutrition damage owing to energy, protein and micronutrient (vitamin A, iron, zinc) deficiencies among children under two, and to improve the nutritional status of pregnant and breastfeeding women through changes in practices and cultural patterns in breastfeeding and the feeding of small children.

327. The Programme's target population is 652,189 beneficiaries. In 2000, the Programme should cover 40 per cent of the target population (246,000); in 2001 it should reach 70 per cent (456,000), and from 2002 onwards, 100 per cent (652,000). Current plans call for the Programme to begin in the 230 poorest parishes of the country, representing the first quintile of the poor, or about 1 million persons. In this phase, resources from the Ministry of Public Health, the Ministry of Agriculture and the World Food Programme will be invested, along with resources from the Pan-American Health Organization (PAHO)-World Health Organization (WHO) Micronutrient Initiative.

	Total	Urban	Rural
Girls and boys from 0 to 24 months	242 000	112 000	130 000
Pregnant women	205 000	95 000	110 000
Breastfeeding women	205 000	95 000	110 000
Total	652 000	302 000	350 000

328. The micronutrient component, with food enrichment and supplement strategies to tackle specific vitamin and mineral deficiencies (iron, vitamin A, iodine, fluorine). To deal with the high prevalence of micronutrient deficiencies in the Ecuadorian population, the country is carrying out a national micronutrient programme, by:

- (a) Enriching mass consumption foods with micronutrients to address public health problems: iodine, fluorine, iron and vitamin A;
- (b) Providing supplements for the population at risk through health services, and using strategies such as vaccination campaigns;
- (c) Defining research, education and communication strategies to make it possible to promote the sustainable consumption of micronutrients through the family diet.

329. The Mother and Child Solidarity Voucher constitutes a direct transfer benefiting pregnant mothers and children under two. The purpose of this programme is to provide incentives for check-ups during and after pregnancy so as to involve the poor population and address mortality and malnutrition, through the direct transfer of a \$5 voucher every two months for pregnant mothers, delivered by the health service with each check-up during pregnancy, and a \$5 dollar voucher for each check-up of children under 2. Coverage will extend to pregnant mothers and their children under 2 throughout the country, with the exception of the urban parishes of the 15 cities with populations over 100,000.

330. The local development component makes use of resources that finance local micro-production initiatives and coordinated childcare programmes run by the Ministries of Public Health, Agriculture, Labour and Social Welfare (Operation Child Rescue), Education and Culture (the Literacy and Productive Training Programme for Women in the Rural Sector) and the National Child and Family Institute (INNFA). The Ministry of Public Health promotes local development as part of its National Health Plan, as a strategy based on its operational, decentralized and localized capacity and that of other institutions which, with sufficient coordination, can provide an immediate response to the situation of poverty and to the lack of health and food security.

331. The objective of this component for the year 2000 is to implement participatory development, adult literacy and productive training projects and to set up alternative childcare methods in the 230 parishes to which priority has been given. In those parishes, in 2000, the activities of the "A serving for each child" programme relating to education and food supplements will be implemented for pregnant mothers, breastfeeding women and children between 6 and 24 months of age.

332. The food and nutritional education component is based on the promotion and education activities of the various components and on mass communication strategies. This component concentrates on a broad spectrum of food and nutrition problems, among which the following are of particular note:

- (a) The high and rising prevalence of malnutrition due to the socio-economic crisis;
- (b) Changes in epidemiological trends involving non-transmissible chronic diseases, 6 of which are among the top 10 causes of death (stroke, heart attack, diabetes, stomach cancer, high blood pressure);
- (c) The loss of a sound approach to nutrition in Ecuador.

333. The objective of this component is to promote eating and nutritional habits through the PANN 2000 programmes and components and through specific strategies.

Reforms to improve food security

334. The effects of the Land Reform Acts in the Ecuadorian agricultural sector, and especially in the rural sector, have lagged behind developments in the other sectors of the national economy. Among the many reasons for this is the inadequate system of land distribution, ownership and use.

335. The first Land Reform Act was adopted in 1964 with the purpose of transforming the social and economic structure of the rural sector and ensuring the socio-economic development of Ecuadorian agriculture through the modernization of production relationships, eliminating seasonal work and introducing new forms of production.

336. This policy, as was to be expected, ran counter to the interests of the large landowners, who brought pressure to bear and took evasive, albeit legal, measures that came close to nullifying the efforts made to achieve an appropriate reform in land use and ownership.

337. In 1973 the Second Land Reform Act was adopted, with a more advanced approach that tackled the problem not just as one of land distribution, but rather as one that comprehensively included "a process of gradual and orderly change of the economic, social, cultural and political aspects of the landholding structure". For this reason, the Act included changes in various aspects of the legal framework, especially in respect of the right to property, reassignment, expropriation proceedings, valuation for expropriations and other administrative procedures.

338. In its approximately 30 years of existence, the Ecuadorian Institute for Agrarian Reform and Colonization (IERAC) has been the executing agency for this Act. The Institute implemented the land reform policy through land reform and colonization programmes that by 1992 had handed over 7,193,366.18 hectares to 211,058 families, with an average of 34.06 hectares per family.

Lands allocated for colonization and land reform, by region of Ecuador 1926-1992

(Hectares)

Region	Colonization	Land reform	Overall total
Highlands	657 766.39	625 618.21	1 283 384.60
Coast	869 289.79	505 566.55	1 374 846.34
East	1 812 481.50	2 722 653.74	4 535 135.24
Total	3 339 537.68	3 853 828.50	7 193 366.18

Source: National Agrarian Development Institute (INDA), *General report*, 1998.

339. However, the results of the land reform were controversial. According to assessment studies carried out in 1977 by the National Development Council (CONADE)⁴⁵ after a period of 30 years, 22.2 per cent of the area is occupied by holdings of between 0.1 and 9 hectares, with a large proportion of plots under one hectare; 26.4 per cent consist of production units of between 10 and 49 hectares, and the 2.6 per cent of holdings between 50 and 500 hectares occupy 51.3 per cent of the total area, thus indicating a low land ownership transfer rate, and a very high cost.

340. In fact, the application of the Act did not eliminate injustice in the country, and it did even less to do away with social conflicts in agriculture. It was only possible to eliminate marginal forms of production. However, peasant workers, for the most part indigenous, who received small plots in marginal areas with the worst agricultural and ecological characteristics (scrubland, mountainsides and rough terrain) did not have the technology, training, credits or roads to allow them to raise the production and productivity of their basic agricultural assets. They were unable to improve their or their families' living conditions, and this worsened the problem of marginalization and poverty in the rural population. It should be noted that approximately 60 per cent of producers are in this situation.

341. The Black population in Ecuador continues to be excluded, and has not benefited from the country's land reform. One of its major problems is ownership of the means of production. In the last decade access to land ownership has led to a major migratory movement towards the big cities, Quito and Guayaquil; there, Blacks have settled in a number of marginal urban districts where their situation is no better than in their places of origin, and in some cases is worse. Poverty and malnutrition levels are high, and the Governments have done nothing to reverse this trend.

342. The land reform also had other effects; the main one was the transformation of farming land into pastureland and forests as part of the big landowners' defence strategy; by law, the areas used for such purposes were not subject to reassignment.

343. A change was needed to spur agricultural development. As a result of the need to foster the comprehensive development of the agricultural sector, the Agrarian Development Act, known as Act No. 54, was enacted on 14 March 1994 (*Official Gazette* No. 461) with the aim of modernizing the agricultural sector.

344. With the enactment of the Agrarian Development Act, IERAC was dissolved and the INDA was established as a public entity in charge of administering land policy in various fields: ensuring the right of land ownership, placing State lands on the free market through land awards, drawing up a land register and ensuring inter-institutional cooperation.

345. During the transition process and in the first years of INDA's operation it was not possible for small farmers in the Ecuadorian rural sector to hold deeds for their land. Deeds would have served as a guarantee of ownership and allowed them to have access to farming credits with which to improve their holdings and exploit them effectively. Consequently INDA

undertook a new stage, in which comprehensive agricultural promotion, development and protection policies would be applied, optimizing the agricultural sector's resources and providing quality services to the user, thus contributing to the country's socio-economic development, as can be seen in the following table.

Land titles awarded, area and beneficiaries

(Hectares)

	Titles	Area	Beneficiaries
Highlands	1 631	6 775.80	6 047
Coast	724	16 984.80	2 798
East	447	5 804.40	1 706
Total	2 802	29 566.00	10 511
Projects	908	19 144.00	2 627
National total	3 710	48 709.00	13 178

Source: INDA *General report*, 1998.

346. The amended Agrarian Development Act, published in *Official Gazette* No. 55 of 30 April 1997, stipulated that the Ministry of Agriculture and Livestock, together with *campesino*, indigenous, *montubio*, afro-Ecuadorian, farm workers' and farmers' organizations, would initiate a National Training and Technology Transfer Programme, including improvements and innovations in know-how and traditional, age-old techniques. The Act places particular emphasis on training as one of the most important policies in this sector.

347. The Ministry, through Executive Decree No. 417 of 10 July 1997, established a framework for *campesino* training as defined in the Agrarian Development Act, assigning the National *Campesino* Training Institute (INCCA), as restructured, with the task of managing and coordinating *campesino* training in the country.

348. For these purposes, the Ministry established an endowment fund from the sale of its unproductive assets. The fund's operating rules were published in *Official Gazettes* Nos. 94 and 185, of 23 December 1996 and 31 October 1997 respectively.

349. The National *Campesino* Training Programme (PNCCA) was developed through a participatory process that began in 1992, with a survey of training opportunities and requirements sponsored by the Ministry.

350. Through INCCA, the Ministry has assumed responsibility for initiating PNCCA as a first step in establishing the National *Campesino* Training System. Users and trainers were called upon to reach agreement on the strategic aspects of the design and functioning of the System during a workshop seminar whose tasks included that of identifying needs and thematic areas for the training of producers and their organizations.

351. As a result of these processes, the Ministry presented a PNCCA for 1999, the common working tool of users, trainers and the Ecuadorian State.⁴⁶

The right to adequate housing

352. The information used for the analysis of the housing situation comes from the latest census results. A new census is scheduled for 2001. Consequently this report analyses information from the latest censuses.

353. Nearly all housing is located in the highlands and at the coast. These regions accounted for approximately 96 per cent of housing in Ecuador in both 1982 and 1990. In order to ascertain the shortfall of housing in Ecuador, the increase in housing in the period from 1982 to 1990 will be analysed.

354. Nationally, the number of housing units increased by 27.4 per cent. At the regional level the greatest increases were seen in the Islands Region and in the non-delimited zones, with 72 per cent and 74 per cent respectively. The increase in the East was 47 per cent, followed by the coast and the highlands, with 31 per cent and 22 per cent respectively.

Individual housing units (1982-1990 censuses)

Region	1982	1990	Change (percentage)
Highlands	799 287	976 112	22.0
Coast	719 693	945 573	31.0
East	48 651	71 640	47.0
Galápagos	1 265	2 170	72.0
Non-delimited zone	7 545	13 160	74.4
National total	1 576 441	2 008 655	27.4

Source: Ministry of Housing and Urban Development INEC.

Percentage distribution of occupied individual housing units, by services available (1982-1990 censuses)

Population	Total housing units	Water supply			Sewage disposal			Electricity supply	
		Percentage	Public	Other	Main sewer	Septic tank	None	Yes	No
1982 census	1 576 441	100	51.8	48.2	34	14.6	51.8	62.1	37.9
1990 census	2 008 655	100	62.7	37.3	40	32.8	27.7	77.7	22.3

Source: Ministry of Housing and Urban Development National Institute of Statistics and Censuses (INEC).

355. It is estimated that the population will reach 12,411,232 in 1999, of which 49.8 per cent will live on the coast, 45.65 per cent in the highlands and the other 4.6 per cent in the Amazon and Island regions.

356. An analysis of the breakdown of urban and rural populations within each region reveals that on the coast 69 per cent of the population live in cities, while just 31 per cent live in rural areas.

357. In the highlands, 54 per cent of the population live in cities and 46 per cent in rural areas. In the East, 72 per cent are rural, while in the Galápagos Islands 82 per cent live in urban areas.

358. Nationally, 53 per cent of urban households are connected to the sewage system; in rural areas it is just 11 per cent. Wastewater is not treated, thus causing serious pollution problems when it flows directly into water bodies.

359. The systems built for separate treatment of sewage have serious problems in transporting both types of water (rainwater and wastewater), and little attention is paid to preventive maintenance.

360. Nationally, 31 per cent of urban households and 20 per cent of rural ones use septic tanks for human waste disposal.

**Average number of inhabitants per housing unit, by type of unit
(1982-1990 censuses)**

Type of housing	1982 census	1990 census
House or villa	5.5	5.0
Apartment	4.4	3.9
Rented room in house	3.7	3.6
Shed	4.6	4.5
Shack	4.1	4.0
Hut	5.2	4.9
Other	8.5	3.8

Source: Ministry of Housing and Urban Development National Institute of Statistics and Censuses (INEC) censuses, 1982 and 1990.

Types of housing in Ecuador

**Occupied individual housing units, by type
(1982-1990 censuses)**

Type of occupation	1982 census		1990 census	
	Units	Percentage	Units	Percentage
Owned	1 051 707	66.7	1 367 045	68.1
Rented	360 444	22.9	454 782	22.6
Free	94 547	6.0	110 116	5.5
For services	58 988	3.7	66 306	3.3
Other	10 755	0.7	10 406	0.5
Total	1 576 441	100.0	2 008 655	100.0

Source: Ministry of Housing and Urban Development National Institute of Statistics and Censuses (INEC).

Guarantees of the right to housing

361. Title III, chapter II (civil rights), article 23, paragraph 20, of the Constitution provides that the State shall recognize and guarantee “the right to a quality of life ensuring health, food and nutrition, drinking water, sanitation, education, work, employment, leisure, housing, clothing and other necessary social services”. Chapter IV of the Constitution (economic, social and cultural rights) includes article 32, which reads as follows: “To give effect to the right to housing and the protection of the environment, municipalities may expropriate, reserve and keep under supervision areas for future development, in accordance with the law. The State shall promote social housing programmes.”

362. Between 1990 and the time of writing of this document, the following acts and regulations concerning the housing system have been adopted: the Social Projects Contracting Act, Act No. 02, *Official Gazette* No. 289 of 4 October 1993; the Social Projects Contracting Regulation, *Official Gazette*, supplement No. 12 of 31 January 1997, *Official Gazette* No. 72 of 23 November 1998; the Social Project Contracting Internal Regulations, *Official Gazette* No. 108 of 15 July 1997; Executive Decree No. 1269 establishing the Housing Incentives System, *Official Gazette*, supplement No. 287 of 31 March 1998; Reform Decree, *Official Gazette*, supplement No. 352 of 2 July 1998; Regulation to replace the New Urban Housing Incentives System Regulation, *Official Gazette* No. 229 of 8 July 1999; Regulation to replace the Urban Housing Renovation Incentives System Regulation, *Official Gazette* No. 229 of 8 July 1999; the Historic Centres Housing Incentives System Regulation, *Official Gazette* No. 229 of 8 July 1999; and Ministerial Agreement No. 0030-Compensatory Voucher, *Official Gazette* No. 235 of 16 July 1999.

363. In addition, over and above the international credit agreements and Ministry of Housing standards that foster the participation of the private financial system and private building firms, each municipality within its field of competence issues ordinances relating to construction, social housing programmes, progressive residential developments, land subdivision and re-zoning and architectural standards. Of course, all such standards must be in keeping with the currently applicable provisions and the policies and guidelines of the Ecuadorian Government.

364. Article 5 (on the family unit) of the Regulation replacing the System of Incentives for New Urban Housing and Urban Housing Renovation, published in *Official Gazette* No. 229 of 8 July 1999, covers the treatment reserved for senior citizens and the disabled. They are considered as members of the family unit and are counted in applications for incentive payments, in accordance with paragraph 8 of the rating system, articles 29 and 30 on urban and new housing, and paragraph 7 of the rating system, articles 23 and 24, on the renovation of urban housing.

365. No statistics are available on the lack of housing for disabled people in urban and rural areas. However, it should be noted that in 1998 the Ecuadorian Housing Bank issued preferential loans to 97 disabled persons, with an overall value of 3,341,900,000 sucres, as follows:⁴⁷

Ecuadorian Housing Bank branch	Number of loans
Calceta	15
Chone	25
Cuenca	3
Guaranda	7
Machala	4
Manta	2
Portoviejo	3
Quininde	25
Quito	8
Santo Domingo	5
Total	97

Source: CONADIS.

366. INEC intends to carry out an agricultural census between October and December 2000. This census will have the objective of finding information on such matters as land ownership, land use, agricultural production and livestock numbers and the staff engaged in them, as well as on the energy and machinery used. The sixth population and fifth housing census are planned for 2001. They will provide such information as the educational and economic characteristics of the population, data on fertility and mortality, basic services that are available, and other information.

