Ecuador 2008 (rev. 2021)

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SECTION 5. Children and adolescents

Article 44

The State, society and the family shall promote as a priority the integral development of children and adolescents and shall guarantee the full exercise of their rights; the principle of the higher interest of children shall be upheld and their rights shall prevail over those of other persons.

Children and adolescents shall also enjoy the right to their integral development, construed as a process of growth, maturity, and deployment of their intellect and capabilities, potential and ambitions in family, school, social and community environments marked by affection and security. This environment shall make it possible to meet their social, emotional and affective, and cultural needs, with the support of national and local intersectoral policies.

Article 45

Children and adolescents shall enjoy the rights that are common to all human beings, in addition to those that are specific to their age. The State shall recognize and guarantee life, including care and protection from the time of conception.

Children and adolescents have the right to physical and psychological integrity; to an identity, name and citizenship; to integral health and nutrition; to education and culture, sports, and recreation; to social security, to have a family and enjoy peaceful coexistence with family and community; to social participation; to respect for their freedom and dignity; to be consulted in matters affecting them; to be educated as a priority in their own language and in the cultural context of their own people and nation; and to receive information about their parents or absent relatives, unless it is harmful to their well-being.

The State shall guarantee their freedom of expression and association, the free functioning of student councils and types of associations.

Article 46

The State shall adopt, among others, the following measures that safeguard children and adolescents:

1. Care for children under six years of age that guarantees their nutrition, health, education and dairy care in a framework of integral protection of their rights.
2. Special protection against any type of labor or economic exploitation. The work of children under fifteen years of age is forbidden and policies shall be implemented for the progressive elimination of child labor. Adolescent labor shall be the exception rather than the rule and cannot undermine their right to education nor can it be carried out in situations that are harmful or dangerous to their health or personal development. Their work and other activities shall be respected, recognized, and supported as long as it does not jeopardize their education and integral development.
3. Preferential care for the full social integration of persons with disabilities. The State shall guarantee mainstreaming disabled persons in the regular education system and society.
4. Protection and care against all forms of violence, mistreatment, sexual exploitation or exploitation of any other kind or against neglect leading to these situations.

   The actions and penalties for crimes against sexual and reproductive integrity whose victims are girls, boys and adolescents will be imprescriptible.
5. Prevention of the use of drugs or psychotropic substances and the consumption of alcoholic beverages and other substances that are harmful to their health and development.
6. Priority care in case of disasters, armed conflicts or any kind of emergency.
7. Protection from the influence of programs or messages disseminated by means of any media and which promote violence or racial or gender discrimination. Public policies for communication shall give priority to their education and respect for their rights to an image, integrity and others pertaining to their age. Limitations and penalties shall be established to enforce these rights.
8. Special protection and assistance when the mother or father or both are arrested and imprisoned.
9. Special protection, care and assistance when they suffer from chronic or degenerative diseases.

SECTION 6. Persons with disabilities

Article 47

The State shall guarantee disability prevention policies and, along with society and the family, it shall ensure equal opportunities for persons with disabilities and their social integration.

Persons with disabilities are recognized the following rights:

1. Specialized attention in public and private entities that provide healthcare services for their specific needs, which shall include the free provision of medicines, especially for those persons that require lifetime treatment.
2. Integral rehabilitation and permanent assistance, which shall include the corresponding technical aids.
3. Discounts for public services and for private transportation services and entertainment.
4. Tax exemptions.
5. Work in conditions of equal opportunity that foster their capabilities and potential by means of policies that permit their incorporation into public and private entities.
6. Adequate housing, with facilities for access and the conditions needed to address their disability and to achieve the highest possible degree of autonomy in their daily life. Persons with disabilities who cannot be cared for by their relatives during the day or who have no permanent place to live shall have welcoming centers for their shelter.
7. An education that develops their potential and skills for their integration and participation in equal conditions.

   Their education in the regular education system shall be guaranteed. Regular establishments shall incorporate a differentiated treatment and those establishments for special care shall incorporate specialized education. Schools shall comply with standards of accessibility for persons with disabilities and shall implement a scholarship system that in line with the economic conditions of this group.
8. Specialized education for persons with intellectual disabilities and promoting their capabilities by the establishment of specific education centers and teaching programs.
9. Free psychological care for persons with disabilities and their families, in particular in the case of intellectual disabilities.
10. Adequate access to all goods and services. Architectural barriers shall be eliminated.
11. Access to alternative communication mechanisms, media and forms, among which sign language for deaf persons, oralism and the Braille system.

Article 48

The State shall adopt for the benefit of persons with disabilities measures that ensure:

1. Social inclusion, by means of coordinated state and private plans and programs that promote their political, social, educational, and economic participation.
2. Obtaining tax credits and discounts or exemptions that enable them to start up and keep productive activities and obtaining study scholarships at all levels of education.
3. The development of programs and policies aimed at promoting their leisure and rest.
4. Political participation, which shall ensure that they are duty represented, in accordance with the law.
5. The establishment of specialized programs for the integral care of persons with severe and deep disabilities, in order to achieve the maximum development of their personality, the promotion of their autonomy and the reduction of their dependence.
6. Incentive and support for production projects for the benefit of the relatives of persons with severe disabilities.
7. Guaranteeing the full exercise of the rights of persons with disabilities. Abandonment of these persons is punishable by law and any action leading to any kind of abuse, inhuman and degrading treatment and discrimination because of their disability shall be punishable by law.

Article 49

The persons and families who provide care to persons with disabilities and who require permanent attention shall be covered by the Social Security and shall receive periodic training to improve the quality of care.

SECTION 7. Persons with disastrous diseases

Article 50

The State shall guarantee for all persons suffering from disastrous or highly complex diseases the right to specialized, timely, and preferential care free of charge at all levels.

