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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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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.

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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.