Housing development policies

367. At the end of the term of office of President Sixto Durán Ballén, in 1996, a housing policy was adopted in Ecuador and the Housing Incentive System was established. It has endured, notwithstanding the political instability in the country (which has had five Presidents in less than four years). Under the previous housing model, the State implemented and built large housing projects, with no direct access to tenders and a distribution system that often lent itself to corruption. Now the State, through the Housing Ministry, has become a loan facilitator and a second-tier bank, providing financing for builders and financial institutions and ensuring the financial sustainability of the entire system through the creation of a mortgage market.

368. Under the new housing system, financial aid is provided for the poorest sectors of the population. The system responds to demand and encourages the private sector to supply housing and funding for projects, with a State-funded economic incentive provided through the Ministry to low-income families for the purchase or construction of housing. This housing grant is issued just once, and is not reimbursable. The value of the incentive payment is inversely proportional to the cost of the housing, i.e. the lower the cost of the housing, the more is provided.

369. The process works quite simply: A+B+C, where:

- A: is the *aporte*, the family's contribution, which can be from savings, land or labour;
- B: is the *bono*, or grant from the National Government. This may be up to 60 per cent of the project cost;
- C: is the *crédito* or loan from the financial system or community cooperation, municipality or NGO participating in the project.

370. The requirements for receiving the housing grant are as follows. Applicants must:

- (a) Be adult Ecuadorian citizens;
- (b) Not possess any housing in Ecuador;
- (c) Not have an income exceeding 6 million sucres;⁴⁸
- (d) Open a housing account at any financial institution participating in the Housing Incentives System.

The ABC Housing Plan that was implemented until December 1999 was carried out as follows:

ABC new urban housing programme

(Sucres)

Type of housing	Maximum price	Down payment	Amount of the grant (Percentage of cost)	Loan*
1	38 400 000	3 840 000	60	
2	54 000 000	5 400 000	50	
3	66 000 000	6 600 000	40	
4	78 000 000	11 700 000	30	
5	90 000 000	13 500 000	20	
6	102 000 000	15 300 000	10	

Note: Values adjusted periodically.

* The loan rounds off the price of the housing that the person would like to purchase.

371. The “Urban Housing Renovation Grant” is issued directly to families to permit them to renovate, finish, enlarge or replace their homes. Applicants must:

- (a) Be adult Ecuadorian citizens;
- (b) Own the building to be renovated;
- (c) Not have a monthly family income exceeding 3.3 million sucres;
- (d) Live in an urban area;
- (e) Own the dwelling to be improved with a value of no more than 60 million sucres, including the land.

372. The ABC Plan for housing in rural and marginal urban areas is organized as follows:

- A: is for *ahorro*, *autogestión* and *autoconstrucción* (savings, self-management and self-construction);
- B: is for the *bono*, the government building or renovation grant;
- C: is for *comunidad*, the community, whose support is of fundamental importance, as is the support of NGOs and local governments.

373. Participants in the Plan include families from the rural and marginal urban sectors who have no housing, NGOs and local bodies supporting the renovation of housing in the community, entities involved in the manufacture of construction materials, and small enterprises.

374. The applicants work with a Housing Ministry expert to design a house using local materials and traditional techniques that correspond to their habitat and culture. The Ministry grants up to 5 million sucres for materials, and the beneficiaries carry out the construction of their houses with technical assistance provided by the Ministry.

375. In 2000, the Government of Mr. Jamil Mahuad implemented 56,857 housing projects, including the construction of new housing units and the renovation of existing ones.

Housing, August 1998 to December 1999

Regions	Rural	Marginal urban (New, renovation, El Niño)	Grants under the Housing Incentives System (New housing in historic centre)	Ecuadorian Housing Bank	Overall housing
Coast	1 670	6 318	330	132	8 450
East	681	85	8	38	812
Highlands	4 289	1 496	3 261	862	9 908
National total	6 640	7 899	3 599	1 032	19 170

Housing, January 1999 to December 1999

Regions	Rural* (New and renovated)	Marginal urban* (New and renovated, El Niño)	Housing Incentives System - urban	Ecuadorian Housing Bank	Total housing
Coast	7 220	1 786	7 890	599	17 495
East	977	0	805	29	1 811
Highlands	4 611	456	12 639	675	18 381
National total	12 808	2 242	21 334	1 303	37 687
Total for the period 1998-1999	19 448	10 141	24 933	2 335	56 857

Source: Ministry of Housing and Urban Development, Planning Directorate.

* Transferred grants.

International cooperation

376. To improve access to housing for low-income Ecuadorians, ensure that public investment in the sector is more effective and equitable and provide incentives for greater participation by the private sector, the Government of Ecuador, through the Housing Ministry and working with IDB, has decided to implement the Housing Sector Support Programme.

Article 12

1. Health policies

377. The current health situation has been influenced, especially over the past two decades, by a combination of circumstances and difficulties that have set back the progress in the health field which is a fundamental part of socio-economic development in Ecuador. A set-back may be said to have occurred, not because macro indicators of mortality, disease, etc., are worse than 10 years ago but simply because they remain high. Health-care coverage and quality have not improved, inequality has increased, and the lack of support for the poorly off is more striking. The entire situation has been made worse by poor management of the health sector at various levels and by the (partisan, personal) political way in which it has been run.

378. The Constitution adopted by the Constituent Assembly in 1998 sets forth the principles of a genuine State policy on health: universality, comprehensiveness, solidarity, quality and efficiency, which are singled out as significant elements of the entire new process by a genuine National Health System.⁴⁹

379. The assessment of the health situation being made by the Ministry of Public Health in its National Mental Health Plan indicates that the country's current socio-economic circumstances are part of a complicated epidemiological profile that encompasses infectious/contagious and

parasitic disease, chronic and degenerative disease, severe nutritional deficiency, neoplasia, traffic accidents and violence in all its forms. There is concern over the resurgence of tuberculosis, an unmistakable sign of poverty, rising suicide rates, especially among teenagers, cholera and dengue fever which are now endemic, the high incidence of malaria and the increase in psychosocial problems such as alcoholism, drug addiction, child and woman abuse and other forms of violence.⁵⁰

380. The risk of falling ill or dying in Ecuador is not evenly spread: it is higher in marginal city areas and the countryside, especially where there are high concentrations of indigenous inhabitants. For every child that dies in Guayas or Pichincha province, for example, three die in Chimborazo;⁵¹ this same trend is perceptible in indicators for morbidity, access to health services, school attendance and other factors.⁵²

381. The National Mental Health Plan indicates that consultations for mental health problems, especially depression, epilepsy with its attendant psychosocial problems, and alcoholism, are becoming more and more frequent.

382. National surveys show that up to 25 per cent of consultations for any kind of health problem reveal psychosocial components or require some kind of mental-health intervention; this percentage is higher among inpatients, creating a growing need for care.

Annual incidence of selected mental problems in Ecuador, 1994-2000

Mental problems	1994	1995	1996	1997	1998	2000
Drug dependency	1.69	2.67	2.42	2.11	1.87	2.01
Alcoholism	23.28	25.29	25.81	21.50	18.52	19.82
Depression	29.76	31.89	38.65	31.78	31.12	32.03
Attempted suicide	6.73	7.75	8.80	9.96	9.09	9.89
Successful suicide	0.70	1.00	0.65	0.77	0.67	0.71
Violence and abuse	33.07	35.12	27.91	33.63	35.28	34.02
Psychosis	3.70	3.72	5.48	5.58	4.21	4.77
Dementia	0.98	1.12	1.36	1.04	0.72	0.89
Mental retardation	4.58	4.66	5.75	4.49	4.67	4.87
Epilepsy	25.78	29.90	33.43	23.07	23.24	23.22

Source: Ministry of Public Health, National Epidemiology Department, 1998-2000.

Note: Rates per 100,000 inhabitants.

383. From the reports of the Ministry of Public Health's national epidemiological monitoring system, and bearing in mind that it is difficult for health teams to identify mental health problems, one may arrive at the following evaluation of mental health problems subject to monitoring:

(a) The epidemiological profile of mental health in Ecuador displays a growing increase in pathologies triggered by such psychosocial conflicts as violence in all its manifestations (children, women, homicides, teenage gangs), depression and suicide, and problems associated with stress, alcoholism and drug dependency;

(b) Pathologies associated with physical injury such as epilepsy and mental retardation remain common; dementia is rising slightly. Classic psychiatric illnesses with internationally similar features (schizophrenia, affective and other psychoses) are prevalent.

384. As epidemiological studies have shown, there is a close correlation between health-disease profiles and social developments, so that when there is a socio-political and economic crisis with falling incomes, political instability and unemployment, the health of the nation is, concomitantly, seriously affected. Hence it must be supposed that the changes of the past 10, and especially the past 2, years in Ecuador have seriously affected the population, adversely influencing public health. While, therefore, there is at present a serious shortage of specialized resources and there are gaps in the training of primary health-care teams, the situation will be much worse in coming years. International organizations recommend increasing the number of professionals devoted to mental health care and recuperation by the year 2000, since demographic changes will raise the total numbers of cases of schizophrenia among low-income communities by 45 per cent, actual problems will double and social violence will take an upward turn with unforeseeable consequences.⁵³

Primary health care

385. The Ministry of Public Health holds that health is the foundation of sustainable human development and, hence, a priority for the National Government. Health is a public responsibility, just like a civic right or duty, and is regarded as a whole, the outcome of intersectoral activity in health promotion and care in accordance with the principles of fairness, universality, solidarity and quality.

386. A vision of a healthy society, it is suggested, is one in which everyone, without discrimination of any kind, can attain physical, emotional and social well-being; can live in a family and social setting conducive to growth, in a pollution-free environment; is properly fed and nourished; and can have access to communications and education about health and to high-quality medical services.

387. Some general strategies may be put forward for attaining these ends:

(a) Making social affairs, health and the incorporation of national economic and social development into general strategy matters of political importance;

(b) Encouraging reform in the health sector, in the light of policies that command general agreement and proposals that have proved to be technically and financially sustainable;

(c) Boosting the new guiding role of the State so as to promote health models combining health promotion with health care at the personal, family and community levels in a socially, politically and economically sustainable way;

(d) Decentralized, devolved and participatory management;

(e) Organizing the National Health Service so as to optimize efforts and resources to improve service coverage and quality.

Health budgets

388. Health-care budgets have historically been too small in relation to needs; over the past decade there has been a tendency for them to stagnate or even shrink.

389. Looking at the resources earmarked for the health sector in the State budget, one sees that these amounted to 972,400 million sucres in 1998. This amount represented 4.71 per cent of total spending and 0.91 per cent of GDP. The allocation to health was not even 1 per cent of GDP; this clearly shows that Governments continue to regard investment in health as an expense, not as an investment, forgetting that a healthy community is a productive community and that sustainable development of the Ecuadorian economy and, ultimately, progress for all Ecuadorians, depend on increased output.

390. Between 1990 and 1998 health spending decreased as a proportion of GDP: from 1.2 per cent in 1990 to 0.91 per cent in 1998. As a proportion of the total budget it also fell over the same period, from 8.16 per cent to 4.71 per cent, except in 1996.

Actual spending on the health sector, 1990-1998 (in billions of sucres and as a percentage of GDP)

Health sector	1990	1991	1992	1993	1994	1995	1996*	1997*	1998*
Sucres	98.5	110.0	200.4	207.3	279.2	497.2	627.6	735.4	972.4
As percentage of GDP	1.20	0.89	1.03	0.76	0.77	1.08	1.03	0.93	0.91
As percentage of total spending	8.16	6.69	7.87	5.51	5.05	5.88	7.62	7.44	4.71

Source: Ministry of Finance and Public Lending.

* Provisional data.

391. Looking in detail at the government sectors that have reduced their spending levels over the past two half-years (2002), one finds that the same situation has occurred in education, health and public works. Public investment in roads, combined with the fact that most of the road concessions in the country are working satisfactorily, has enabled a large proportion of the road network, which was in a very poor state of repair, to be put back into service. This should allow

spending on public works to be reduced without major political impact. The bulk of education and health spending goes on wages, however, and reduced spending is therefore likely to mean that wages are being paid late. This situation is not sustainable over time, and will lead to more acute labour conflicts.

Infant mortality

392. The 1994 demographic and mother-and-child-health survey (*Encuesta demográfica y de salud materna e infantil*) (ENDEMAIN-94) revealed that infant mortality in Ecuador is on the decline: comparing ENDESA-87, which indicated a mortality rate of 58 per thousand over the five years 1982-1987, with ENDEMAIN-94, which puts it as 40 per thousand, it is clear that the rate has dropped, although the latter level remains high. Statistics indicate that average child deaths per thousand live births have fallen by 31 per cent over seven years.⁵⁴

393. According to ENDEMAIN-99, infant mortality in Ecuador in 1999 was 30 per thousand live births; the urban rate was 22 per thousand live births, slightly more than half the rate in rural areas (40 per thousand).

394. The mortality rate fell to 27 per thousand live births in 2000, according to the Ministry of Public Health's Statistics Division; it must be pointed out that this figure omits late registrations of live births.

395. The high rate of infant mortality among new-borns in towns, where 68 per cent of deaths are among new-borns as compared to 60 per cent in rural areas, is influenced by the differing levels of development in the two settings.

396. This is reflected in the childhood mortality figures, which are barely one quarter as high in urban areas, and the register of deaths (0 to 4-year-olds), which is more than twice as high in rural areas.

397. Infant mortality in the coastal region (25 per thousand) is lower than in the Sierra and Amazonia (34 and 38 per thousand); the survey recorded no deaths among children aged under 1 year in the region of the islands, a situation backed up by the public records which indicate three deaths in 1997.⁵⁵

Infant and child mortality rates according to various surveys

Survey	Neonatal mortality	Post-neonatal mortality	Infant mortality	Childhood mortality	Mortality among the under-5s
ENDESA (82-87)	36	22	58	25	82
ENDEMAIN-89 (87)*			53	17	70
ENDEMAIN-94 (89-94)	22	18	40	12	51
ENDEMAIN-99	19	11	30	9	39

Source: ENDEMAIN-94, ENDEMAIN-99.

* Indirect method 1989.

398. ENDEMAIN-94 puts urban infant mortality at 30 per thousand live births, a little over half the rural level of 52 per thousand. Again, the higher concentration of neonatal deaths in urban areas, at 60 per cent of infant deaths by comparison with 54 per cent in rural areas, faithfully reflects the conditions obtaining in and around the two different settings.⁵⁶

Infant and child mortality rates (1989-1994 survey)

	Infant			Child (1 to 4 years)	Total (0 to 4 years)
	Total	Neonatal	Post-neonatal		
Total	40	22	18	12	51
Urban	30	18	12	7	35
Rural	52	28	24	16	67

Source: ENDEMAIN-94.

(1994-1999 survey)

	Total		Infant				Child (1 to 4 years)		Total (0 to 4 years)	
	1994	1999	Neonatal		Post-neonatal		1994	1999	1994	1999
			1994	1999	1994	1999				
Total	40	30	22	19	18	11	12	9	51	37
Area										
Urban	30	22	18	15	12	7	7	3	35	25
Rural	52	40	28	24	24	16	16	12	67	52
Region										
Coastal	32	25	19	16	13	9	7	4	38	29
Sierra	47	34	25	21	22	13	16	10	63	44
Education										
None	79	50	41	23	38	27	23	14	101	64
Primary	44	35	24	20	20	15	16	10	59	44
Secondary	31	25	20	19	11	5	3	5	34	30
University/ post-graduate	11	11	7	9	4	1	1	1	13	12

399. The overall infant mortality level has fallen by 25 per cent, from 40 to 30 per thousand, or 5 per cent on average over each of the past five years. The largest decline has been in post-neonatal mortality, which has shrunk by 39 per cent.

400. Post-neonatal deaths account for 36 per cent of the total in the coastal region. This rises to 38 per cent in the Sierra and to 47 per cent in Amazonia, a sign that health campaigns are needed in these areas and could result in sizable reductions in infant mortality levels.

401. Education is a determining factor in infant mortality levels. Education improves attitudes towards and the actual practice of health and hygiene. Mortality among the children of mothers with no education is twice as high (52 per thousand) as among those whose mothers have had a

secondary education (26 per thousand), and mortality levels decrease as education levels rise; this is evident in the mortality figures for 0- to 4-year-olds, where the rates differ by a factor of 6 between mothers with no education and those who have attended higher education and/or postgraduate studies.

402. According to a Ministry of Public Health source, the indicators below are available on infant mortality in 1998:

Demographic indicators, 1998
(Ministry of Public Health)

Infant mortality*	32.2
Neonatal mortality*	14.5
Post-neonatal mortality*	17.7
Perinatal mortality*	19.7

* Per 1,000 live births.

Drinking water supply

403. The most reliable access to drinking water comes through the public supply network since it is generally supposed to be treated water fit for human consumption. Nationwide, 73 per cent of the urban population and 32.5 per cent of the rural population have access to this drinking water supply.

404. There are serious problems with constancy of supply in the vast majority of towns, especially small ones, owing to shortcomings in the existing infrastructure; network operation and maintenance also give rise to rationing and intermittent supplies to users.

405. Many drinking water supplies suffer from serious technical problems in their processing systems, so the water they deliver is of poor chemical and bacteriological quality. Purification is often carelessly handled. Besides this, the technical and economic resources available for operation and maintenance are limited.