SECTION 8. Imprisoned persons

Article 51

Imprisoned persons are recognized the following rights:

1. To not be subject to solitary confinement as a disciplinary measure.
2. Communication and visit with their relatives and legal professionals.
3. Declaring before a judiciary authority on the treatment received during imprisonment.
4. The human and material resources needed to guarantee their integral health in penitentiaries.
5. Care for their education, labor, productive, cultural, food and recreational needs.
6. Receiving preferential and specialized treatment in the case of pregnant women and breast-feeding women, adolescents, elderly persons, the sick or persons with disabilities.
7. Benefiting from measures of protection for children, adolescents, persons with disabilities and elderly persons who are under their care and who depend on them.

SECTION 9. Users and consumers

Article 52

Persons have the right to have goods and services of the highest quality and to choose them freely, as well as to accurate information that is not misleading with respect to their contents and characteristics.

The law provides for quality control mechanisms and consumer defense procedures, as well as penalties for the infringement of these rights, reparation and compensation for defects, damages or poor quality of goods and services and for the interruption of public services not caused by acts of God or force majeure situations.

Article 53

Companies, institutions and organizations that provide public services must incorporate systems to measure user and consumer satisfaction and put into practice assistance and reparation systems. The State shall be held liable for civil damages caused to persons for negligence and carelessness in the provision of public services under its charge and for the deficiency of services that have been paid.

Article 54

Persons or entities that provide public services or produce or market consumer goods shall be held liable both civilly and criminally for the inadequate provision of the services, for poor quality of the product or when its conditions are not consistent with the advertising that was made or with the description provided.

Persons shall be held liable for any malpractice in the exercise of their profession, craft or trade, especially practices that endanger the integrity or life of persons.

Article 55

Users and consumers will be able to set up associations that promote information and education about their rights and that represent and defend them before judiciary or administrative authorities. For the exercise of this and other rights, nobody shall be obliged to associate.

CHAPTER 4. Rights of communities, peoples and nations

Article 56

Indigenous communities, peoples and nations, the Afro-Ecuadorian people, the back-country people (montubios) of the inland coastal region, and communes are part of the single and indivisible Ecuadorian State.

Article 57

Indigenous communes, communities, peoples and nations are recognized and guaranteed, in conformity with the Constitution and human rights agreements, conventions, declarations and other international instruments, the following collective rights:

1. To freely uphold, develop and strengthen their identity, feeling of belonging, ancestral traditions and forms of social organization.
2. To not be the target of racism or any form of discrimination based on their origin or ethnic or cultural identity.
3. To recognition, reparation and compensation for community groups affected by racism, xenophobia and other related forms of intolerance and discrimination.
4. To keep ownership, without subject to a statute of limitations, of their community lands, which shall be unalienable, immune from seizure and indivisible. These lands shall be exempt from paying fees or taxes.
5. To keep ownership of ancestral lands and territories and to obtain free awarding of these lands.
6. To participate in the use, usufruct, administration and conservation of natural renewable resources located on their lands.
7. To free prior informed consultation, within a reasonable period of time, on the plans and programs for prospecting, producing and marketing nonrenewable resources located on their lands and which could have an environmental or cultural impact on them; to participate in the profits earned from these projects and to receive compensation for social, cultural and environmental damages caused to them. The consultation that must be conducted by the competent authorities shall be mandatory and in due time. If consent of the consulted community is not obtained, steps provided for by the Constitution and the law shall be taken.
8. To keep and promote their practices of managing biodiversity and their natural environment. The State shall establish and implement programs with the participation of the community to ensure the conservation and sustainable use of biodiversity.
9. To keep and develop their own forms of peaceful coexistence and social organization and creating and exercising authority, in their legally recognized territories and ancestrally owned community lands.
10. To create, develop, apply and practice their own legal system or common law, which cannot infringe constitutional rights, especially those of women, children and adolescents.
11. To not be displaced from their ancestral lands.
12. To uphold, protect and develop collective knowledge; their science, technologies and ancestral wisdom; the genetic resources that contain biological diversity and agricultural biodiversity; their medicine and traditional medical practices, with the inclusion of the right to restore, promote, and protect ritual and holy places, as well as plants, animals, minerals and ecosystems in their territories; and knowledge about the resources and properties of fauna and flora.

    All forms of appropriation of their knowledge, innovations, and practices are forbidden.
13. To uphold, restore, protect, develop and preserve their cultural and historical heritage as an indivisible part of Ecuador's heritage. The State shall provide resources for this purpose.
14. To develop, strengthen, and upgrade the intercultural bilingual education system, on the basis of criteria of quality, from early stimulation to higher levels of education, in conformity with cultural diversity, for the care and preservation of identities, in keeping with their own teaching and learning methodologies.

    A teaching career marked by dignity shall also be guaranteed. Administration of this system shall be collective and participatory, with rotation in time and space, based on community monitoring and accountability.
15. To build and uphold organizations that represent them, in a context of pluralism and cultural, political, and organizational diversity. The State shall recognize and promote all forms of expression and organization.
16. To participate by means of their representatives in the official organizations established by law to draw up public policies concerning them, as well as design and decide their priorities in the plans and projects of the State.
17. To be consulted before the adoption of a legislative measure that might affect any of their collective rights.
18. To uphold and develop contacts, ties and cooperation with other peoples, especially those that are divided by international borders.
19. To promote the use of garments, symbols and emblems that identify them.
20. To restrict military activities in their territories, in accordance with the law.
21. That the dignity and diversity of their cultures, traditions, histories, and ambitions be reflected in public education and in the media; the creation of their own media in their languages and access to the others without any discrimination.

The territories of the peoples living in voluntary isolation are an irreducible and intangible ancestral possession and all forms of extractive activities shall be forbidden there. The State shall adopt measures to guarantee their lives, enforce respect for self-determination and the will to remain in isolation and to ensure observance of their rights. The violation of these rights shall constitute a crime of ethnocide, which shall be classified as such by law.

The State shall guarantee the enforcement of these collective rights without any discrimination, in conditions of equality and equity between men and women.