406. The administration and operation of basic services is the responsibility of the municipalities in Ecuador.

407. Of the country's 214 municipalities, 12 have civic service-management enterprises.

408. The administration, operation and maintenance of drinking water systems in rural areas is the responsibility of the Drinking Water Administration Boards (*Juntas Administradoras de Agua Potable, JAAPs*), of which the country has approximately 3,000.

409. Critical features and the technical, social, financial and institutional sides of the drinking water and sanitation sector are all analysed and evaluated by the Ministry of Urban Development and Housing and the State Modernization Council (CONAM) under the MOSTA project. This has provided the basis for designing national policies for the development of the sector over the medium and long term so as to remedy gaps in coverage and improve the delivery of these services.

410. The Ministry of Urban Development and Housing is seeking to improve the quality of life for the inhabitants of rural and urban areas through the National Water and Sanitation Programme for Rural Communities and Small Municipalities (PRAGUAS), which calls for increased coverage and the introduction of management models applicable to the provision of sustainable services in municipalities.

411. This programme consists of three phases:

(a) Improving drinking water coverage in rural parts and in the district administrative centres of municipalities with fewer than 10,000 inhabitants. The water supplied will be fit for human consumption, and steps will be taken to make the service sustainable;

(b) Capacity-building in the municipalities and JAAPs so that they can manage the service efficiently; the approach taken should cover administration, operation, commercial aspects, planning, finance and customer service;

(c) Defining the hierarchy among the institutions in the sector and establishing the roles played by each within the defined framework for the decentralization of the State.

412. The programme will be financed with resources provided by the World Bank.

Foul water treatment

413. Nationally, 53 per cent of urban households are connected to the sewage network; only 11 per cent are in rural areas. Waste water is not treated, and this makes for serious pollution problems when it is discharged directly into streams and rivers.

414. The separate sewage systems that have been built have serious problems in coping with combined flows (run-off and sewage) and are given little attention in preventive maintenance operations.

415. Nationally, 31 per cent of urban and 20 per cent of rural dwellings use cesspits for the disposal of excreta.

416. The Integral Solid-Waste Management Programme for Small and Medium-sized Municipalities (PROMIDES) seeks to apply alternative management methods to profitable and/or job-creating services. It will be financed with PATRA resources from the World Bank.

417. The bill on the subject has been drafted with resources from the Inter-American Development Bank.

418. Immunization programmes promoted by the Ministry of Public Health have helped to make the general public aware of the need for a better health-care culture in Ecuador so that the targets of sustainably high immunization rates and reduced risks to children's health set by the authorities can be met, thus lowering the incidence of infant mortality due to preventable disease.

419. BCG vaccination against tuberculosis has been the most successful in terms of coverage in recent years. DTP vaccination campaigns are the most run-down.

Vaccination coverage among children under 1 and under 5 years old, nationally and by area

Year	Tuberculosis (BCG)			Diphtheria, whooping cough and tetanus (DPT)		
	Under 1 year					
	National	Urban	Rural	National	Urban	Rural
1994	91.4	94.6	87.6	50.6	55.3	45.0
1995	89.5	95.2	81.8	45.8	48.8	41.6
1998	81.8	79.6	85.4	58.3	59.4	56.9
1999	89.8	91.8	87.7	57.6	61.6	52.7
Under 5 years						
1994	97.0	98.7	95.1	50.6	85.6	72.6
1995	96.2	98.5	93.2	45.8	82.1	72.6
1999	97.0	97.5	96.4	57.6	87.9	74.9

Source: ESCAP, survey of living conditions, 1994, INEC 1995-1999.

420. Ecuador has recently been certified by the World Health Organization as being free of poliomyelitis. ATP vaccination rates fall far short of the regional target set for the year 2000, which was coverage of over 90 per cent.

421. Mass vaccination campaigns have been launched from 1990 onwards to eradicate measles among the child population under 5 years of age.

422. Measles has tended to decline at the national scale between 1994 and 1999, especially among children less than a year old. On the other hand, different geographical areas display variations over this period: there was a slight increase in urban areas in 1999 by comparison with 1998. Immunization coverage against measles in rural parts has varied, and is declining.⁵⁷

**Vaccination coverage among children under 1 and
under 5 years old, nationally and by area**

Year	Poliomyelitis (ATP)			Measles		
	Under 1 year					
	National	Urban	Rural	National	Urban	Rural
1994	47.7	52.7	41.7	62.0	69.8	52.8
1995	43.4	45.7	40.2	60.3	64.1	55.5
1998	52.5	52.4	52.7	52.3	55.7	48.5
1999	56.3	61.6	49.8	52.8	59.5	41.3
	Under 5 years					
1994	78.3	85.0	70.9	62.0	92.0	81.6
1995	77.0	81.5	71.1	60.3	90.1	84.5
1998	82.0	84.1	79.3	52.3	89.8	85.4
1999	81.6	87.8	74.1	52.8	90.5	81.6

Source: ESCAP, survey of living conditions, 1994, INEC 1995-1999.

Life expectancy

423. Life expectancy in Ecuador over the period 1995-2000 is put at 69.9 years: 67.3 years for men, and 72.5 for women.

424. It is important to know whether a person can obtain treatment at a health service, but this information needs to be supplemented by the number of times a person has visited a doctor, since each such visit will entail an outlay of all kinds of resources. The data obtained in the survey show that, nationally, of the people who had undergone a medical examination or check-up in the previous month, the majority (66.55 per cent) had visited the doctor on one occasion only; 26 in every hundred had visited the doctor twice, and those visiting three or more times were a minority (7.6 per cent). No information about the medicines handed out is available.

Birth attendance

425. ENDEMAIN-99 figures show that 80.6 per cent of the mothers of children born alive throughout the country between March 1994 and February 1999 had undergone at least one prenatal check-up. The figure was as high as 89 per cent in cities, while it was 18 points lower, at 71 per cent, in rural areas. The highest figures for both urban and rural areas come from the coastal region. The situation in Amazonia is worrying, since only 66 per cent of mothers undergo at least one prenatal check.

426. Professional attendance at birth and post-partum is put at 69.2 per cent of all mothers nationwide who gave birth over the five years immediately preceding the survey.

427. This proportion is around 86 per cent in urban areas and only half that, 49 per cent, in rural areas. The region where coverage is lowest was Amazonia, where less than half (47.9 per cent) of all mothers are attended by a health professional during childbirth. These figures merit more concern within the sector, especially given the importance of preventing and eradicating the high levels of maternal mortality in Ecuador.

428. The proportion of mothers giving birth at home with a midwife or family members in attendance, or giving birth alone, is around 29 per cent for the country as a whole, while in rural areas this is the practice among half of all mothers. The percentage in rural parts of the coastal region is lower, at 40 per cent. In rural parts of the Sierra and Amazonia, one woman in two gives birth under risky conditions where there is a high likelihood of complications, sometimes with regrettable consequences: this reflects the lack of mother-and-child health-care coverage in such areas.

**Birth attendance by distinguishing features,
live births, March 1994 to February 1999**

Birth attendance	Country		
	Whole	Urban	Rural
Where			
Professional	69.2	86.2	49.0
Public			
Ministry of Public Health	34.4	36.6	31.8
Other public	16.0	25.4	4.7
Private	18.8	24.2	12.5
Non-professional	29.0	11.9	49.3
Home with midwife	14.3	7.1	22.9
Home with family member	11.1	3.8	19.9
Gave birth alone	3.5	1.0	6.5
Unknown	1.8	1.9	1.7
Type of birth			
Vaginal	80.1	72.4	89.3
Caesarean	19.9	27.6	10.7
Post-partum care			
Yes	39.1	47.5	27.8
No	60.9	52.5	72.2

Source: CEPAR, ENDEMAIN-99.

429. Nationwide only 39 per cent of women go for a post-partum medical check; the figure is slightly better in urban areas, at 47.5 per cent. The lack of concern about mothers' health is evident in rural areas, where 7 out of 10 women giving birth undergo no kind of post-partum check-up.

430. In 1997 maternal deaths numbered 93.7 per 100,000 live births (INEC 1997), with regional differences ranging up to 250 deaths per 100,000 live births. This is lower than the target set by the International Conference on Population and Development.⁵⁸

431. The leading direct cause of maternal deaths is pregnancy toxemia, which accounts for 38 per cent of deaths, followed by haemorrhage during pregnancy or childbirth (23 per cent), miscarriages (6 per cent) and puerperal complications (4.2 per cent). Other causes directly or indirectly associated with pregnancy, delivery or the post-partum period account for 29 per cent.⁵⁹

432. Average coverage of maternal health-care services provided at Ministry of Public Health facilities over the 1990s displayed the following trend:

- (a) Prenatal care rose from 47.8 per cent in 1990 to 69.3 per cent in 1998;⁶⁰
- (b) Birth attendance has remained almost constant over the past six years, rising from 23.6 per cent to 26.9 per cent in 1998;
- (c) Post-partum care did similarly, rising from 11.6 per cent in 1990 to 15.1 per cent in 1998.

Child health care

433. Health-care levels are a function of health service specialization, quality and infrastructure. At the primary level, which comprises elementary health care, come education, prevention, promotion and therapy at outpatient facilities. The secondary level embraces four main specialities: gynaecology and obstetrics, paediatric medicine, surgery, and internal medicine.

434. Between 1994 and 1999 it transpires that a greater proportion of the Ecuadorian population was given secondary-level care, owing both to the lack of a preventive health-care culture and to factors related to the shortage of economic resources, since people living in urban areas and, especially in rural ones, attach little importance to their health problems until they become acute and require more specialized care.

435. Some 91.3 per cent of children nationwide are given health check-ups from birth onwards; this figure falls to 87.9 per cent in rural areas, and is lower in Amazonia, where some 16 per cent of all children have not had any kind of medical check-up.⁶¹

**Check-ups on children by area and region
(March 1994 to February 1999)**

Area and region	Check-up	No check-up
Whole country	91.3	8.7
Area		
Urban	94.1	5.9
Rural	87.9	12.1
Region		
Coastal	92.7	7.3
Sierra	90.9	9.1
Amazonia	84.0	16.0
Islands	95.5	4.5

Source: CEPAR, ENDEMAIN-99.

Situation of the population

436. The worst poverty in Ecuador is concentrated in rural cantons and parishes with predominantly indigenous and black populations. These are suffering continual impoverishment which takes the form of declining quality of life and deteriorating health conditions, given the close relationship between socio-economic development and health. Their options for survival are to continue living in the countryside or to begin migrating to the big cities or other countries, where they face more economic problems, crowding and segregation and a worse problem yet, cultural alienation from their identity, which has encouraged the emergence of new health problems and upset epidemiological patterns.

437. Health problems among the indigenous population groups are directly related to poverty, specifically to aspects such as malnutrition, a lack of basic services, absence of infrastructure, little access to or unavailability of drinking water, sewage etc., as may be seen in the high mortality indices in provinces with large indigenous populations such as Bolívar (5.8 per 100,000 live births), Cotopaxi (7.8), Chimborazo (6.8), Inbabura (6.6) and Tungurahua (6.2) compared with the overall mortality rate of 4.5 per 100,000 live births.⁶²

438. Over history, indigenous medical knowledge has been disapproved of by officialdom, equating it with witchcraft or quackery and regarding it as lacking scientific basis; nevertheless, indigenous medicine has prevailed, proving to be efficacious for most of the indigenous population who turn to taitayachacs, cuyfichacs, mapachitadors, shamans and the like.

439. Studies conducted among nine communities in Otavalo show that the indigenous population is not accepted in formal health services; this is basically due to a cultural block, as the health personnel are unaware of the indigenous vision of the universe and cannot speak the language, and to the high cost of treatment. To overcome these problems it will be necessary to establish a dialogue between indigenous and western medicine on equal terms and to try to set up a "mixed" health-care system that makes allowance for cultural differences in the way patients are treated and involves both types of knowledge.

440. An experiment along these lines has yielded good results: it is being conducted in Jambi Huasi in Otavalo, and in Saquisilí in Cotopaxi, where medical care is dispensed in conditions of mutual respect and equality between the two kinds of medicine and patients are able to select the type of care they want. This suggests that the experiment should be extended to other parts of the country where there is an indigenous population.⁶³

Action to combat unsanitary conditions

441. Ecuador has managed to increase the coverage of drinking water supplies, sewage disposal and garbage disposal by 15 per cent over the previous situation; processes have been designed which ensure appropriate quality levels where the protection of public health is concerned, in particular the manufacture of products for human consumption, medicines and food especially, and the delivery of health services, both from the viewpoint of users and as regards compliance with technical standards. The most important of these include action in the health-services field, training and human resource deployment.

442. For this purpose, the Government has been putting the National Health Plan into effect since late 1999; the Plan now covers the entire country.

443. The State guarantees the right to health, basically as conceived of by the institutions operating in the health sector.

444. Under the current legal structure, the State organizes the National Health System, which links up with the public, autonomous and community-run entities in the health sector and is supposed to function as a decentralized, devolved and participatory institution. Financing comes from the public entities in the system, and includes contributions from users who are able to pay.

445. The State's National Health Plan is designed to extend over a period of five years, from 2000 to 2005, and sets the following targets:

- (a) Cutting infant mortality by 25 per cent;
- (b) Cutting maternal mortality by 25 per cent;
- (c) Reducing the impact of these ailments;
- (d) Cutting mortality from emergent and re-emergent diseases by 25 per cent;
- (e) Reducing morbidity and mortality by 15 per cent;
- (f) Reducing the prevalence of caries and periodontal disease by 30 per cent;
- (g) Increasing the coverage of drinking water supplies and sewage disposal by 15 per cent from current levels;

(h) Increasing the coverage of health services by 25 per cent from current levels;

(i) Modernizing the Ministry of Public Health to carry out the State's new health-related roles at all managerial and operational levels.

446. The State is seeking to strengthen the Ministry's National Department of Environmental Health and routine coordination with the ministries of housing and the environment in order to establish environmental health as a political issue, set up an environmental health monitoring system and produce national guidelines on primary environmental care: providing basic sanitation by encouraging people to devise and apply alternative technologies for supplying safe water and disposing of sewage and garbage, particularly in rural parts; setting standards and monitoring the health effects of environmental hazards and natural disasters; running programmes to prevent and control pollution of water sources, the atmosphere and the soil; running a hospital waste programme; preventing, providing early warning of and controlling occupational hazards; mounting an epidemiological watch for occupational diseases; and coordinating health services with industrial safety and workplace health departments.

Reduction of infant mortality

447. The action taken by the Government through the Ministry of Public Health to reduce infant mortality and morbidity comprises:

(a) Monitoring of child growth and development with a view to the timely identification of children who are undernourished or at risk of becoming so, or who have psychomotor development difficulties;

(b) Comprehensive care for prevalent childhood diseases. This is a strategy promoting effective community participation in extended childcare: action to promote, prevent and ensure timely recovery from common diseases;

(c) Encouragement of breastfeeding. The best way of feeding a baby from birth onwards is by the breast alone up to the age of 6 months;

(d) Extended immunization programme. Maintenance of worthwhile levels of coverage with existing vaccines and progressive introduction of new ones against diseases such as German measles, mumps, hepatitis B and meningitis; vaccination boosters for women of childbearing age and against yellow fever in danger zones;

(e) Food supplement programmes providing rations to children nationwide who are at risk of malnutrition or actually undernourished until they recover;

(f) Trace element programme, furnishing trace element, iron and vitamin A supplements to pregnant women and children under one year of age. The programme covers the entire country and is carried out by all operational units, with support from the Ministry of Public Health and international cooperation. Basic foodstuffs and flour are enriched with iron, folic acid, B-complex vitamins and niacin, and fluoridized and iodized salt.

448. On the question of environmental hygiene, the action taken comprises:

- (a) The Environment Act, passed by the National Congress on 10 June 1999;
- (b) The Labour Code, in the Ecuadorian Labour Regulations: Rules on Worker Health and Safety and Improvement of the Work Environment (eighth edition, October 1997);
- (c) Rules on Worker Health and Safety and Improvement of the Work Environment, issued in Quito by decree No. 2393, 1986;
- (d) Metropolitan Ordinance replacing Book Two, Title V, Chapter III, of the Municipal Code on the prevention and control of pollution by discharges of liquid and atmospheric emissions from stationary sources, issued by the Environmental Office of the Municipality of the Metropolitan District of Quito, which has been in effect since 5 November 1998. Also Emergency Control and Plans, Determination of Water Quality and Environmental Pollution.
- (e) Monitoring of chemical products by The National Narcotic and Psychotropic Substance Control Board (CONSEP), Act No. 108, *Official Gazette* No. 523 dated 17 September 1990;
- (f) Fire Protection Act by the Pichincha Fire Brigade;
- (g) Montreal Protocol;
- (h) ILO.

449. The State will protect the right of the population to live in a healthy, ecologically balanced environment guaranteeing sustainable development, and will see to it that this right is not encroached upon and uphold nature protection.

450. The State will take action in pursuit of the following ends:

- (a) Promoting the use of environmentally clean, non-polluting alternative energy sources in the public and private sectors;
- (b) Introducing tax incentives for "green" activities;
- (c) Banning the manufacture, import, possession and use of chemical, biological and nuclear weapons and the introduction onto Ecuadorian territory of nuclear and toxic waste;
- (d) Regulating the import, distribution and use of substances that, although useful, are toxic and harmful to individuals and the environment.

451. Through the National Environmental Health Department, established in April 1994, the Ministry of Public Health seeks to promote environmental health and regulates, monitors and evaluates the health effects of environmental processes on the basis of a corresponding information subsystem.

Prevention of endemic disease

452. Over the past decade, Ecuador has suffered many blows (the La Josefina landslip, El Niño, the Pujilí and Bahía de Caráquez earthquakes, renewed volcanic activity in Pichincha and Tungurahua and so forth) whose effects on the population are placing extraordinary demands on the health sector.

453. Decisive action by the Ministry of Public Health through its health departments to help the general public has, over time, considerably reduced the potential damage; such action has taken place during phases of both epidemiological surveillance and the control of outbreaks of prevalent and high-priority disease.

454. The main action taken by the Ministry through medical brigades with community support comprises:

- (a) Community information and preparedness campaigns on health education;
- (b) Provision of safe water supplies through the manufacture and distribution of chlorine with community backing;
- (c) Immunization against preventable childhood diseases, yellow fever, canine and human rabies;
- (d) Fumigation and spraying inside and outside homes (purchase of inputs and equipment);
- (e) Elimination of mosquito breeding-grounds with community backing;
- (f) Distribution of anti-malarial drugs and anti-typhoid serum;
- (g) Vermin control in markets and other public areas;
- (h) Vector control in coordination with the National Malaria Eradication Service (SNEM), fumigation and insecticide spraying in homes to control the spread of malaria- and dengue fever-transmitting mosquitos;
- (i) Mobilization of field personnel.

Public health care

455. The National Health Plan 2000-2005 lays down the following general strategies for action:

- (a) Turning social affairs into political issues, and opening the way for intersectoral intervention;
- (b) Decentralized, devolved, participatory management with increasing involvement of municipal governments and civil society;
- (c) A managerial overhaul of institutions and services;
- (d) A frontal assault on corruption.

456. Three main focuses have been laid down for managing change:

- (a) Development of human talent;
- (b) Resource allocation linked to output and results;
- (c) Autonomous management.

457. The following was accomplished during the first year of action:

- (a) Formulation of the National Health Plan on the basis of local and provincial plans;
- (b) Issuance of the executive decree empowering the Ministry of Public Health to develop decentralized health services and models of autonomous service management;
- (c) Issuance of an agreement by the Ministry of Finance and Public Lending on the collection of income contributed by users with the capacity to pay;
- (d) Formulation of criteria for the provision of free care to recipients of welfare vouchers and the introduction of contributions from users with the capacity to pay, based on population category;
- (e) Issuance of ministerial agreements on the devolution of the management of human resources, legal, administrative and financial powers to provincial departments, ancillary bodies, hospitals and health districts;
- (f) Reorganization of the institution to weed out bureaucracy and turn the Ministry into a flexible, efficient, results-oriented body bringing satisfaction to its internal and external users;

(g) Promotion of local health boards, conduct of trials to demonstrate how the Decentralized Universal Health Assurance Systems should be organized and operate.

Situation of vulnerable groups

458. Ecuador is a developing country with unresolved structural problems, one of the most serious being the low incomes which prevent most of the population from having access to basic services - health care among them - so as to maintain a merely acceptable standard of living.

459. Health, which is a basic human right, has become a privilege for the minority in Ecuador who can gain access to private health services.

460. People with scarce resources do not gain access to public health services because when they go to public institutions in search of medical care they find that the medical units do not have the wherewithal to give users the care they require, or are closed as a result of the frequent stoppages and labour conflicts staged by health workers; what is more, the high cost of medical supplies confronts them with the choice of getting cured, getting half-cured or not getting cured at all.

461. The health services are not equitable, and this has become a worrying social problem notwithstanding the fact that the current Constitution guarantees health for all citizens and governments proclaim their resolve to make health a priority.

462. It is also clear that, owing to industrial development and the lack of awareness of environmental conservation, environmental controls have been neglected and as a result diseases associated with manufacturing in the vicinity and the slow poisoning of foodstuffs and water sources are emerging. Primary services are beginning to feel the effects of the shortage of resources as they try to maintain former coverage, and there is a patent deterioration in care due to a lack of basic inputs and to poorly paid, unmotivated staff.

The elderly

463. Ecuador's Constitution, which shapes the legal order in the country, stipulates a form of government in accordance with the will and needs of the peoples and offers kinds of protection that translate into rights and safeguards for all Ecuadorians without distinction as to biological age. The Elderly Persons Act, a law issued by means of decree No. 130 of 17 October 1991 which was published in the Official Gazette No. 806 dated 6 November 1991, is a permanent, binding piece of legislation dealing with a topic of particular interest which provides for the economic, social and legal interests of all aged over 65 and calls for them to be given full medical assistance.

464. Article 3 of the Act authorizes institutions affording protection and care to the elderly to import medical supplies duty- and tax-free with the prior agreement of the Ministry of Social Welfare. The elderly are severely affected by the economic and social crisis, facing a range of

problems to do with abandonment and neglect. Ecuador does have laws specifically to benefit the elderly, but the actual circumstances the poverty-stricken elderly face in practice are different. The elderly are one of the most vulnerable and least well-protected social groups; their incomes consist of vouchers and food allowances which do not afford them an appropriate standard of living or help them to improve their living conditions.

Primary health care

465. Under this heading, account is taken of the importance of action in different social and economic sectors to create conditions favourable to life and health which can be encouraged and carried out by the health sector with backing from other State sectors, communities and international cooperation, establishing joint financing mechanisms with the various social and economic sectors to supplement and optimize efforts and resources for improving living and health conditions for the general public.

466. The Ministry of Public Health has the following policies for this area:

(a) Following a strategy of health promotion and information, education, communication and social mobilization campaigns for health to foster healthy habits, deter harmful behaviour, and encourage people to look after themselves and accept joint responsibility for family and community health care;

(b) Promoting, preserving and extending healthy conditions in the physical, work and social environment by issuing standards for the rational exploitation of natural resources (without affecting the environment or humans). Special attention is to be paid to the provision of safe water and other basic sanitation infrastructure in urban and rural areas where sanitation is lacking;

(c) Moving to combat child malnutrition, including the promotion of breastfeeding, and pursuing a strategy of food security for the entire population, with guaranteed access for groups at high biological or social risk;

(d) Encouraging public involvement in health and civic control at the local level so that people can exercise their rights to information and to seek and obtain proper care;

(e) Preventing, controlling and monitoring biological, work and psychosocial hazards and diseases affecting the health of specific population groups;

(f) Carrying out the current national population plan, including the parts concerned with sexual and reproductive health and family planning;

(g) Regulating the prices and quality of medicinal supplies, inputs and medical equipment and other health-related technology;

(h) Formulating and articulating healthy policies to promote health in the community.⁶⁴

467. All of the above is based on the premise that public health requires decentralized, stratified analyses to guide different courses of action for different population groups, not merely on the basis of the traditional biological categories of age and sex but also using social categories with a greater explanatory ability, defined in terms of living conditions among the various population groups.⁶⁵ This has been the process most relevant to the management of the Ministry of Public Health over the past 15 years, and has enabled health care to be organized along geographical lines in "health districts" in a development made possible by the Social Development, Health and Nutrition Project (FASBASE) that the Ministry has been running since 1992. The process, which has largely tended to be a devolutionary exercise limited to Ministry health units, has without question demonstrated the advantages of local participatory involvement as a means of bringing about greater fairness and efficiency in the use of scarce resources. Nonetheless, the prospects opened up by the new Decentralization and Social Participation Act and constitutional requirements have speeded up moves to decentralize the management of services, relying on municipalities - many of which are able, acting alone or in concert, to participate in activities promoting health care for their constituents - to take the lead through agreements on the transfer of responsibilities and powers from the central Government subject to the guidance provided within the sector by the Ministry of Public Health. Besides, the Ministry's new project to modernize health services (MODERSA), which is being financed by the World Bank, is designed to create a decentralized system offering universal coverage with backing from the various institutions active in the health sector, by setting up multiple care networks and adapting local management and financing systems in which the municipality will have an important role to play by making health part of its local development plans.

468. In short, the devolution and decentralization of health care is a key point in the reform of the health sector. As it progresses it will enable new management models to be developed so as to increase services' carrying capacity and meet the public's priority demands, constructing a solid, dynamic and flexible National Health System on the foundations of the cantonal and provincial systems now being set up across the country.⁶⁶

Education and health

469. Health programmes cover health promotion and protection, disease prevention, therapy and rehabilitation.

470. Health promotion and protection activities (like the health services' management of them) are rooted in active encouragement of civic involvement, which may be secured through representative national, provincial and local committees and bodies. The establishment of such committees and bodies will be stepped up. Action to promote healthy schools, colleges and municipalities, among other settings, and to foster a civic culture that favours health, will be supported with sectoral intervention.

471. There are also information, education and communication activities designed to encourage the adoption of healthy lifestyles and behaviour (appropriate nutrition and hygienic practices, for example) and the avoidance of harmful conduct and habits (smoking and a sedentary lifestyle, for instance).

472. A number of programmes have been launched:

(a) The Food and Nutrition Programme (PANN 2000) consists of additional food for the under-twos (malnourished or at risk of malnutrition) and pregnant women at risk;

(b) The strengthening of the Food and Nutrition Surveillance System (SISVAN) through automation and logistical support to improve activity monitoring and evaluation;

(c) The Supplementary Food Programme, providing food rations nationwide for children suffering from moderate or grave malnutrition and for underweight pregnant women. It is planned to increase coverage steadily as part of an inter-institutional undertaking (Operation Child Rescue, National Child and Family Institute (INNFA), Ministry of Education, CARE);

(d) The Integrated Trace Element Programme, which consists in providing supplements of trace elements, iron and vitamin A to pregnant women and children under the age of one. It extends nationwide and is carried out by all operational units in the country, with backing from the Ministry of Public Health and international cooperation. Besides this, basic foodstuffs and flour are enriched with iron, folic acid, B-complex vitamins and niacin, and fluoridized and iodized salt.

(e) The Food Education Programme. All the above programmes have a nutritional information, education and communication component designed to encourage better use of locally available food and the adoption of practices making for appropriate feeding and nutrition, and at the same time to stamp out harmful behaviour, developing and applying tools such as nutritional guides based on different foods, radio programmes for female audiences, "best buys" and innovative educational techniques such as nutritional counselling;

(f) The Child Care Programme. Comprehensive care for prevalent childhood diseases. Monitoring of child growth and development, for the timely identification of undernourished children and children at risk of malnutrition, or with psychomotor development difficulties;

(g) Prevention and control of common diseases, especially respiratory and intestinal complaints;

(h) Expanded Immunization Programme. Maintenance of worthwhile levels of coverage with existing vaccines and progressive introduction of new ones against diseases such as German measles, mumps, hepatitis B and meningitis; vaccination boosters for women of childbearing age and against yellow fever in danger zones;

(i) The School Care Programme, which seeks to conduct activities by means of periodic visits to school institutions, including visits by mobile units in coordination with the Ministry of Education;

(j) Preventive and therapeutic checks, care for eyesight and hearing problems. Oral health care with educational components, administration of fluorine and preventive and therapeutic checks;

(k) Mental health, early diagnosis and treatment of learning difficulties;

(l) Eradication of internal parasites.

Sexual and reproductive health programmes

473. Healthy motherhood. Pre- and post-natal care, making for improved coverage and concentration. Nutritional education during pregnancy and promotion of breastfeeding. Encouragement of childbirth at appropriate facilities, with special priority for women living in rural areas, to ensure early detection of risks and timely transport to suitably staffed services offering surgical obstetric care and rapid access to blood banks.

474. These programmes also include such aspects as accommodation for mothers at health services, implementation of the Free Maternity Act, action to prevent and deal with violence in the home, family planning (taking a comprehensive approach including activities targeting the couple so as to encourage properly informed decisions), prevention and control of sexually transmitted diseases, emphasizing HIV/AIDS prevention in educational matters, and the prevention and control of uterine, breast and prostate cancer, promoting active institutional links with the Ecuador Cancer Society (SOLCA) and its services.

475. Comprehensive care programme for teenagers: preventing and coping with early pregnancy, prevention and treatment of sexually transmitted diseases, and prevention of drug addiction, alcoholism and smoking.

476. Programme to deal with prevalent transmissible diseases. Prevention and control of malaria and other vector-borne diseases, tuberculosis, rabies and other diseases of national epidemiological significance.

477. Programme to deal with prevalent non-transmissible diseases. Prevention and control of high blood pressure, cardiac and cerebrovascular diseases, cancer, diabetes, traffic accidents, violence, and mental illnesses of national epidemiological significance.

478. Care for the disabled and seniors. Provision of alternative forms of comprehensive care for seniors, including preventive health care and encouraging them to live productive lives; also, in coordination with the National Council for the Disabled, identifying and accrediting disabled individuals so that they can qualify for entitlements.⁶⁷

International aid

479. The programmes currently being run by the Ministry of Public Health are partly financed by international aid agencies.

480. The Ministry receives backing from United Nations agencies, UNDP, PAHO/WHO, UNICEF, WFP, FAO etc., for specific areas in each case: UNICEF in particular has carried out programmes designed to improve care for mothers and children above all. There are projects in coordination with other development programmes in pursuit of specific objectives, such as aid from Canada, which donates food for “suetizing” (selling to raise local currency) and uses the proceeds to finance a tuberculosis control programme. France has ventured into the aid domain to develop health districts.

Article 13

Right to education

481. Article 23 of the Constitution relating to civil rights provides for the right to a quality of life ensuring health, food and nutrition, drinking water, sanitation, education, work, employment, leisure, housing, clothing and other necessary services.

482. In addition, article 66 of the Constitution states that education is a right which cannot be waived and a priority area of public investment as a requirement for national development and a guarantee of social equity: “Education, which is based on ethical, pluralist, democratic, humanist and scientific principles, shall promote respect for human rights, develop critical thinking and encourage civic-mindedness; provide skills to ensure efficient labour and production; stimulate the creativity, the full development of the personality and the special abilities of every person; and foster multiculturalism, solidarity and peace.”⁶⁸

483. Article 67 of the Constitution states that “Public education shall be secular at all levels; compulsory up to primary level and free of charge up to the baccalaureate or equivalent. Public schools shall provide social services free of charge to anyone in need of them. Students living in extreme poverty shall receive specific subsidies.”

484. Since 1996, the country has been implementing the Primary Education Curriculum Reform, which is compulsory for 10 years. The aim is that it should be universally applicable by 2003. With a view to its implementation, considerable financial resources from international loans have been invested in the training of human resources, dissemination, infrastructure, equipment, etc.

Secondary education

485. The Education Act provides that the State will formulate ongoing education plans and programmes to eradicate illiteracy and give priority to the strengthening of education in rural and border areas and that it will guarantee private education.

486. Article 67 of the Constitution states that education is free of charge, but, in fact, this provision has not been implemented because secondary education in the country is not entirely free of charge. The Government covers most of the public school budget, but there is a voluntary contribution made by parents through parents' committees, which carry out self-management activities to cover such institutional needs as infrastructure, maintenance and the hiring of special teachers.

487. The Havana Declaration (UNESCO Regional Conference on Policies and Strategies for the Transformation of Higher Education in Latin America and the Caribbean, held in November 1996) states that: "Education, in general, and higher education, in particular, are essential instruments for facing up with success to the challenges posed by the modern world and for educating citizens that can thus build a more open and fair society. It will be a society based on solidarity, respect for human rights and the shared use of knowledge and information. At the same time, higher education is an unavoidable element for social development, production, economic growth, strengthening the cultural identity, maintaining social coherence, continuing the struggle against poverty and the promotion of the culture of peace."

488. Article 38, chapter IV (Students), of the Universities and Polytechnic Schools Act reads: "A baccalaureate degree is required for acceptance as a student in a university or polytechnic school. Each university and polytechnic school shall determine its admissions procedure, bearing in mind the students' specialization, their needs in terms of meeting the required standards, the organization and distribution of academic resources and the country's vocational training requirements."

489. The established higher education policy of the National University and Polytechnic School Council is to give full effect to article 26 of the Universal Declaration of Human Rights, which provides that "higher education shall be equally accessible to all on the basis of merit". This explains why the rules now applied by universities and polytechnic schools for access by students are without prejudice to their right to be admitted to institutions of higher education if they pass the placement tests and meet the established requirements.

490. The costs of higher education in public establishments are determined by the National University and Polytechnic School Council. University and polytechnic fees for the period 1999-2000 are thus as follows:

State Universities

Central University of Ecuador (1999-2001)

Minimum living wage = US\$ 100

Enrolment

Costs depend on the type of school in question:

	Multiple of minimum living wage	Sucres
State-funded schools	2	200 000
Private schools	4	400 000
Foreign graduates	6	600 000

Registration

State-funded schools	1.5	150 000
Private school A	3	300 000
Private school B	5	500 000
Private school C	10	1 000 000
Foreign graduates	5	500 000
Foreigners	25	2 500 000

Room and board

No charges are made for room and board in any faculty.