Article 58

To build up their identity, culture, traditions and rights, the collective rights of the Afro-Ecuadorian people are recognized, as set forth in the Constitution, the law, and human rights agreements, conventions, declarations and other international instruments.

Article 59

The collective rights of the coastal back-country people (montubios) are recognized to guarantee their process of integral, sustainable and durable human development, the policies and strategies for their progress and their forms of societal management, on the basis of knowledge about their reality and respect for their culture, identity, and own vision, in accordance with the law.

Article 60

Ancestral, indigenous, Afro-Ecuadorian and coastal back-country (montubios) peoples can establish territorial districts for the preservation of their culture. The law shall regulate their establishment. Communities (comunas) that have collective land ownership are recognized as an ancestral form of territorial organization.

CHAPTER 5. Rights to participation

Article 61

Ecuadorians benefit from the following rights:

1. To elect and be elected.
2. To participate in affairs of public interest.
3. To submit projects of grass-roots regulatory initiatives.
4. To be consulted.
5. To audit activities conducted by the government.
6. To recall authorities elected by universal suffrage.
7. To hold and discharge public office and duties on the basis of merits and capacities and in a transparent, inclusive, equitable, pluralistic and democratic selection and designation system that guarantees their participation, on the basis of criteria of gender equity and parity, equal opportunities for persons with disabilities, and intergenerational participation.
8. To set up political parties and movements, join or withdraw from them and participate in all the decisions adopted by them.

Foreign persons shall enjoy these rights to the extent that they are applicable.

Article 62

The persons in possession of political rights have the right to equal, direct, secret and publicly scrutinized universal suffrage, in conformity with the following provisions:

1. Voting shall be mandatory for persons over eighteen years of age. Detained persons who have not been convicted and sentenced shall exercise their right to vote.
2. Voting shall be optional for persons between sixteen and eighteen years of age, elderly persons over sixty-five years of age, Ecuadorians who live abroad, members of the Armed Forces and National Police Force, and persons with disabilities.

Article 63

Ecuadorians abroad have the right to elect the President and Vice-President of the Republic, members of parliament representing the country and Ecuadorian nationals abroad, and can be elected to any office.

Foreign persons residing in Ecuador have the right to vote as long as they have resided legally in the country for at least five years.

Article 64

The exercise of political rights shall be suspended, in addition to those cases provided for by law, for the following reasons:

1. Prohibition by the judiciary system, as long it is in force, except in the case of insolvency or bankruptcy that has not been declared fraudulent.
2. Final court judgment convicting a person and sentencing that person to incarceration, as long as it is in force.

Article 65

The State shall promote equality with respect to the representation of women and men in publicly appointed or elected office, in its executive and decision-making institutions, and political parties and movements.

As for candidacies in multi-person elections, their participation shall be respected by rotation of power and sequencing.

The State shall adopt affirmative action measures to guarantee the participation of discriminated sectors.

CHAPTER 6. Rights to freedom

Article 66

The following rights of persons are recognized and guaranteed:

1. The right to the inviolability of life. There shall be no capital punishment.
2. The right to a decent life that ensures health, food and nutrition, clean water, housing, environmental sanitation, education, work, employment, rest and leisure, sports, clothing, social security and other necessary social services.
3. The right to personal well-being, which includes:
   a. Bodily, psychological, moral and sexual safety.
   b. A life without violence in the public and private sectors. The State shall adopt the measures needed to prevent, eliminate, and punish all forms of violence, especially violence against women, children and adolescents, elderly persons, persons with disabilities and against all persons at a disadvantage or in a vulnerable situation; identical measures shall be taken against violence, slavery, and sexual exploitation.
   c. Prohibition of torture, forced disappearance and cruel, inhuman or degrading treatments and punishments.
   d. Prohibition of the use of genetic material and scientific experimentation that undermines human rights.
4. The right to formal equality, material equality and nondiscrimination.
5. The right to freely develop one's personality, without any constraints other than respect for the rights of others.
6. The right to voice one's opinion and express one's thinking freely and in all of its forms and manifestations.
7. The right of all persons wronged by information broadcast by the media, without evidence or based on inaccurate facts, to immediate, mandatory and free corresponding correction, reply or response, in the same broadcasting slot or time.
8. The right to practice, keep, change, profess in public or private one's religion or beliefs and to disseminate them individually or collectively, with the constraints imposed by respect for the rights of others.

   The State shall protect voluntary religious practice, as well the expression of those who profess no religion whatsoever, and shall favor an environment of plurality and tolerance.
9. The right to freely take informed, voluntary, and responsible decisions on one's sexuality and one's sexual life and orientation. The State shall promote access to the necessary means so that these decisions take place in safe conditions.
10. The right to take free, responsible and informed decisions about one's health and reproductive life and to decide how many children to have.
11. The right to confidentiality about one's convictions. No one can be obliged to make statements about these convictions. In no case shall it be possible to require or use, without the authorization of the holder or his/her legitimate representatives, personal or third-party information about one's religious beliefs, political affiliation or thinking, or data about one's health or sexual life, unless required for medical care.
12. The right to conscientious objection, which shall not undermine other rights or cause harm to persons or nature.

    All persons have the right to refuse the use of violence and to refuse doing military service.
13. The right to associate, assemble and express oneself freely and voluntarily.
14. The right to travel freely throughout the nation's territory and to choose one's place of residence or to freely enter and leave the country, whose exercise shall be regulated by law. Prohibition from leaving the country can only be ordered by a judge authorized to do so.

    Foreigners cannot be returned or expelled to a country where their lives, liberty, safety or well-being or those of their families are in danger because of their ethnic belonging, religion, nationality, ideology, belonging to a given social group or political opinions.