National polytechnic school (1999)

Fees are based on:

- Family income;
- Electricity consumption;
- School from which student comes;
- Ten categories are used to determine the cost of enrolment.

Coast higher polytechnic school (1999)

Entrance

Students wishing to enter the School have to pay a student services fee for the “pre-Polytechnic” course (initial foundation course) equivalent to half the minimum living wage.

Entrance examination fee

All Ecuadorian and foreign students have to pay 1 minimum living wage unit for the entrance examination, plus administrative costs.

Fees for enrolment in the pre-polytechnic course

All Ecuadorian and foreign students (with resident visas) have to pay.

State-funded and municipal schools pay :	624,000 sucres.
Private schools, nationals and foreigners with resident visas:	7.5 times the official fee for room and board (not more than 3,900,000 sucres and not less than 1,092,000 sucres).
Students with scholarships, resident visas, nationals or foreigners, pay:	624,000 sucres.
Students without resident visas pay:	3,900,000 sucres.
Ecuadorian students who graduated abroad pay:	3,000,000 sucres.
Pre-polytechnic students who fail to pass one of the three or more subjects necessary to earn a degree:	receive a 40 per cent discount on fees.
Students who are siblings:	receive a 25 per cent discount.
An outstanding student from a private or State-funded school:	do not pay enrolment fees, but only administrative fees.
Non-registered students:	pay the same fees as students from State-funded schools.

Registration fees

	Sucres
National and resident foreign students	290 000
National professional and graduate students	1 000 000
Foreign students without resident visas	1 300 000
Registration fees per academic term	300 000

Self-financed subjects

Fees indicated in each unit

National students not enrolled for credit	800 000
Foreign students not enrolled for credit	1 500 000

Payment for room and board is determined according to the ranking of private and State-funded schools.

By sectors: social, grass roots, intermediate, high and exclusive, housing density table, electric power consumption.

Academic factor, for the benefit of students with advanced levels of training.

	Sucres
Fees for registration or class attendance certificate	10 000
Degree certification fee	100 000
Socio-economic factor verification fee	70 000
Fee for change of course of study	200 000
Fee for confirmation of subject	50 000
Confirmation of subject, to continue studies	600 000
Duplication of student record book	45 000
Other certifications	10 000

There are other fees for semester-based studies

Other charges and fees

Private universities which receive state subsidies

Santiago de Guayaquil Catholic University (1999-2000)

The university charges fees according to students' socio-economic status, based on the following seven scales:

	Sucres
1.	116 265
2.	200 000
3.	346 027
4.	519 041
5.	692 055
6.	897 199
7.	1 147 516

Vicente Rocafuerte de Guayaquil Secular University

	Sucres
Ordinary enrolment	200 000
Special enrolment	300 000
Second enrolment	400 000
Third enrolment	600 000
Enrolment for foreigners (initial)	3 000 000
Enrolment for foreigners (university alumni)	600 000
Other types of enrolment, with the authorization of the Rector's Office	600 000

Monthly fees for room and board

First year to sixth year	300 000
Final examination fees	150 000
Final examination fees (postponed and suspended)	25 000
Partial or late examination fee	25 000
Additional examination fee	25 000
Replacement examination fee	50 000
Certification or copy fee	10 000
Promotion fee	10 000

Private universities which do not receive State subsidies

SEK Private University (1999)

Registration	380 000 sucres
Enrolment	
New students	2 000 000 sucres
Returning students	1 250 000 sucres
Academic fee	15 000 000 sucres

International University of Ecuador (1999)

	Sucres
Annual registration	700 000
Annual enrolment	1 900 000
Annual fees	13 300 000
Total cost per year	15 900 000

491. The establishment of State-funded schools at all levels and the number of teaching posts created show that free education is gradually being introduced.

**Members of schools, teachers and students,
1970-1998**

Years	Schools	Teachers	Students
1970-1972	8 687	47 741	1 246 965
1979-1980	12 916	72 704	2 005 927
1985-1986	17 454	103 572	2 533 287
1989-1990	19 684	125 066	2 749 432
1990-1991	19 887	127 466	2 747 206
1991-1992	21 133	131 040	2 834 590
1992-1993	20 728	131 872	2 800 524
1993-1994	22 753	130 177	2 655 621
1994-1995	23 334	139 827	2 713 457
1995-1996	23 322	146 392	2 753 485
1996-1997	24 171	156 163	2 886 279
1997-1998	24 827	162 273	2 952 503

Source: Poverty and Human Capital in Ecuador, SIISE, 1997.

System of basic education

492. There is a single national educational system consisting of two subsystems:
- (a) School-based: Spanish-speaking and indigenous;
 - (b) Distance learning: Spanish-speaking and indigenous.
493. The first subsystem consists of education imparted in establishments specified by law and in general and special regulations:
- (a) Regular education: Spanish-speaking and indigenous;
 - (b) Compensatory education: Spanish-speaking and indigenous;
 - (c) Special education: Spanish-speaking and indigenous.
494. Special arrangements may be made in schools for Spanish-speaking and indigenous persons. The main purpose of compensatory education is to re-establish equality of opportunity for persons who were not enrolled in or did not complete regular education, thereby enabling them to do so at any time in their lives, according to their needs and aspirations.
495. Compensatory education consists of:
- (a) Basic popular education:
 - (i) Literacy;
 - (ii) Post-literacy;
 - (iii) Basic cycle;
 - (b) Diversified popular education;
 - (c) Vocational handicraft training;
 - (d) Educational production units may be set up as part of continuing popular education, which will be governed by regulations adopted by the Ministry of Education and Culture for this purpose.
496. In the past, such activities have included:
- (a) The UNP National Literacy Campaign, 1944 to 1963;
 - (b) The Ministry of Education National Literacy Campaign, 1963 to 1972;

- (c) The Ministry of Education-UNESCO-UNDP Pilot Literacy Project, 1967 to 1972;
- (d) The National Literacy Programme, (Ministry of Education, Department of Adult and Literacy Education), 1972 to 1979;
- (e) National Literacy Programme (JRA-Ministry of Education-National Literacy Office), 1980 to 1984;
- (f) The Compensatory Education Programme (National Compensatory and Out-Of-School Education Department), 1984 to 1988;
- (g) National Literacy Campaign, Leonidas Proaño, 1989;
- (h) Adapted programme, "Ecuador is studying", 1990;
- (i) "A New Cultural Direction", 1996.

497. Special arrangements have been adopted in each of these programmes and projects, as when secondary students took part directly in literacy campaigns.

Main problems

498. Although the Constitution provides that no less than 30 per cent of the general budget of the State should be set aside for education, this has not been possible in practice because education has been affected by national economic problems and depends on government policy.

499. Another factor to be taken into account is that, in recent years, the country has been going through a major economic crisis and, as a result, the budget allocation for education has not only not been increased, but has declined.

500. An Education Act is necessary and is in the process of being drafted to deal with the social changes and transformations the country is undergoing and to promote administrative and financial decentralization, the participation of society, full accounting and the improvement of educational quality.

Levels of education, statistics

501. The illiterate population is composed of persons who cannot read or write.

502. Although literacy programmes and educational campaigns intended primarily for adults have been implemented in recent years, there are still high levels of illiteracy in the country, especially among persons aged 15 years and above. From 1994 to 1998, however, there was a steady decline in illiteracy throughout the country. In 1999, higher illiteracy rates than the national average were recorded, especially in rural areas.⁶⁹

503. The main causes of illiteracy include the following: the effects of the economic crisis, which have prevented the necessary resources from being used to meet this need; the fact that educational centres are far away and basic educational infrastructure is lacking, especially in rural areas; and the increased integration of the population into the labour market.⁷⁰

Illiterate population by area and age group

National level (percentage)

Age groups	1994	1995	1998	1999
National				
Age 10 and over	9.9	9.5	9.9	9.9
Age 15 and over	11.2	10.5	10.2	11.0
Urban				
Age 10 and over	4.9	5.4	4.6	5.3
Age 15 and over	5.4	6.0	5.0	5.7
Rural				
Age 10 and over	16.8	15.9	15.5	16.8
Age 15 and over	19.3	17.9	17.9	19.2

Source: INEC, Survey of Living Conditions, 1994-1999.

Enrolment in regular education at the three educational levels by area, school years and sex

School years	Sex	Pre-primary			Primary			Basic cycle		
		Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total
1993-1994	Male	50 854	11 222	62 076	502 901	389 981	892 882	187 190	36 075	223 265
	Female	51 079	11 281	62 360	493 007	365 234	858 241	181 105	26 288	207 393
	Total	101 933	22 503	124 436	995 908	755 215	1 751 123	368 295	62 363	430 658
1994-1995	Male	55 843	12 866	68 709	511 215	395 072	906 287	197 938	38 028	235 966
	Female	54 711	12 738	67 449	502 039	368 978	871 017	188 973	27 306	216 279
	Total	110 554	25 604	136 158	1 013 254	764 050	1 777 304	386 911	65 334	452 245
1995-1996	Male	58 357	14 583	72 940	524 840	399 714	924 554	194 060	41 231	235 291
	Female	58 620	14 298	72 918	515 048	372 653	887 701	192 392	29 832	222 224
	Total	116 977	28 881	145 858	1 039 888	772 367	1 812 255	386 452	71 063	457 515
1996-1997	Male	63 037	15 455	78 492	548 810	414 801	963 611	211 472	44 608	256 080
	Female	63 305	14 975	78 280	537 425	387 136	924 561	211 151	32 071	243 222
	Total	126 342	30 430	156 772	1 086 235	801 937	1 888 172	422 623	76 679	499 302
1997-1998	Male	66 920	17 007	83 927	553 101	406 000	959 101	208 797	46 696	255 493
	Female	67 354	16 847	84 201	544 943	378 901	923 844	209 329	34 020	243 349
	Total	134 274	33 854	168 128	1 098 044	784 901	1 882 945	418 126	80 716	498 842

Source: Ecuadorian National System of Educational Statistics.

Preparation: Ministry of Education and Culture Statistical Team.

**Pre-primary regular education students promoted
by area, school years and sex**

School years	Pre-primary						
	Sex	Net urban enrolment	Promoted (urban)*	Percentage	Net rural enrolment	Promoted (rural)*	Percentage
1993-1994	Male	50 854	48 366	95.11	11 222	10 562	94.12
	Female	51 079	48 681	95.31	11 281	10 637	94.29
	Total	101 933	97 047	95.21	22 503	21 199	94.21
1994-1995	Male	55 843	53 487	95.78	12 866	12 259	95.28
	Female	54 711	52 348	95.68	12 738	12 183	95.64
	Total	110 554	105 835	95.73	25 604	24 442	95.46
1995-1996	Male	58 357	55 840	95.69	14 583	13 380	91.75
	Female	58 620	56 163	95.81	14 298	13 634	95.36
	Total	116 977	112 003	95.75	28 881	27 014	93.51
1996-1997	Male	63 037	60 484	95.95	15 455	14 718	95.23
	Female	63 305	60 817	96.07	14 975	14 291	95.43
	Total	126 342	121 301	96.01	30 430	29 009	95.33
1997-1998	Male	66 920	64 428	96.28	17 007	16 252	95.56
	Female	67 354	64 927	96.40	16 847	16 203	96.18
	Total	134 274	129 355	96.34	33 854	32 455	95.87

* Pre-primary students promoted (since non-promotion does not exist at this level, the number of dropouts is subtracted from total enrolment).

Preparation: Ministry of Education and Culture Statistical Team.

**Primary regular education students promoted
by area, school years and sex**

School years	Primary						
	Sex	Net urban enrolment	Promoted (urban)*	Percentage	Net rural enrolment	Promoted (rural)*	Percentage
1993-994	Male	502 901	72 176	14.35	389 981	45 963	11.79
	Female	493 007	72 455	14.70	365 234	44 024	12.05
	Total	995 908	144 631	14.52	755 215	89 987	11.92
1994-1995	Male	511 215	71 582	14.00	395 072	46 671	11.81
	Female	502 039	72 581	14.46	368 978	44 127	11.96
	Total	1 013 254	144 163	14.23	764 050	90 798	11.88
1995-1996	Male	524 840	72 938	13.90	399 714	46 594	11.66
	Female	515 048	73 347	14.24	372 653	44 067	11.83
	Total	1 039 888	146 285	14.07	772 367	90 661	11.74
1996-1997	Male	548 810	76 832	14.00	414 801	49 240	11.87
	Female	537 425	77 149	14.36	387 136	46 047	11.89
	Total	1 086 235	153 981	14.18	801 937	95 287	11.88
1997-1998	Male	553 101	77 703	14.05	406 000	48 973	12.06
	Female	544 943	79 208	14.54	378 901	46 495	12.27
	Total	1 098 044	156 911	14.29	784 901	95 468	12.16

Source: Ecuadorian National System of Educational Statistics.

Preparation: Ministry of Education and Culture Statistical Team.

* Sixth-grade students promoted.

**Basic cycle regular education students promoted
by area, school years and sex**

School years	Basic cycle						
	Sex	Net urban enrolment	Promoted (urban)*	Percentage	Net rural enrolment	Promoted (rural)*	Percentage
1993-1994	Male	187 190	43 291	23.13	36 075	8 033	22.27
	Female	181 105	47 201	26.06	26 288	6 411	24.39
	Total	368 295	90 492	24.57	62 363	14 444	23.16
1994-1995	Male	197 938	45 997	23.24	38 028	8 647	22.74
	Female	188 973	49 644	26.27	27 306	6 678	24.46
	Total	386 911	95 641	24.72	65 334	15 325	23.46
1995-1996	Male	194 060	47 232	24.34	41 231	9 217	22.35
	Female	192 392	51 711	26.88	29 832	7 311	24.51
	Total	386 452	98 943	25.60	71 063	16 528	23.26
1996-1997	Male	211 472	52 502	24.83	44 608	10 293	23.07
	Female	211 151	58 034	27.48	32 071	7 949	24.79
	Total	422 623	110 536	26.15	76 679	18 242	23.79
1997-1998	Male	208 797		0.00	46 696		0.00
	Female	209 329		0.00	34 020		0.00
	Total	418 126		0.00	80 716		0.00

Source: Ecuadorian National System of Educational Statistics.

Preparation: Ministry of Education and Culture Statistical Team.

* Third-level basic cycle students promoted.

**Education expenditure 1990-1998
(in thousands of millions of sucres and millions of US dollars
and as a percentage of GDP)**

Sector education	1990	1991	1992	1993	1994	1995	1996*	1997*	1998*
Sucres	223.6	357.2	605.1	797.2	1 018.6	1 434.5	1 933.9	2 256.6	3 369.3
Dollars	269.9	322.8	378.6	415.3	463.6	559.2	606.2	564.3	618.6
Percentage of GDP	2.73	2.91	3.12	2.90	2.79	3.12	3.18	2.85	3.14
Percentage of total expenditure	18.52	21.74	23.75	21.18	18.41	16.97	23.47	22.84	16.33

Source: Ministry of Finance and Public Credit.

Preparation: Technical Department.

* Provisional data.

504. Taking the resources earmarked in the general budget for the education sector in the last decade as the central Government's education expenditure, the amounts earmarked have maintained their share of GDP and of the general State budget, thus reflecting the sustained relative priority of this expenditure as compared to the other expenditures made throughout the period. It may also be seen that, in 1998, as compared with the previous year, this expenditure increased, in absolute terms, by \$54.3 million.

505. Salaries account for 95 per cent of the education budget and investment for less than 5 per cent. Seventy-eight per cent of general education enrolment falls in on the public sector. During the period prior to the Curriculum Reform,⁷¹ investment per student was lower at the primary level than at the other levels.

506. Looking in detail at the government sectors which reduced their level of expenditure in the last two years, it may be noted that social spending is the most sensitive area, despite the obvious drop in the level of participation in literacy programmes, which stood at 8.2 per cent in 2001.⁷²

507. Men and women enjoy equal access to literacy programmes, but, for socio-economic and cultural reasons, women are cut off from education and women's illiteracy rates are therefore higher than those of men - and higher still in rural areas.

Illiteracy rates by age group and area (percentage)

Age groups	Urban areas		Rural areas		National total	
	Women	Men	Women	Men	Women	Men
15 to 24	1.9	1.5	4.7	4.5	3.0	2.7
25 to 39	2.5	1.9	13.3	6.9	6.2	3.8
40 to 64	10.1	5.0	32.5	23.4	19.4	13.1
65 and over	29.7	16.1	56.1	42.0	42.7	30.3
Total	6.3	3.6	21.1	14.8	12.1	8.3

Source: INEC, Survey of Living Conditions-Round III, 1998.

508. Women's participation in literacy programmes is close to that of men. In urban areas, it is about 0.9 per cent higher, but, in rural areas, the rate for men is higher and more significant.

Average duration of school attendance (years)

Area	Women	Men
Urban	8.6	9.1
Rural	4.1	4.7
National total	7.0	7.4

Source: INEC, Survey of Living Conditions, 1995, SIISE-SIMUJERES.

Education for ethnic minorities

509. According to the Constitution, all Ecuadorians enjoy free access to all levels of education, but, because of geographical, socio-economic and cultural factors, they do not all benefit from education.

510. The National Department for Continuing Popular Education has taken these factors into account and offers curricula and specific projects for the various population groups in the country which guarantee respect for social and cultural diversity.

511. The existence of educational demand in the distance learning subsystem and of programmes and projects offering a variety of responses to their demand shows that the benefits of this service are widely enjoyed.

512. Young people from the indigenous population are slowly becoming part of the national education system. Financial, technical, material and infrastructural limitations are decisive factors for their inclusion in the educational process.

513. The State's lack of interest in indigenous education is reflected in the high dropout and repetition rate. Studies carried out during the 1997 and 1998 academic years show that, in grades 7, 8 and 9, 2 per cent repeat a grade and 26.6 per cent drop out.

514. In the second year of basic education, the dropout rate gives greater cause for concern because it is as high as 33.5 per cent.

515. Of all the students who have completed the first six years of school, only 40 per cent continue and 60 per cent seek work in the countryside or the cities. As students gradually move up in basic education and baccalaureate studies, the dropout rate becomes alarming and only between 10 and 13 per cent go on to obtain a baccalaureate certificate.

516. With regard to the disabled population as a proportion of the total population of Ecuador, only 4 per cent of the 13 per cent (1,600,000) persons with some kind of disability have access to special education and 37.9 per cent have not completed any kind of schooling. A comparison of general illiteracy rates (9.8 per cent) shows that this population group is severely disadvantaged and limited in its access to basic education. It has a higher rate of illiteracy, which is even higher in rural areas.

517. Considering that 50.9 per cent of the general population has completed primary school (seventh year of basic education) and that 62.1 per cent of disabled persons have not reached this level of instruction, it is obvious that they are disadvantaged. Approximately 10.5 per cent of disabled persons complete secondary school (baccalaureate), as compared with 25.9 per cent of the general population. Barely 23.8 per cent of the disabled population attends some kind of educational establishment, while 76.2 per cent does not.

518. Ordinary schools have offered their services to 58.8 per cent of disabled persons at the national level. There are other establishments and centres which have educated the remaining 34.6 per cent, particularly in the Coastal region.

519. Although they are apparently integrated into regular education, 6.1 per cent of children with special educational needs do not receive any support.

520. The National Special Education Division, which is self managed, has been carrying out activities on behalf of students with special educational needs. At present, there are 97 State funded and private special education establishments at the national level which have 1,379 teachers who work with 4,140 mentally retarded students; 1,185 with hearing impairments; 330 with visual handicaps; 462 with cerebral palsy; and 26 with motor difficulties, i.e. a total of 6,143 students.

Equality in education

521. The measures adopted in order to guarantee equality of access to all levels of education in Ecuador have depended largely on the policies adopted by the different governments, but, basically, the following have been implemented at the primary level:

- (a) Curriculum reform;
- (b) School kits;
- (c) School snacks;
- (d) School meals;
- (e) School vouchers.

522. The complex problem of education has been dealt with in Ecuador by means of a set of detailed draft reforms, the most recent of which was adopted by the National Education Council as the "Consensus Proposal on Curriculum Reform for Basic Education", which has been in force since February 1996.

523. The reform and the change of curriculum are intended to implement the current proposal in order to move towards effective curriculum reform, i.e. reform which takes place in the classroom, on the initiative of the teacher, and which involves textbooks, educational material, infrastructure, study time, management methods and the participation of parents and the community. This approach should be the key to efforts to institutionalize high-quality ongoing educational reform which reflects the country's socio-cultural and economic diversity. Educational offerings must meet the needs and interests of students and their communities through ethical, scientific and cultural training to back up general training for work and sustainable development, with priority attention being given to disadvantaged rural and urban areas.⁷³

524. School kits will be distributed free of charge to all children in State-funded and jointly State-and-church-funded pre-primary and primary schools throughout the country, except those covered by the Basic Education/Development, Effectiveness and Quality Project and the Programme for Social and Labour Training in Rural Areas:

- (a) Basic first (formerly kindergarten) - workbooks;

(b) Basic second (formerly first grade) - workbooks and school kits containing notebooks, coloured pens, rulers and personal hygiene items;

(c) Basic third (formerly second grade) - school kits;

(d) According to the number of students enrolled in basic fourth and fifth (formerly third and fourth grades) - schools will receive readers that will become part of school property.

525. Efforts are now being made to provide school lunches and scholarships, which would take the form of vouchers to be given to poor families so that their children might attend school. This incentive is designed to give effect to the right to education of even the most deprived, by encouraging families to send their children to school.

526. The Programme for Friendly Quality Networks in Rural Education was being implemented by the Ministry of Education during the period from 1999 to 2002.

527. The measures adopted have not had the expected results because, although they are designed to help children who are enrolled during the school year, they are not enough to ensure that all children may exercise their right to education owing to the serious crisis which is now affecting poor families and which is forcing the most vulnerable sectors to seek new survival strategies, one of which is to have their children leave school to help bring in some kind of income in order to meet their most basic needs, such as health and food. Growing numbers of children are dropping their studies and joining the informal labour market, with irreversible and irreparable consequences.

528. In order to solve this problem, the Social Protection Programme created school vouchers, a grant paid to families who allow their children to go to school. The money is handed over directly to parents who no longer have an income as a result of the crisis and helps compensate for the loss. The grants amount to between \$12 and \$15 for families who sign up for them in rural parishes.

Bilingual education

529. Indigenous education started to be talked about in Ecuador in the mid-twentieth century, which is when major changes in education took place for the indigenous community. From colonial times until well into the twentieth century, there had not been the slightest change in indigenous education because, as is well known, Indians were not only denied their rights, but were also placed in the most degrading and inhuman situations.⁷⁴

530. A proposal for the establishment by the Government of the National Intercultural Bilingual Education Department (DINEIB) was made in November 1988 with the participation of the organizations belonging to the Confederation of Indigenous Nationalities of Ecuador. The State then took over the education of this group by adopting the intercultural bilingual proposal. In 1989, a scientific cooperation agreement was signed by the Ministry of Education and the Confederation. The specific purpose of the agreement is to conduct linguistic and pedagogical research, prepare literacy and post-literacy teaching materials and gradually train participating staff in Quechua, Awa, Chachi, Tsachi and the country's other languages.⁷⁵

**Intercultural bilingual education
(1989-1990-1997-1998 school years)**

	1989-1990	1994-1995	1996-1997	1997-1998
Pre-primary level schools	27	37		
Teachers	27	41		
Students enrolled	525	798		
Primary level schools	899	1 635	1 697	1 730
Teachers	2 157	3 602	4 117	4 231
Students enrolled	38 722	74 094	80 067	
Students promoted	34 525	62 479	67 092	
Students not promoted	2 525	6 106	6 545	
Dropouts	1 672	5 509	6 430	
Intermediate level schools	22	63	101	103
Teachers	416	915	1 060	1 176
Students enrolled	2 158	6 580	7 968	9 272
Students promoted	1 678	5 488	6 524	
Students not promoted	192	446	833	
Dropouts	288	646	611	
Post-baccalaureate teaching institutions schools	3	5	7	8
Teachers	94	153	210	220
Students enrolled	290	598	716	
Students promoted	286	573	543	
Students not promoted	4	22	102	
Dropouts	0	3	71	

Source: *Intercultural Bilingual Education Statistical Yearbook.*

Teachers' conditions

531. The salaries of teaching staff (teachers) are determined and governed by the National Teaching Profession and Salary Scale Act, and those of administrative and service staff by the Civil Service and Public Administration Act. Special regimes govern the salary scales of autonomous and ministerial bodies. The salary scales of teaching staff have been increasing as a result of the Act.

532. The National Teaching Profession and Salary Scale Act and Regulations are intended to protect members of the teaching profession and to govern salary policies for education professionals and are amended on the basis of teachers' requirements and the Government's budget. There is also a specific act that protects the salaries and bonuses of teachers in the province of Galápagos.

533. Pay rises for civil servants do not always match those of teachers. It must nevertheless be pointed out that teachers' salaries are low and it is therefore common knowledge that teachers hold strikes every year to have their salaries increased and paid on time.

534. As a result of problems in the State-funded education sector in recent years, there has been an increase in the number of private educational establishments. It may therefore be stated that there is no restriction on the establishment of new schools.

535. There has been no action affecting the right of Ecuadorians to education free of charge. Rather, efforts are being made to ensure that quality education is provided to meet major social needs.

International aid

536. So far, the development and strengthening of intercultural bilingual education has been made possible as a result of the key contributions of international organizations such as UNICEF and of the EBI-GTZ-HANS SEIDEL project, the IBIS-CONAIE-DENMARK project, PROMECEB and the 834-MEC-IDB project, the Occis and Maxus oil companies, Plan Internacional, World Vision and CARE, etc.

537. The beneficiaries are teachers, children and adolescents in general and basic education who belong to 11 of the country's indigenous groups. Certification and professionalization courses have been held for all persons who have been working without teaching credentials as primary teachers.

538. The following are the most important areas:

- (a) Training of DINEIB human resources;
- (b) Technical advice;
- (c) Dissemination and publicizing of technical documents;
- (d) Production of teaching resources;
- (e) Publication of teaching texts;
- (f) Research on intercultural bilingual education;
- (g) International courses;
- (h) Support for educational infrastructure;
- (i) Development of productive technologies;
- (j) Implementation of teaching resources in production centres;
- (k) Production of radio and television programmes.

539. Evaluation: the participation of international organizations in intercultural bilingual education has been a very valuable contribution to the implementation of educational projects which are designed to improve the quality of education and the quality of life of indigenous peoples and without which it would not have been possible to achieve the objectives set by the National Department of Regular and Special Education and the Ministry of Education and Culture.

540. Special education: participation by international organizations. UNESCO is supporting individual programmes such as training and the equipping of some special education establishments. At present, it is supporting the education integration programme in four educational establishments in the city of Quito.

541. CONUEP: the international cooperation it receives to carry out activities relating to the purposes and functions of universities and polytechnic schools is very limited; efforts are being made by CONUEP and a number of universities to maintain relations and agreements with international organizations and specific projects are being implemented with friendly countries.

542. Technical education benefited from loan contracts No. 618 SF/EC and No. 792 SF/EC concluded by the Republic of Ecuador and IDB to implement technical education improvement and expansion projects (PROMEET I and II), which contributed to the qualitative improvement of the subsystem and to infrastructure, equipment and the training of human resources.

543. The project for the strengthening of agricultural and fisheries technical education in the Province of Loja will shortly be implemented with the bilateral aid from of the Government of Belgium through the Flemish Development Cooperation and Technical Assistance Association (VVOB) in the form of a non-reimbursable loan of US\$ 1,100,000.

544. Despite the expansion efforts made, particularly in rural areas and in technical education, as a result of the implementation of the AMER-PROMEET, PROMECEB and EB-PRODEC projects, there is a huge shortfall in school premises, equipment, textbooks and educational technology.⁷⁶

Article 14

Free basic education

545. As stated in the part of this report relating to article 13 of the Covenant, article 67 of the Constitution provides for education free of charge for all Ecuadorians: "Public education shall be secular at all levels; compulsory up to primary level and free of charge up to the baccalaureate or equivalent. Public schools shall provide social services free of charge to anyone in need of them. Students living in extreme poverty shall receive specific subsidies."

Article 15

Promotion of culture

546. In Ecuador, the National Culture Council is responsible for promoting cultural identity. In order to achieve this objective, it relies principally on the National Culture Fund, which has the following features and functions:

(a) It is a fund for financing the implementation of cultural projects of national or regional interest through the granting of loans on financial terms more favourable than those of the market;

(b) Its objectives are to promote the creation, interpretation and production of cultural works in the field of music, theatre, the plastic arts, literature, audio-visual and electronic arts and popular art.

547. Artists, intellectuals, producers, designers, foundations, organizations, associations, and public or private corporations in Ecuador that engage in cultural activities benefit from the Fund.

548. The Fund finances soft loans, with a preferential interest rate, repayment over a period of between 1 and 10 years, with grace periods of between 1 and 3 years, through quarterly or half-early payments on balances due.

549. It provides advice, training and publicity in the preparation of cultural projects in order to ensure that the objectives of the project are achieved. In order to obtain a loan, it is necessary to complete a project proposal form and fulfil the requirements set out in the regulations of the National Culture Fund.

550. It is also important to submit an operational and budgetary plan for the proposed cultural activities. To this end, the National Culture Council implemented the Plan of Action for Cultural Development (1997-1998) as part of the Medium-term Ecuadorian Cultural Development Plan (1991-2000). In accordance with the Plan, the Council supports cultural policies and measures to fill the gaps and shortcomings in the overall system of cultural institutions in Ecuador, in the fields of dissemination, promotion, information, registration, preparation, planning and financing of cultural activities.

551. In order for the National Culture Fund to carry out these policies through the implementation of the projects covered by the Plan of Action, cooperation between the public and private sectors is essential. The following funds and projects are to be brought into operation:

(a) Publishing Fund of the House of Culture, which includes the joint publication, with the Benjamín Carrión House of Ecuadorian Culture, of various series and collections, for the most part anthologies, dealing with: fiction, children's literature, Afro-Ecuadorian oral tradition, shamanic tradition, biographies of major figures in Ecuadorian literature, Ecuadorian folklore, popular culture and the *Revista Nacional de Cultura* (National Cultural Review). These series and joint publications will appear in two languages, Spanish and English;

(b) Ecuadorian Culture Videographics Fund , co-sponsored by the Office of the Undersecretary for Culture and the National Secretariat for Communication. It will initially be constituted by the records that will form the biographical archive of major Ecuadorian artists, as well as the production of audio-visual archives of events and popular culture. This material will be disseminated at the national and international levels;

(c) Ecuadorian Culture Information Fund. Drawing on research under the various projects that are part of the Plan of Action, electronic books and magazines will be produced and disseminated at the national and international levels. The Fund will begin with production of the works of Benjamín Carrión. Subsequently, the major works will also be published in electronic versions;

(d) Ecuadorian Culture Music Fund, which will consist of sound recordings on compact discs and audio cassettes of Ecuadorian contemporary, academic, popular, traditional, modern and folk music for dissemination at the national and international levels;

(e) The first Latin American Prize for Culture, to be awarded annually to an outstanding figure in Latin American culture. A series of events, such as interviews, discussions with the intellectual and artistic community, forums, recitals, film festivals or open-ended exhibitions of the plastic arts, will be organized at the local level. These events will be recorded on videotape;

(f) Self-management project for ethnic cultures, which will seek to develop and consolidate the cultures of ethnic groups, and broaden the recognition of Ecuador's multicultural and multinational character through the implementation of various activities - production of compact discs of indigenous and Afro-Ecuadorian music, documentary on indigenous women who practise folk medicine, publication of an anthology of the works of indigenous writers, popularization of the best productions of the Abya Yala Nations Festival and compilation of the traditions of Afro-Ecuadorians living in the highlands;

(g) Production and distribution of publications, through a project based on the work of the Standing Commission on Civic Commemorations, part of the Ministry of Foreign Affairs. Various publications dealing with the most prominent persons in national life have been prepared. In 2000, editions for distribution in colleges and institutes were published. In 2002, a book on the principal contemporary artists and another on Ecuador's cultural wealth were published;

(h) Professional training for cultural development, involving those responsible for the country's cultural activities. Under an agreement with the University of Cuenca, studies were funded for the implementation of a course in cultural administration;

(i) Training in planning tools for cultural planners, which consists of high-level ZOPP planning courses and the scheduling and follow-up of projects using Microsoft Project.

552. The Central Bank, through the Monetary Board, has issued various regulations designed to generate resources for cultural development. The Government has increased the value of the cultural merit awards from 30 to 60 million sucres, and also extended the scheme so that, if the person who was to receive the award has died, the award can be given to his or her spouse or children.

553. Another important contribution is the allocation by the Solidarity Fund of 7 billion sucres each fiscal year for the production of school textbooks.

Society and culture

554. Culture Act No. 181, published in *Official Gazette* No. 805 of 10 August 1984, and the regulations governing that Act (*Official Gazette* No. 449 of 3 June 1986), provide for the establishment of a system of Ecuadorian cultural institutions, composed of:

- (a) The Ministry of Education and Culture;
- (b) The National Culture Council;
- (c) The House of Ecuadorian Culture;
- (d) The Cultural Heritage Institute;
- (e) Other public-sector and private-sector institutions that carry out cultural activities, including national archives councils, libraries and museums.

555. With regard to the Ministry of Education and Culture, article 2 of the Regulations notes that “the functions assigned to the Ministry in articles 3 and 4 of the Culture Act shall be performed by the Office of the Undersecretary for Culture in the Ministry”, which shall, in addition, “implement the guidelines and cultural programmes contained in the National Development Programme”.