    The expulsion of groups of foreigners is forbidden Migratory processes must be singled out.
15. The right to develop economic activities individually or collectively, in line with the principles of solidarity, social and environmental responsibility.
16. The right to freedom to enter into contracts.
17. The right to freedom of work. No one shall be obligated to carry out free or forced labor, unless provided for by law.
18. The right to honor and a good reputation The law shall protect the image and voice of every person.
19. The right to protection of personal information, including access to and decision about information and data of this nature, as well as its corresponding protection The gathering, filing, processing, distribution or dissemination of these data or information shall require authorization from the holder or a court order.
20. The right to personal and family intimacy.
21. The right to inviolability and secrecy of hard-copy and on-line correspondence, which cannot be retained, opened or examined, except in those cases provided by law, after court order and under the obligation to uphold the confidentiality of matters other than those motivating their examination This right protects any type or form of communication.
22. The right to the inviolability of one's domicile. It shall not be possible to enter the house of a person or conduct inspections or searches without their authorization or a court warrant, except in matters of felonies, in those cases and forms provided for by law.
23. The right to file individual and collective complaints with authorities and to receive substantiated responses and replies. No petitions can be addressed on behalf of the people.
24. The right to participate in the cultural life of the community.
25. The right to have access to quality, efficient, and effective public goods and services provided courteously, as well as to receive adequate and truthful information about their contents and characteristics.
26. The right to property in all of its forms, with social and environmental function and responsibility. The right to have access to property shall be enforced by the adoption of public policies, among other measures.
27. The right to live in a healthy environment that is ecologically balanced, pollution-free and in harmony with nature.
28. The right to personal and collective identity, which includes having a first name and last name, which is duty registered and freely chosen, and to preserve, develop and build up the tangible and intangible characteristics of said identity, such as nationality, family origins, and spiritual, cultural, religious, linguistic, political and social manifestations.
29. The rights of freedom also include:
    a. Recognition that all persons are born free.
    b. Prohibition of slavery, exploitation, bondage and smuggling and trafficking in human beings in all their forms.

       The State shall adopt measures to prevent and eliminate trafficking in persons and to protect and socially reinsert victims of trafficking and other forms of the infringement of freedom.
    c. That no person can be incarcerated for debt, costs, fines, taxes or other obligations, except in the case of alimony payments.
    d. That no person can be obligated to do something forbidden or to cease from doing something not forbidden by law.

Article 67

Family in its various forms is recognized. The State shall protect it as the fundamental core of society and shall guarantee conditions that integrally favor the achievement of its goals. They shall be comprised of legal or common-law ties and shall be based on the equality of rights and the opportunities of their members.

Marriage is the union of man and woman and shall be based on the free consent of the persons entering into this bond and on the equality of rights, obligations and legal capacity.

Article 68

The stable and monogamous union between two persons without any other marriage ties who have a common-law home, for the lapse of time and under the conditions and circumstances provided for by law, shall enjoy the same rights and obligations of those families bound by formal marriage ties.

Adoption shall only be permitted for different-gender couples.

Article 69

To protect the rights of persons who are members of a family:

1. Responsible motherhood and fatherhood shall be fostered; and the mother and father shall be obliged to take care, raise, educate, feed, and provide for the integral development and protection of the rights of their children, especially when they are separated from them for any reason.
2. Unseizable family assets are recognized in terms of amount and on the basis of the conditions and limitations provided for by law. The right to give in legacy and inherit is recognized.
3. The State shall guarantee the equality of rights in decision making for the administration of the marital partnership and the joint ownership of assets.
4. The State shall protect mothers, fathers and those who are the heads of family, in the exercise of their obligations and shall pay special attention to families who have broken up for whatever reason.
5. The State shall promote the joint responsibility of both mother and father and shall monitor fulfillment of the mutual duties and rights between mothers, fathers, and children.
6. Daughters and sons shall have the same rights, without any consideration given to kinship or adoption background.
7. No declaration of the quality of the kinship shall be required at the time of registering the birth and no identity document shall refer to the type of kinship.

Article 70

The State shall draw up and implement policies to achieve equality between women and men, through the specialized mechanism set up by law, and shall mainstream the gender approach in plans and programs and shall provide technical assistance for its mandatory enforcement in the public sector.

CHAPTER 7. Rights of nature

Article 71

Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate.

The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

Article 72

Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

Article 73

The State shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles.

The introduction of organisms and organic and inorganic material that might definitively alter the nation's genetic assets is forbidden.

Article 74

Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living.

Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the State.

CHAPTER 8. Rights to protection

Article 75

Every person has the right to free access to justice and the effective, impartial and expeditious protection of their rights and interests, subject to the principles of immediate and swift enforcement; in no case shall there be lack of proper defense. Failure to abide by legal rulings shall be punishable by law.

Article 76

In all processes where rights and obligations of any kind are set forth, the right to due process of law shall be ensured, including the following basic guarantees:

1. All administrative or judiciary authorities are responsible for guaranteeing enforcement of the standards and rights of the parties.
2. All persons shall be presumed innocent, and shall be dealt with as such, until their guilt is stated by means of final ruling or judgment of conviction.
3. No one shall be judged or punished for a deed or omission which, at the time of its perpetration, is not legally classified by law as a criminal, administrative or other offense; nor shall a punishment not provided for by the Constitution or law be applied. A person can only be judged by a competent judge or authority and in keeping with the procedures corresponding to each proceeding.
4. Evidence obtained or presented in violation of the Constitution or the law shall not have any validity and shall fail to qualify as evidence.
5. In the case of conflict between two laws on the same subject envisaging different punishments for a single action, the less severe of the two punishments shall be imposed, even when its enactment is subsequent to the offense. In the event of any doubt on a regulation providing for punishments, the regulation shall abide by the most favorable interpretation of its effective force for the benefit of the offender.
6. The law shall establish due proportionality between lawbreaking and criminal, administrative or other punishments.
7. The right of persons to defense shall include the following guarantees:
    a. No one shall be deprived of the right to defense at any stage or level of the proceedings.
    b. To have the time and means to prepare for one's defense.
    c. To be listened to at the right time and with equal conditions.
    d. Procedures shall be public except for those exceptions provided for by law. The parties shall be able to gain access to all documents and steps of the proceedings.
    e. No one can be questioned, not even for purposes of inquiry, by the Office of the Attorney-General, by police force authority or any other authority, without the presence of a private attorney or a court appointed defense attorney, or outside the premises authorized for this purpose.
    f. To be helped free of charge by a translator or interpreter if the person does not understand or speak the language in which the proceedings are being conducted.
    g. In court procedures, to be helped by an attorney of the person's choice or by a court appointed defense attorney; access to or free and confidential communication with the person's defense attorney cannot be restricted.
    h. To submit verbally or in writing the reasons or arguments of those who are being assisted and to respond to the arguments of the other parties; to submit evidence and challenge the evidence that is submitted against them.
    i. No one can be judged more than once for the same case and offense. For this purpose, the cases ruled by the indigenous legal system must also be taken into account.
    j. Those who act as witnesses or experts shall be required to appear before the judge or authority and to answer the respective questions.
    k. To be judged by an independent, impartial and competent judge. No one shall be judged by special courts or by special commissions created for the purpose.
    l. Decisions taken by public authorities must be substantiated. There shall be no substantiation if, in the decision, the legal standards or principles on which it is based are not set forth and if the relevance of their application to the factual background is not explained. The administrative documents, resolutions or rulings that are not duly substantiated shall be considered null and void. The public servants responsible shall be sanctioned.
    m. To appeal the decision or ruling in all of the proceedings where a decision is taken on their rights.

Article 77

In any criminal proceedings where a person has been arrested and detained, the following basic guarantees shall be observed:

1. The deprivation of freedom shall not be considered the general rule and shall be used to ensure the appearance of the accused or defendant to the trial; the right of crime victims to a prompt, timely and expeditious justice; and to ensure compliance with the sanction. It shall proceed by written decision of competent judge, for the time period and in accordance with the formalities established by law. Excepted are in flagrante situations, where the person shall not be detained for more than twenty-four hours without a judicial warrant. Non-custodial measures shall be applied in accordance with the cases, terms, conditions, and requirements established by law.
2. No person shall be admitted to a detention center without a written warrant issued by a competent judge, except in the case of felonies. Persons who are being tried or suspects in a criminal trial and who are incarcerated shall remain in legally established provisional detention centers.
3. All persons, at any moment of detention, shall have the right to know, clearly and in simple language, the reason for their arrest and detention, the identity of the judge or authority ordering the detention, the identity of those who enforced the order and that of the persons responsible for the respective questioning.
4. At the time of detention, the agent shall inform the arrested person of his/her right to remain silent, to request the assistance of an attorney or court-appointed defense attorney in the event he/she is unable to designate one by himself/herself, and to communicate with a relative or any other persons indicated by him/her.
5. If the arrested person is a foreigner, whoever carries out the arrest shall immediately inform the consular representative of the detainee's country.
6. No one can be kept incommunicado.
7. The right of all persons to defense includes:
    a. To be informed, previously and in detail, in their own language and in simple words, about the claims and proceedings being filed against them and about the identity of the authority responsible for the claim or proceedings being filed.
    b. The right to remain silent.
    c. No one can be forced to make statements incriminating oneself with regard to matters that could lead to their criminal liability.
8. No one can be required to make a statement in a criminal trial against one's spouse, life partner or relatives up to the fourth degree of consanguinity or second degree of affinity, except in cases of domestic, sexual and gender violence. The voluntary statements made by the victims of a crime or by the relatives of these victims, regardless of the degree of kinship, shall be admissible. These persons can file and pursue the corresponding criminal proceedings.
9. Under the responsibility of the judge hearing the proceedings, pre-trial arrest and detention cannot extend for more than six month in those cases of crimes punishable by imprisonment or for more than one year in those crimes punishable by long-term incarceration. If these time-limits are surpassed, the warrant for pre-trial arrest and detention shall be null and void.

    The warrant for pre-trial detention decision shall remain in effect and the time-limit shall be suspended ipso jure (automatically) if by any means during the term of the custody, the defendant evades, delays, prevents or hinders his/her trial through acts aimed to exhaust the statute of limitations. If such delay occurs during the trial or results in the expiration of the statute of limitations, due to acts or omissions of judges, prosecutors, ombudsmen, experts or subsidiary bodies' public officers, they shall be considered to have committed a very serious offense and shall be sanctioned (punished) in accordance with the law.
10. Without any exception, once the stay of proceedings or a ruling of acquittal has been issued, the arrested persons shall be set free immediately, even where there is an inquiry or appeal that is pending.
11. The judge shall apply precautionary measures alternative to imprisonment as established by law. Such alternative precautionary measures shall be applied in accordance with the cases, terms, conditions and requirements established by law.
12. Persons declared guilty and sentenced to imprisonment as a result of a final judgment of conviction shall remain in social rehabilitation centers. No person convicted for an ordinary offense shall complete his/or term outside the State's social rehabilitation centers, except in those cases of alternative punishments or parole, in accordance with the law.
13. Law-breaking adolescents shall be governed by a system of socio- educational measures proportionate to the infringement identified. The State shall determine by law custodial and non-custodial sentences. Incarceration shall be established as a last resort, for the minimum period needed, and it shall be enforced in establishments that are different from those for adults.
14. When ruling on the challenge to a sanction, the situation of the person making the appeal cannot be made worse.

Whoever imprisons a person by infringing these regulations shall be punished. The law provides for criminal and administrative sanctions for the arbitrary detention that takes place as the result of the excessive use of the police force, in their abusive application or interpretation of the penalties or other regulations or for reasons of discrimination.

For disciplinary arrests of members of the Armed Forces and the National Police Force, the provisions of the law shall be applied.