556. Article 3 incorporates the National Culture Council within the Office of the Undersecretary for Culture, describing it as the body responsible for implementing cultural policies. Among the functions of the National Culture Council, the following is mentioned in article 10: “To adopt and reform a general multi-year plan for the cultural sector in which cultural subsectors are clearly identified, taking care to ensure the balanced development of culture in all regions of the country.”

557. With regard to the House of Culture, the Culture Act (Amendment) Act (No. 113), published in *Official Gazette* No. 612 of 28 January 1991 stipulates that it is the duty of the State to “issue measures for implementing priority projects that foster, promote and preserve cultural values” in accordance with the Constitution and, to that end, to strengthen and increase cultural activities both centrally and in the 22 provincial offices of the House of Ecuadorian Culture, providing it with economic and financial autonomy in keeping with amended article 13, which

states: “The Benjamín Carrión House of Ecuadorian Culture is a body under public law with a legal personality, assets, its own funds and economic, administrative, financial and operational autonomy”, pointing out also that “without prejudice to its autonomy, the House of Culture shall coordinate its activities and programmes with the National Culture Council”.

Ecuador’s cultural identity

558. Ecuador’s movable and immovable cultural property constitutes the principal element of its cultural heritage, and the systematic study and dissemination of that heritage are essential for strengthening national identity. On the basis of this order of priorities, the National Cultural Heritage Institute is working to catalogue all cultural property in order to preserve and enhance the material cultural heritage. As part of this process, the Ministry of Education and Culture has made changes in the curriculum to include progress made in the historical, social and cultural study of the country, while also encouraging participation by the various ethnic communities in identifying the educational requirements through the Intercultural Bilingual Education Programme.

Promotion of culture

559. The various communities have a stock of genuine cultural formal expressions that reflect one of the essential components of the national cultural identity. The promotion and appreciation of manifestations of popular culture are making it possible to assert cultural identity in the daily and free exercise of cultural traditions, integrating in the educational process knowledge and appreciation of the cultural and natural heritage as living forms of the cultural realizations of indigenous communities and other ethnic sectors. One effective means is the retrieval of culture contained in oral literature, with its myths, legends, stories and traditions, as well as the musical heritage, with its songs, ballads, rhythms and instruments; community celebrations, with their origin and meaning; and handicrafts, with their symbolism and expressions of immense cultural wealth. These elements support the development of the educational process, as living material and the very essence of dialectical implementation in the preservation of indigenous cultures.

560. While promotion perhaps does not yet appear as a structured and institutionalized whole, the Government of Ecuador, the provincial councils and the municipal councils are pursuing activities to promote culture. The Book of Plastic Artists of the Ministry of Foreign Affairs, the cultural promotion programme entitled “Ecuador in images”, videos on Ecuadorian cultures and publications issued by private organizations on popular celebrations, contemporary plastic arts and photographs illustrating our cultural activities have been some of the most outstanding cultural events in recent years.

561. There is a national programme for disseminating culture, which includes a number of different components: production and distribution through the mass media-press, radio, television, Internet and audiovisual communication; printing and publishing; and international dissemination of Ecuadorian culture.

Elements of the cultural heritage

562. In September 1978, the United Nations Educational, Cultural and Scientific Organization (UNESCO) declared Quito, the capital of Ecuador, to be part of the cultural heritage of mankind. At the same time, UNESCO declared the Galápagos islands to be part of the natural heritage of mankind. Cuenca was listed as part of the cultural heritage in 2001 for its historic centre, its museums and its biennial exhibition.

563. By Act No. 82, published in *Official Gazette* No. 838 of 23 December 1987, the National Congress established the Cultural Heritage Rescue Fund to restore, conserve and protect historical, artistic, religious and cultural items that were affected by the earthquake in March 1987, which seriously damaged the historic cultural heritage of the city of Quito. Every year, the Fund was to receive 10 per cent of the budget of the National Emergency Fund; however, such budgetary transfers have not taken place, thus diminishing the effectiveness of the process of restoring the affected cultural treasures.

564. For this reason, the National Congress adopted an Act amending the legislation establishing the Cultural Heritage Rescue Fund, which was published in *Official Gazette* No. 808 of 8 November 1991. The Act requires the National Emergency Fund to transfer the equivalent of 10 per cent of its initial budget to a special account held by the municipality of Quito in the Central Bank. Since then, the restoration process has proceeded according to schedule. At the same time, the Cultural Heritage Rescue Fund has received funds from abroad which have served as a very important source of support for the restoration of the cultural heritage.

565. Article 62 of the Constitution stipulates that “Culture is the heritage of the people and constitutes an essential element of its identity. The State shall promote and encourage culture, creation, artistic training and scientific research. It shall establish ongoing policies for the conservation, restoration and protection of, and respect for, the tangible and intangible cultural heritage, the artistic, historical, linguistic and archaeological wealth of the nation, as well as the set of values and diverse manifestations that form the national, multicultural and multi-ethnic identity. The State shall foster multiculturalism, and its policies and institutions shall be based on the principles of equity and the equality of cultures.”

566. Article 63 refers to the participation of individuals in cultural events: “The State shall guarantee equal conditions and equal opportunities for the exercise and participation of individuals in cultural goods, services and manifestations, and shall take measures to ensure that society, the educational system, private enterprise and the media contribute to fostering creativity and cultural activities in their diverse manifestations. Intellectuals and artists shall participate, through their organizations, in the preparation of cultural policies.”

567. Article 27 of the Universal Declaration of Human Rights of 1948 states that: “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” And it adds: “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

568. One year after the conclusion of the 1886 Berne Convention for the Protection of Literary and Artistic Works, Ecuador adopted and promulgated the Artistic and Literary Property Act of 1887, which remained in force until 1958. In February 1958, Ecuador promulgated the Intellectual Property Act. It was inspired by the Universal Copyright Convention concluded in Geneva in 1952, which was subsequently incorporated into national law by the Ecuadorian Congress on 6 November 1956, as reflected in *Official Gazette* No. 194 of 24 April 1957.

569. After the Universal Copyright Convention and the Berne Convention were revised in Paris by the Act of 24 July 1971, Ecuador became a party to these new international instruments and, on 13 August 1976, promulgated the Copyright Act in *Official Gazette* No. 149; the General Implementing Regulation for the Act was published in *Official Gazette* No. 495 of 30 December 1977. Under this Act and Regulation, the Government of Ecuador approved the establishment, in 1979, of the Society of Ecuadorian Authors and Composers as the sole collective management society for administering rights in the field of musical creation, since the Copyright Act expressly prohibits the legal existence in Ecuador of two or more societies of the same type. In 1979, there was a new revision of the Paris Act, to which Ecuador subsequently acceded.

570. It should therefore be emphasized that the provisions of the two Universal Conventions and the Copyright Act are in force in Ecuador, as well as the provisions of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. The provisions of the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms are also in force in Ecuador. To this end, the National Congress promulgated, in July 1992, the Musical Piracy Prevention Act in *Official Gazette* No. 984 of 22 July 1992.

571. The National Congress issued the new Intellectual Property Act in *Official Gazette* No. 320 of 19 May 1998, in accordance with the new provisions of the World Trade Organization's Agreement on Trade-related Aspects of Intellectual Property Rights.

572. In 1963, Ecuador became a State party to the International Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, through Supreme Decree 811 published in *Official Gazette* No. 137 of 24 October 1963.

573. In 1971 and 1979, Ecuador signed the provisions of the Berne Convention for the Protection of Literary and Artistic Works.

574. In 1971, Ecuador signed the Universal Copyright Convention, revised in Paris on 14 July 1971, commonly known as the "1952 Convention" and later referred to as the "1971 Convention".

575. In 1996, Ecuador adopted the Agreed Statements of the diplomatic conference concerning the World Intellectual Property Organization Performances and Phonograms Treaty.

Institutions of the Cultural Subsystem for Artistic Training

Music

Conservatories

Conservatorio Nacional de Música	Pichincha	Quito
Conservatorio Nacional "Antonio Neumane"	Guayas	Guayaquil
Conservatorio Nacional de Música "José María Rodríguez"	Azuay	Cuenca
Conservatorio de Música "Salvador Bustamante Celi"	Loja	Loja
Conservatorio Fiscomisional de Música, Teatro y Danza "La Merced"	Tungurahua	Ambato
Conservatorio Particular de Música "Padre Jaime Manuel Mola"	Pichincha	Quito
Conservatorio Particular de Música "Rimsky Korsakov"	Guayas	Guayaquil
Conservatorio del Sur - Municipio del Distrito Metropolitano	Pichincha	Quito
Conservatorio de Música de Zamora	Zamora Chinchiipe	Zamora
Conservatorio Nacional de Música	El Oro	Machala
Conservatorio de Música	Los Ríos	Babahoyo
Conservatorio de Música "Dr. Jorge Manzano Escalante"	Guayas	Guayaquil
Conservatorio de Música "Federico Chopín"	Guayas	Guayaquil
Conservatorio de Música "Beethoven"	Guayas	Guayaquil
Conservatorio de Música "Zulema Blacio"	Guayas	Guayaquil

Higher institutes

Instituto Superior de Música "Inés Cobo Rumazo"	Cotopaxi	Pujilí
Instituto Superior "Vicente Anda Aguirre"	Chimborazo	Riobamba
Instituto Superior de Música "Luis Ulpiano de La Torre"	Imbabura	Cotacachi

Colleges and schools

Colegio de Música "César Viera"	Cotopaxi	Latacunga
Colegio de Música "Juan Bautista Vásquez"	Cañar	Azoguez
Colegio de Música "Rodrigo Barreno"	Chimborazo	Químiag
Colegio de Música "Luis Humberto Salgado Torres"	Pichincha	Amaguaña
Colegio Particular de Música "Teodora Lucaciu"	El Oro	Machala
Colegio Nacional Técnico "San Lorenzo"	Bolívar	Guaranda
Colegio de Música "Juan Esteban Cordero" del SI.NA.MU.NE.	Pichincha	Quito
Colegio de Bellas Artes	Esmeraldas	Esmeraldas
Escuela de Música "Wolfgang A. Mozart"	Pichincha	Quito
Escuela de Música "Gerardo Alzamora Vela" (CCE-Carchi)	Carchi	Tulcán
Colegio de Música "Antonio de Jesús Hidalgo"	El Oro	Machala
Escuela de Música de las Fuerzas Armadas	Pichincha	Quito

Dance*Institutes and colleges*

Instituto de Danza "Raymond Maugé" Instituto Superior de Danza Conservatorio Fiscomisional de Música, Danza y Teatro "La Merced"	Guayas Pichincha Tungurahua	Guayaquil Quito Ambato
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Plastic Arts*Institutes and colleges*

Instituto Superior "Daniel Reyes" Instituto Superior "Juan José Plaza" Colegio de Artes Plásticas "Tohalí" Colegio de Artes Plásticas "La Pila" Colegio "Ciudad de Portovelo" Colegio "Miguel Ángel León Pontón" Colegio Casa de la Cultura Colegio "José Peralta" Colegio "Virgilio Abarca Montesinos" Colegio de Bellas Artes Colegio de Artes Plásticas de la Universidad Central del Ecuador Colegio "Matilde Hidalgo de Prócel"	Imbabura Guayas Manabí Manabí El Oro Chimborazo Los Ríos Cañar Loja Esmeraldas Pichincha El Oro	Ibarra Guayaquil Manta Montecristi Portovelo Riobamba Babahoyo Azogues Saraguro Esmeraldas Quito Machala
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576. The national programme entitled "New Cultural Direction" (1996) is a public-sector body with the task of contributing to the reaffirmation of national cultural identity through the recognition of cultural diversity, attaching importance to and promoting the various manifestations of popular culture. One of its main functions is to carry out cultural development projects in the country's marginalized urban and rural sectors, as well as field work to promote culture, with the active participation of secondary school pupils and the community.

577. In order to promote artistic expression and strengthen cultural expression at the community level, the following projects have been prepared: *Centro de Memoria* [Memory Centre], *Ecuador Profundo* [The Roots of Ecuador], *Semilleros de Arte* [Seedbeds of Art], *Riqueza Mestiza* [Mestizo Wealth], and Production of Cultural and Educational Videos.

578. In order to specialize and train those working in the cultural sector, there are plans to develop a project for the establishment of a Training and Advisory Centre for Culture and the Arts.

579. Article 5 of the Elderly Persons Act, published in *Official Gazette* No. 806, refers to the treatment that society and the State should accord to elderly persons: "Public-sector and private-sector institutions shall provide facilities for elderly persons wishing to participate in social, cultural, economic, sporting, artistic and scientific activities."

580. The provisions of the Disabled Persons Act incorporate the fundamental rights of the disabled as well as the role that they are called upon to play in society, stipulating that equal opportunities must be created in the fields of artistic, scientific and cultural production and creation.

581. Articles 62 and 63 of section 7 of the Constitution, which deals with culture, after defining culture as the heritage of the people and the essence of their identity, make express reference to the need to devise policies that protect all the values and diverse manifestations that help form the national, multicultural and multi-ethnic identity, fulfilling the principles of the equity and equality of national cultures.

Science and technology

582. Article 80 of the Constitution of Ecuador deals with science and technology: “The State shall promote science and technology, particularly at all levels of education, with a view to improving productivity, ensuring the sustainable management of natural resources and meeting the basic needs of the population. It shall guarantee the freedom of scientific and technological activities and the legal protection of their results, as well as collective ancestral knowledge. Scientific research shall be conducted at universities, polytechnic schools, higher technical and technological institutes and scientific research centres, in coordination with the productive sectors when appropriate, and with such public body as may be established by law; the law shall also regulate the status of scientific researchers.”

583. Executive Decree No. 1605, contained in *Official Gazette* No. 416 of 8 April 1994, which established the Science and Technology Foundation, sets out its functions and describes its area of competence with respect to the production and dissemination of knowledge and its scientific applications.

584. One of the major concerns of the Government of Ecuador is the legal framework for defending and protecting the environment. In 1979, it adopted the Environmental Protection Act and, in 1996, established the Ministry of the Environment to replace the Environmental Advisory Commission attached to the Office of the President of the Republic, set up in 1988.

585. With the establishment of the Science and Technology Foundation, the National Science and Technology System was created. The System has links with the universities and polytechnic schools that form part of the National Council of Universities and Polytechnic Schools and other bodies in the private sector working to meet the research needs of the country’s entrepreneurial sectors, in accordance with the relevant decrees.

586. Executive Decree No. 1603, published in *Official Gazette* No. 413 of 5 April 1994, provides for the reorganization of the National Science and Technology System and the creation of the National Science and Technology Secretariat within the Office of the Vice-President of the Republic, as the political body for managing the National Science and Technology System, which will be directed by the National Secretary for Science and Technology, appointed by the President of the Republic.

587. It is important to note the work being carried out by the Office for Scientific Coordination of Central University in the development of research projects for the productive sectors in various departments, schools and postgraduate institutes, as well as by the research institutes in areas such as agriculture with INIAP, which, through the Plan of Action, seeks to become a dynamic instrument for transforming the country's agro-industrial sector, and by the Navy Oceanographic Institute, which is involved in aquaculture research.

588. Each of these centres and institutes disseminates information on scientific progress through various media: the Science and Technology Foundation has a periodical publication for the national and international scientific community, and also a web site. The same is true for all the other research centres. Central University has a century-old publication, *Anales*, which is one of the country's most important scientific publications.

Intellectual property

589. In accordance with article 75 of the Constitution, the principal functions of universities and polytechnic schools are research, "the study of the country's problems and the proposal of solutions for them". This presupposes an increase in knowledge through the publication and dissemination of results in the usual media. Such knowledge should help to improve the quality of life of Ecuadorians through its application in the development of new products or processes. The legal protection of the results of research as well as the freedom of scientific and technological activities are guaranteed in article 80 of the Constitution.

Dissemination of science and culture

590. The Constitution of Ecuador contains important provisions on science and technology and related subjects. It is, in fact, the first Constitution to contain a special section dealing with science and technology. The aforementioned provisions are as follows:

591. Article 23, which comes under title III (Rights, guarantees and duties), chapter II (Civil rights), states: "Without prejudice to the rights established in this Constitution and in international instruments currently in force, the State shall recognize and guarantee to individuals the following: [...] Personal integrity. Cruel punishment and torture; treatment which is inhuman or degrading, or which involves physical, psychological or sexual violence or moral coercion, and the application and abuse of human genetic material, are prohibited. [...] The right to live in a clean, ecologically balanced and unpolluted environment. The law shall establish restrictions on the exercise of certain rights and freedoms in order to protect the environment. [...] The right to a quality of life that ensures health, food and nutrition, drinking water, environmental sanitation, education, work, employment, leisure, housing, clothing and other necessary social services."

592. Article 30, in chapter IV (Economic, social and cultural rights), section I (Property), states: "Intellectual property shall be recognized and guaranteed, in accordance with the provisions of the law and in conformity with agreements and treaties currently in force."

593. Article 44, contained in section IV (Health) provides: “The State shall formulate the national health policy and shall ensure its application; it shall monitor the operations of bodies in the sector; it shall recognize, respect and promote the development of traditional and alternative medicine, the practice of which shall be governed by law, and shall encourage scientific and technological progress in the field of health, which shall be subject to bioethical principles.”