Article 78

The victims of criminal offenses shall benefit from special protection; guarantees shall be provided to them for preventing their revictimization, especially in obtaining and assessing the evidence; and they shall be protected against any threat or other forms of intimidation. Mechanisms shall be adopted for integral reparation, which shall include, without delay, knowledge about the truth of the facts and restitution, compensation, rehabilitation, guarantee of nonrepetition, and satisfaction with respect to the infringed right.

A system for the protection of and assistance to victims, witnesses, and participants in the proceedings shall be established.

Article 79

In no case shall extradition of an Ecuadorian be granted. Trial of said Ecuadorian shall be subject to the laws of Ecuador.

Article 80

Proceedings and punishment for the crimes of genocide, crimes to humanity, war crimes, forced disappearance of persons or crimes of aggression to a State shall not be subject to statutes of limitations. None of the above-mentioned cases shall be liable to benefit from amnesty. The fact that one of these crimes might have been perpetrated by a subordinate shall not exempt the superior who ordered said crime or the subordinate who carried out the order from criminal liability.

Article 81

The law shall establish special and expeditious procedures for bringing to trial and punishing the crimes of domestic violence, sexual offenses, crimes of hate and crimes perpetrated against children, adolescents, young people, persons with disabilities, elderly persons and persons who, because of their specific characteristics, require greater protection. Specialized prosecutors and defense attorneys shall be appointed for dealing with these cases, in accordance with the law.

Article 82

The right to legal security is based on respect for the Constitution and the existence of prior legal regulations that are clear, public and applied by the competent authorities.

CHAPTER 9. Responsibilities

Article 83

Ecuadorians have the following duties and obligations, without detriment to others provided for by the Constitution or by law:

1. To abide by and enforce the Constitution, the law and the legitimate decisions taken by the competent authority.
2. Ama killa, ama llulla, ama shwa. To not be lazy, not lie, not steal.
3. To defend the territorial integrity of Ecuador and its natural resources.
4. To cooperate in keeping the peace and safety.
5. To respect human rights and to fight for their enforcement.
6. To respect the rights of nature, preserve a healthy environment and use natural resources rationally, sustainably and durably.
7. To promote public welfare and give precedence to general interests over individual interests, in line with the good way of living.
8. To administer public assets with honesty and in true compliance with the law and to report and combat acts of corruption.
9. To practice justice and solidarity in the exercise of their rights and the enjoyment of goods and services.
10. To promote unity and equality in diversity and in intercultural relationships.
11. To take on public office as a service to the community and to be accountable to society and authority, in accordance with the law.
12. To practice one's profession or trade ethically.
13. To preserve the country's cultural and natural heritage and to take care of and uphold public assets.
14. To respect and recognize ethnic, national, social, generational, and gender differences and sexual orientation and identity.
15. To cooperate with the State and community in social security and to pay taxes levied by law.
16. To help, feed, educate and raise one's children. This duty is a joint responsibility of mothers and fathers, in equal proportion, and shall also be applicable to children when their own mothers and fathers need them.
17. To participate honestly and transparently in the country's political, civic and community life.

TITLE III. CONSTITUTIONAL GUARANTEES

CHAPTER 1. Guarantees of the legal and regulatory framework

Article 84

The National Assembly and all bodies with legal and regulatory authority shall be obligated to adjust, formally and materially, the laws and other legal standards related to the rights provided for in the Constitution and international treaties and those that are needed to guarantee the dignity of human beings or communities, peoples and nations. In no case shall amending the Constitution, laws, other legal and regulatory frameworks or actions by the government endanger the rights recognized by the Constitution.

CHAPTER 2. Public policies, public services, and public participation

Article 85

The drafting, enforcement, evaluation and monitoring of public policies and public services that guarantee the rights enshrined in the Constitution shall be governed by the following provisions:

1. Public policies and the provision of public goods and services shall be aimed at enforcing the good way of living and all rights and shall be drawn up on the basis of the principle of solidarity.
2. Without detriment to the prevalence of public welfare over individual well-being, when the impacts of the implementation of public policies or the provision of public goods and services undermine or threaten to undermine constitutional rights, the policy or provision must be reformulated or alternative measures shall be adopted to reconcile the conflicting rights.
3. The State shall guarantee the equitable and mutually supportive allocation of the budget for the implementation of public policies and the provision of public goods and services.

In the drafting, implementation, evaluation and monitoring of public policies and public services, the participation of persons, communities, peoples and nations shall be guaranteed.

CHAPTER 3. Jurisdictional guarantees

SECTION 1. Common provisions

Article 86

Jurisdictional guarantees shall be governed, as a rule, by the following provisions:

1. Any person, group of persons, community, people or nation will be able to propose actions envisaged in the Constitution.
2. The judge with jurisdiction in the place where the deed or omission originated or where its impacts were exerted shall be the competent authority and the following rules of procedures shall be applicable:
    a. The procedure shall be simple, quick and efficient. It shall be verbal in all of its stages and proceedings.
    b. They shall be effective at all times.
    c. They can be proposed verbally or in writing, without formalities and without the need to quote the rule that was infringed. Support of an attorney to file the action shall not be indispensable.
    d. Notifications shall be made by the most effective means that are within the reach of the judging party, the legitimized asset and the body responsible for this deed or omission.
    e. Procedural rules that tend to delay their efficient processing shall not be applicable.
3. Once the action has been submitted, the judge shall immediately convene a public hearing and at any time during the proceedings will be able to order the submittal of evidence and designate commissions to gather this evidence. The claim alleged by the person filing the complaint shall be presumed to be true as long as the public institution that is called upon does not prove the contrary or does not provide information The judge shall rule on the case by means of a sentence and, if the infringement of rights has been detected, he/she will have to state this, order integral tangible and intangible reparation and specify and individualize the obligations, both positive and negative, aimed at the target of the legal decision issued and the circumstances under which they must be complied with.

    The rulings of the first court can be appealed in a provincial court. Legal proceedings shall only be complete when the sentence or ruling has been fully enforced.
4. If the sentence or ruling is not complied with by the public servants, the judge shall order their dismissal from their job or employment, without detriment to the civil or criminal liabilities that might be applicable. When it is an individual who has failed to comply with the sentence or ruling, the liability set forth in the law shall come into force.
5. All final judgments shall be referred to the Constitutional Court for their development in case law.