594. Article 62, contained in section VII (Culture), states: “Culture is the heritage of the people and constitutes an essential element of its identity. The State shall promote and encourage culture, creation, artistic training and scientific research.”

595. Article 66, in section VIII (Education), states: “Education is a right which cannot be waived, the necessary duty of the State, society and the family; a priority area of public investment, a requirement for national development and a guarantee of social equity. It is the State’s responsibility to define and carry out policies that make it possible to attain these objectives. Education, which is based on ethical, pluralist, democratic, humanist and scientific principles, shall promote respect for human rights, develop critical thinking and encourage civic-mindedness; provide skills to ensure efficient labour and production; stimulate the creativity, the full development of the personality and the special abilities of every person; and foster multiculturalism, solidarity and peace.”

596. Article 72 states: “Natural and juridical persons shall be able to make economic contributions to the infrastructure, including furnishings and teaching materials, of the educational sector, which shall be deductible from the payment of tax obligations, in accordance with the provisions of the law.”

597. Article 75 states: “Scientific research, professional and technical training, the creation and development of the national culture and its dissemination among the people, as well as the study of the country’s problems and the proposal of solutions for them, shall be the principal functions of universities and polytechnic schools, with a view to contributing to the creation of a new and fairer Ecuadorian society, with specific methods and guidelines for the achievement of these objectives.”

598. Article 80, in section IX (Science and technology), states: “The State shall promote science and technology, particularly at all levels of education, with a view to improving productivity, competitiveness and the sustainable management of natural resources, and meeting the basic needs of the population. It shall guarantee the freedom of scientific and technological activities and the legal protection of their results, as well as collective ancestral knowledge.”

599. Article 84, in chapter 5 (Collective rights), section I (indigenous and Black peoples or Afro-Ecuadorians), provides that the State shall recognize and guarantee to indigenous peoples, in accordance with the Constitution and the law, as well as respect for law and order and human rights, the following collective rights: [...] To collective intellectual property in respect of their ancestral knowledge; to their appreciation, use and development in accordance with the law; to their systems, knowledge and practice of traditional medicine, including the right to the protection of ritual and sacred places, plants, animals, minerals and ecosystems of vital interest from this point of view.”

600. Article 86, in Section II (Environment) states: “The State shall protect the right of the population to live in a clean and ecologically balanced environment that guarantees sustainable development. It shall ensure that this right is not affected and shall guarantee the preservation of nature. The following are declared to be of public interest and shall be regulated by law: the preservation of the environment, the conservation of ecosystems, biodiversity [and] the integrity of the country’s genetic heritage. Prevention of environmental pollution, rehabilitation of degraded natural areas, the sustainable development of natural resources and the requirements that shall be imposed on public and private activities to achieve these objectives.”

601. According to article 89, the State shall take measures with a view to achieving the following objectives: “Promote in the public and private sectors the use of environmentally clean technologies and non-polluting alternative sources of energy. Regulate, in accordance with strict bio-safety standards, the propagation in the environment of, experimentation with and the use, marketing and import of genetically modified organisms.”

602. Article 244, under title XII (Economic system), chapter I (General principles), states that, within the system of social market economy, the State shall: “Create physical, scientific and technological infrastructure; and provide basic services for development.”

603. Article 248 states: “The State shall be sovereign over biological diversity, natural reserves, protected areas and national parks.”

604. Article 266, in chapter VI (Agricultural system), states: “The high-priority integral and sustained development of agricultural, livestock, aquaculture, fishing and agro-industrial activities, which provide high-quality products for the domestic and foreign market, the provision of infrastructure, modernization and land reclamation, scientific research and transfer of technology shall be the continuing objectives of State policies.”

605. Article 270 provides that: “the State shall give priority to research in the field of agriculture, and shall recognize agricultural activity as the fundamental basis for the nutrition and food security of the population and for the development of the country’s international competitiveness.”

Science and technology system

606. The legal framework for promoting science and technology is based on the National Science and Technology System Act (the System was reorganized by Executive Decree No. 1603).

607. The Public Procurement Act (arts. 117 and 118) provides an important source of financing for scientific and technological activity in Ecuador: all contracts referred to in the Act, amounting to or in excess of 1,500 units of the general minimum living wage, are subject to a levy of 0.25 per cent of the amount of the contract, as well as 0.125 per cent of the price readjustment tables for such contracts. The levy is payable to the National Science and Technology Secretariat for the financing of scientific and technological activities through the Science and Technology Foundation.

608. The question of intellectual property and literary and artistic property in Ecuador is being studied. Intellectual property includes two main areas or branches: industrial property, mainly inventions or trademarks; and industrial designs or models and copyrights, principally on literary, musical, artistic, phonographic and audio-visual works.

609. The principal international standards concerning intellectual property that have the force of law in Ecuador are: the Paris Convention for the Protection of Industrial Property of 20 March 1883, which was last amended in 1979; the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 14 April 1891; the Patent Law Treaty of 19 July 1970, which was last amended in 1984; and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977. With regard to marks, Ecuador has [signed] the Madrid Agreement concerning the International Registration of Marks of 14 April 1891 and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, which was amended in 1979.

610. With regard to industrial designs and models, there are the Hague Agreement concerning the International Deposit of Industrial Designs of 6 November 1925, which was amended in 1979; the Strasbourg Agreement concerning the International Patent Classification of 24 March 1971, amended in 1979; and the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, which was last amended in 1979. There are also the Locarno Agreement establishing an International Classification for Industrial Designs of 8 October 1968, amended in 1979; the Vienna Agreement establishing an International Classification of the Figurative Elements of Marks of 12 June 1973; the International Convention for the Protection of New Varieties of Plants, Paris, 1961, and Geneva, 1978; and the World Trade Organization Agreement on Intellectual Property.

611. With regard to literary and artistic property, Ecuador recognizes one of the fundamental principles of the Copyright Act: the legal principle that there is no form of property as legitimate as the ownership of creations of the mind, which is the same as saying that authors, including writers, are entitled to own their works. They have and enjoy the right to protection against the unauthorized use of their works and to receive a part of the proceeds obtained from the public use of such works. Copyright also protects a number of essential aspects, such as the recognition of authorship of the work and respect for its integrity as an intellectual creation.

Scientific research. Legal framework

612. The Constitution guarantees the freedom of scientific and technological activities. Thus, article 80 provides that “the State shall promote science and technology, particularly at all levels of education, with a view to improving productivity, competitiveness and the sustainable management of natural resources and meeting the basic needs of the population. It shall guarantee the freedom of scientific and technological activities and the legal protection of their results, as well as collective ancestral knowledge.”

613. The Ecuadorian scientific community was legally constituted in May 1895 and unites the country's scientific researchers in an organized manner and on a national scale. In 1996, it became the National Academy of Sciences, adding full members to its ex officio, honorary and associate members. The Academy is organized in sections, and applications for membership must be sent to the President of the Academy, with a curriculum vitae and a copy of a research project, to be presented on a date and in a place specified by the Academy. A project presented at one of the Science Congresses that the institution organizes biannually will be valid for being granted membership. The Academy has provincial branches, such as those in Quito, Cuenca, Guayaquil and Loja, and others are being established.

International cooperation in the field of culture

614. Ecuador has agreements with countries and institutions for scientific and cultural exchanges. The provisions of such agreements create opportunities from which Ecuador can benefit, but in many cases these agreements are not fully exploited because of the difficulty of disseminating information, the lack of direct communication with sectors that could benefit and/or lack of support for practical measures to promote science, technology, culture and art.

Project for the Preservation and Promotion of Ecuador's Cultural Heritage.

Plan of Action for the Study of Common Pre-Columbian Border Cultures.

Programme of Cultural Exchange between the Government of Ecuador and the Government of China.

Partial Agreement on Cooperation and Exchange of Items in the Fields of Culture, Education and Science (Protocol of Accession by Cuba).

Partial Agreement on Cooperation and Exchange of Items in the Fields of Culture, Education and Science (Protocol of Accession by Chile).

Agreement on the Organization of the Andrés Bello Treaty for the Fields of Education, Science, Technology and Culture.

Agreement on the donation of 47 million yen by Japan with a view to restoring and preserving all the works of art and monuments of the Ecuadorian cultural heritage.

Programme of cooperation and cultural and scientific exchange between Ecuador and the Russian Federation.

Programme for Ecuadorian-Paraguayan cultural exchanges.

Cultural agreement between the Government of Ecuador and the Government of Egypt.

Agreement on management services between the United Nations Development Programme and the Government of Ecuador.

Agreement on cultural cooperation in the field of martial arts between China and the Ecuadorian army.

Administrative understanding between the Ministry of Education and Culture of Ecuador and the Ministry of Foreign Affairs of France concerning the statutes of the La Condamine cultural foundation and lycée.

Agreement on cooperation with the Government of Japan for the provision of microfilm equipment for the Eugenio Espejo National Library of the House of Culture.

Basic cultural cooperation agreement between Ecuador and El Salvador.

Cooperation agreement in the field of tourism between the Ministry of Trade and Tourism of Spain and the Ministry of Tourism of Ecuador.

Agreement on scientific, cultural and technological exchange between the Ministry of Higher Education of Cuba and the National Council of the Polytechnic Schools of Ecuador.

Exchange of notes between the Governments of Ecuador and Japan on a cultural donation to equip the Symphony Orchestra of Ecuador.

Exchange of notes between Ecuador and Belgium concerning the donation of equipment to the National Cultural Heritage Institute.

Agreement on cultural, scientific and technological cooperation between the Government of Ecuador and the Government of Italy.

Agreement on cooperation between the Ministry of Foreign Affairs and the office of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Ecuador.

Agreement between the Ministry of Foreign Affairs and the Foundation Centre for Inter-American Studies.

International assistance

615. The history of government policies to support technological innovation in the national community has been uneven. Bearing this fact in mind, international assistance is geared to strengthening Ecuador's capacities for technological innovation in order to realize the potentialities of economic and social development with support for the productive sectors in the areas of human resources, management of technology, entrepreneurial and financial scientific innovation in agriculture, industry and services, with a view to meeting the country's main social needs and promoting the transfer of knowledge and the results of research. This policy is

intended to broaden the scientific and technological base and take maximum advantage of the international community's capacity to establish and strengthen research and development groups in priority areas in Ecuador and through close coordination among countries, to draw up plans to provide a structure for and improve the national systems of science, technology and innovation and, at the same time, promote culture and develop the rights of peoples, bringing them together to enjoy the benefits of peace.

Notes

- ¹ Second reports submitted in accordance with Economic and Social Council resolution 1988 (LX) concerning rights covered in articles 6 to 9. E/1984/WG.1/SR.22 - Reports of States parties in accordance with articles 16 and 17 of the Covenant, E/C.12/1990/SR.37 (arts. 10-12), E/C.12/1990/SR.38 (arts. 13-15), E/C.12/1990/SR.39 and E/C.12/1990/SR.42 (April 1991).
- ² The information contained in this report is based principally on the statistics of Ecuador's National Statistics and Census Institute (INEC), which is Ecuador's official source of statistical information. The 1990 national census and the National Urban Survey: Employment, Unemployment and Underemployment, Round II, of November 1990, 1995 and 1998, have been taken as the basis for the report. Since the only information available on Ecuador's rural sector dated from 1990, INEC conducted the National Agricultural Census in 2001.
- ³ *Retrato de mujeres. Indicadores sociales sobre la situación de las campesinas e indígenas del Ecuador rural*, [Portrait of women. Social indicators of the situation of peasant and indigenous women in rural Ecuador], El desarrollo social en el Ecuador 2, Quito, Social Front Secretariat (STFS), United Nations Development Fund for Women (UNIFEM) and Global Programme on AIDS, 1998.
- ⁴ Centre for Population Studies and Social Development (CEPAR), Preliminary report, ENDEMAIN-99.
- ⁵ *Retrato de mujeres. Indicadores sociales sobre la situación de las campesinas e indígenas del Ecuador rural*, El desarrollo social en el Ecuador 2, Quito, STFS, UNIFEM and Global Programme on AIDS, 1998, p. 118.
- ⁶ Consejo Nacional de Mujeres (National Women's Council - CONAMU), gender indicators.
- ⁷ Ibid.
- ⁸ Constitution (art. 93).
- ⁹ Ibid. (art. 94).
- ¹⁰ Ibid. (art. 95).

¹¹ Ibid. (art. 96).

¹² Office of the Ombudsman (October 1999).

¹³ *La geografía de la pobreza en el Ecuador*, Quito, Technical Secretariat of the Social Front (STFS) and UNDP, 1996.

¹⁴ See above, note 3.

¹⁵ “La situación de los discapacitados en el Ecuador” (Disabilities in Ecuador), CONADIS.

¹⁶ Constitution, art. 3.

¹⁷ Ibid., art. 23.

¹⁸ Ibid., art. 35.

¹⁹ Ibid., art. 36.

²⁰ Labour Code, art. 3.

²¹ Labour Code, art. 50.

²² Ibid., art. 53.

²³ Technical memorandum for the reform of the compulsory social security system.

²⁴ Constitution (art. 37).

²⁵ Ibid. (art. 39).

²⁶ See Los niños y niñas del Ecuador a los diez años de la Convención sobre los Derechos de la Niñez (Quito, INNFA - Department of Human Development - SINIÑEZ - Integrated System of Social Indicators (SIISE), 1999).

²⁷ Ibid.

²⁸ Ibid.

²⁹ SIISE-SINIÑEZ, 1999.

³⁰ Children’s Code (art. 92).

- ³¹ INNFA.
- ³² INEC, February 2000. For 2002 the number of members per household was changed from five to four.
- ³³ CEDATOS studies: Ecuador in perspective, November 1999.
- ³⁴ The basic basket for a typical household of five members is the set of most representative items that they have consumed or used. The poverty threshold basket refers basically to foods.
- ³⁵ INEC, February 2000.
- ³⁶ SIISE.
- ³⁷ Ecuador-IDB. Analysis of mother and child nutritional programmes, 1999.
- ³⁸ Ministry of Agriculture and Livestock, food balance sheets.
- ³⁹ Preliminary data, 2002.
- ⁴⁰ Haemoglobin values in the Ecuadorian population, Information Bulletin No. 3, National Institute of Science and Technology for Health, Ministry of Public Health.
- ⁴¹ The most commonly used diagnosis of malnutrition is weight two standard deviations (SDs) below the reference median for the subject's age.
- ⁴² Ecuador: Analysis of nutritional programmes of the mother and child population. Atalah S., IDB, December 1999.
- ⁴³ Ibid.
- ⁴⁴ INIAP, Strategic plan. Technologies for agricultural development.
- ⁴⁵ "Ecuadorian Regional Agrarian Evaluation 1963-1964", Summary of the general report, Ministry of Agriculture and Livestock - National Planning Agency - IERAC, 1977.
- ⁴⁶ National *Campesino* Training Programme, Ministry of Agriculture and Livestock - INCCA, 1998.
- ⁴⁷ CONADIS.
- ⁴⁸ As quoted by the Central Bank of Ecuador on 31 December 1999.

- ⁴⁹ PUCE ISP base document, *Boletín APS No. 2*, Ministry of Public Health, December 1998.
- ⁵⁰ Ministry of Public Health, National Mental Health Plan, 1999.
- ⁵¹ CEPAR, *Correo Poblacional y de la Salud 1997*.
- ⁵² Social Front secretariat, SIISE.
- ⁵³ See note 50 supra.
- ⁵⁴ ENDEMAIN-94.
- ⁵⁵ ENDEMAIN-99, preliminary report.
- ⁵⁶ Ibid.
- ⁵⁷ INEC, survey of living conditions, 1994-1999.
- ⁵⁸ National Reproductive Health Programme, Ministry of Public Health, 1999.
- ⁵⁹ INEC, Vital statistics, 1997.
- ⁶⁰ Ministry of Public Health, Statistics Division, services provided.
- ⁶¹ ENDEMAIN-99, preliminary report.
- ⁶² See A. Zabala B., *Salud Mental entre la Crisis y la Esperanza - Salud Mental Indígena*, Ministry of Public Health.
- ⁶³ Ibid.
- ⁶⁴ Ministry of Public Health, “Rol del Estado, Políticas Nacionales de Salud y Reforma Constitucional”.
- ⁶⁵ See J. Suárez, “Los proyectos locales de Promoción de la Salud”, *Boletín APS No. 3*, Ministry of Public Health.
- ⁶⁶ See note 4 above.
- ⁶⁷ Ministry of Public Health, National Health Plan 2000-2005.
- ⁶⁸ Constitution (art. 66).

⁶⁹ INEC, Survey of Living Conditions, Statistical Series, 1994-1999.

⁷⁰ Ibid.

⁷¹ Ministry of Education and Culture - Friendly Networks Programme.

⁷² National census, 21 November 2001.

⁷³ Ecuadorian National Social Development Plan, 1996-2005, Social Front Secretariat.

⁷⁴ See *Intercultural Bilingual Education Statistical Yearbook*, 1989-1998 school years, Ministry of Education and Culture EBI/GTC DINEIB project.

⁷⁵ Ibid.

⁷⁶ See note 73 above.