Article 87

Preventive measures can be ordered either jointly or independently of the constitutional actions for the protection of rights, for the purpose of avoiding or ceasing the violation or threat of violation of a right.

SECTION 2. Protection proceedings

Article 88

Protection proceedings shall be aimed at ensuring the direct and efficient safeguard of the rights enshrined in the Constitution and can be filed whenever there is a breach of constitutional rights as a result of deeds or omissions by any non-judiciary public authority against public policies when they involve removing the enjoyment or exercise of constitutional rights; and when the violation proceeds from a particular person, if the violation of the right causes severe damage, if it provides improper public services, if it acts by delegation or concession, or if the affected person is in a status of subordination, defenselessness or discrimination.

SECTION 3. Habeas corpus proceedings

Article 89

Habeas corpus proceedings are aimed at restoring the freedom of those who are being held illegally, arbitrarily or illegitimately by order of a public authority or any other persons, as well as to protect the life and bodily safety of persons in prison.

Immediately after the proceedings are filed, the judge shall convene a hearing, which must be held within the following twenty-fours, where the warrant of arrest and imprisonment with the legal formalities and the justifications of fact and law that substantiate the measure must be presented. The judge shall order the appearance of the imprisoned person, the authority in whose charge the imprisoned person has been committed, the court-appointed defense attorney and the person who had ordered or caused the imprisonment, depending on the case. If necessary, the hearing shall be held in the place of detention.

The judge shall rule within twenty-four hours after completion of the hearing. In the event of illegitimate or arbitrary detention, release from prison shall be ordered. The ruling ordering release from prison shall be complied with immediately.

If any kind of torture, inhumane, cruel or degrading treatment is confirmed, the order to release the victim, provide integral and specialized care, and provide measures that are alternative to imprisonment when applicable shall be issued.

When the order for imprisonment has been issued in criminal proceedings, the appeal shall be made with the Provincial Court of Justice.

Article 90

When the place of incarceration is unknown and there are indications of interference by some public official or another agent of the State or persons who are acting on the basis of the latter's authorization, support or acquiescence, the judge must call the top representatives of the National Police Force and the competent Minister to a hearing. After listening to them, the measures needed to locate the person and those responsible for his/her imprisonment shall be adopted.

SECTION 4. Petition for access to public information

Article 91

The petition for access to public information shall be aimed at guaranteeing access to this information, when this information has been denied expressly or tacitly or when the information provided is incomplete or not trustworthy. It can be filed even if the denial to provide information is based on the secret, reserved, confidential nature of the information or any other classification. The reserved nature of the information must be stated prior to the petition by a competent authority and in accordance with the law.

SECTION 5. Habeas data proceedings

Article 92

All persons, by their own rights or as legitimate representatives for this purpose, shall have the right to know of the existence of and gain access to documents, genetic data, personal data banks or files and reports about themselves or about their assets that appear in public or private entities, whether in hard copy or on electronic media. Likewise, they shall have the right learn about the use made of this information, its end purpose, the origin and destination of the personal information and the time of validity of the data file or bank.

The persons responsible for the data banks or files will be able to disseminate the filed information with the authorization of the holder or the law.

The person owning the data will be able to request the person in charge to allow access free of charge to the file, as well as update of the data and their correction, deletion or annulment. In the case of sensitive data, whose file must be authorized by law or by the person owning the information, the adoption of the security measures that are needed shall be required. If the petition is not duty answered, the person can resort to a judge. The affected person can file a complaint for damages caused.

SECTION 6. Proceedings for failure to comply

Article 93

Proceedings for failure to comply shall be aimed at guaranteeing the application of rules and regulations comprising the legal system, as well as compliance with the rulings or reports of international human rights organizations, when the regulation or decision whose enforcement is being pursued contains an obligation to make it clear, express and enforceable. The petition shall be filed with the Constitutional Court.

SECTION 7. Special proceedings for protection

Article 94

The special proceedings for protection shall be admissible against those rulings or definitive judgments where there has been a violation, by deed or omission, of the rights enshrined in the Constitution, and they shall be filed with the Constitutional Court. This appeal shall be admissible when regular and special appeals have been exhausted within the legal framework, unless the failure to file these resources was not attributable to the negligence of the person bearing the constitutional right that was infringed.

TITLE IV. PARTICIPATION AND ORGANIZATION OF POWER

CHAPTER 1. Participation in democracy

SECTION 1. Principles of participation

Article 95

Citizens, individually and collectively, shall participate as leading players in decision making, planning and management of public affairs and in the people's monitoring of State institutions and society and their representatives in an ongoing process of building citizen power. Participation shall be governed by the principles of equality, autonomy, public deliberation, respect for differences, monitoring by the public, solidarity and interculturalism.

The participation of citizens in all matters of public interest is a right, which shall be exercised by means of mechanisms of representative, direct and community democracy.

SECTION 2. Community organization

Article 96

All forms of organizing society are recognized as an expression of the people's sovereignty to develop processes of self-determination and to influence public decisions and policymaking and for social monitoring of all levels of government, as well as public and private institutions that provide public services.

Organizations can be articulated at different levels to build up citizen power and its forms of expression; they must guarantee internal democracy, the rotation of power of their leaders, and accountability.

Article 97

All organizations shall be able to develop alternative forms of dispute mediation and settlement, in those cases permitted by law; to act as delegates of the competent authority, with acceptance of due shared responsibility with this authority, to call for reparation of damages caused by public or private institutions; to draw up economic, political, environmental, social and cultural proposals and claims; and to propose other initiatives contributing to the good way of living.

Volunteer work for social action and development is recognized as a form of social participation.

Article 98

Individuals and communities shall be able to exercise the right to resist deeds or omissions by the public sector or natural persons or non-state legal entities that undermine or can undermine their constitutional rights or call for recognition of new rights.

Article 99

Citizen action shall be exercised individually or representing the community when a right is infringed and when it is threatened; it shall be submitted to a competent authority, in accordance with the law. The exercise of this action shall not prevent other actions guaranteed by the Constitution and the law.

SECTION 3. Participation in the different levels of government

Article 100

At all levels of government, entities of participation shall be set up, comprised of elected authorities, representatives of the dependent regime, and representatives of the society of the territorial sphere of each level of government, which shall be governed by democratic principles. Participation in these entities is aimed at:

1. Drafting national, local and sector plans and policies between governments and the citizenry.
2. Improving the quality of public investment and drafting development agendas.
3. Drawing up participatory budgets of governments.
4. Building up democracy with permanent mechanisms for transparency, accountability and social control.
5. Promoting citizen training and fostering communication processes.

To implement this participation, public hearings, oversight committees, assemblies, gross-roots lobbying, consultative councils, observatories and other entities that promote civic-mindedness shall be organized.

Article 101

The sessions of decentralized autonomous governments shall be public and at these sessions there will be an empty seat that shall be held by a representative of the citizens, depending on the topics to be dealt with, for the purpose of participating in their debate and decision making.

Article 102

Ecuadorians, including those residing abroad, whether individually or collectively, will be able to submit their proposals and projects at all levels of government, through the mechanisms provided for in the Constitution and by law.

SECTION 4. Direct democracy

Article 103

Grass-roots legal and regulatory initiatives shall be exercised to propose the creation, amendment or repeal of legal regulations to the Legislative Branch of Government or any other body that has a regulatory jurisdiction. It must benefit from the backing of a number accounting for no less than zero point twenty-five percent (0.25%) of the persons registered in the voter registration list of the corresponding jurisdiction.

Those who propose a grass-roots initiative shall participate, by means of their representatives, in discussing the project in the corresponding body, which shall have a term of one-hundred eighty (180) days to review the proposal; if the proposal is not reviewed within those time-limits, it will enter into force.

When it involves a bill, the President of the Republic shall be able amend the bill but not to veto it completely.

For the submittal of constitutional amendment proposals, the backing of a number accounting for no less than one percent (1%) of the persons registered in the voter registration list shall be required. If the Legislative Branch does not review the proposal within a term of one year, the proposers will be able to request the National Electoral Council to call for a referendum, without the need to provide the eight percent (8%) backing of those registered in the voter registration list. While one grass-roots proposal to amend the Constitution is being processed, no other can be submitted at the same time.

Article 104

The corresponding electoral body shall convene a referendum as ordered by the President of the Republic, the supreme authority of decentralized autonomous governments or citizen initiative.

The President of the Republic shall instruct the National Electoral Council to convene a referendum on matters he/she deems advisable.

Decentralized autonomous governments, on the basis of a decision taken by three fourths of their members, can request that a referendum be convened on issues of interest for their jurisdiction which are within the competence of the corresponding level of government.

Citizens will be able to request the call for a referendum. When the referendum is nationwide, the petitioner must reckon with the backing of a number accounting for no less than five percent (5%) of the persons registered in the voter registration list; when the referendum is local, it must be backed by a number accounting for no less than 10% of the corresponding voter list.

When the referendum is requested by Ecuadorians abroad, for matters of interest to them and involving the Ecuadorian State, it shall require the backing of a number accounting for no less than five percent (5%) of the persons registered on the voter registration list of their special voting precinct.

Referendums requested by the decentralized autonomous governments or the citizenry shall not be able to refer to tax-related matters or the country's political and administrative structure, except for what is provided for in the Constitution.

In all cases, a previous ruling by the Constitutional Court on the constitutionality of the proposed questions shall be required.

Article 105

All persons, in the exercise of their political rights, will be able to recall elected authorities.

The request for recall can be submitted after the first year and before the last year of the term of office for which the challenged authority was elected. During the term of office of an authority, only one proceeding requesting his/her recall can be carried out.

The request for recall must be backed by a number accounting for no less than ten percent (10%) of the persons registered in the corresponding voter registration list. In the case of the President of the Republic, backing by a number accounting for no less than fifteen percent (15%) of the persons registered in the electoral registration list.

Article 106

The National Electoral Council, once it is apprised of the decision taken by the President of the Republic or the decentralized autonomous governments or accepts the petition requested by the citizenry, shall within fifteen (15) days call for a referendum, plebiscite or recall (motion to dismiss), which then must be held in the ensuing sixty (60) days.

For the adoption of a matter proposed for referendum, plebiscite or recall, an absolute majority of valid votes shall be required, except for a referendum to recall the President of the Republic, in which case the absolute majority of voters is required.

The people's decision shall require mandatory and immediate enforcement. In the case of recall, the challenged authority shall be removed from office and shall be replaced by whoever is stipulated by the Constitution

Article 107

For the expenditures required to hold the elections that are convened by order of decentralized autonomous governments, they shall be charged to the budget of the corresponding level of government; those that are convened by order of the President of the Republic or at the request of the citizenry shall be charged to the General Budget of the State.

SECTION 5. Political organizations

Article 108

Political parties and movements are non-State public organizations, which constitute the expressions of political plurality of the people and are sustained by philosophical, political, ideological, inclusive and nondiscriminatory concepts.

Their organization, structure and functioning shall be democratic and shall guarantee rotation of power, accountability, and parity membership between women and men on their governing boards. They shall choose their board members and candidates by means of internal electoral processes or primaries.

Article 109

Political parties shall be national in nature, shall be governed by their principles and bylaws, shall propose a government platform and shall keep a record of their members. Political movements may pertain to any level of government or the district of Ecuadorians living abroad. The law shall set the requirements and conditions for the democratic organization, permanence and actions of political movements, as well as incentives for them to forge alliances.

Political parties must submit their statement of ideological principles, government platform setting forth the basic actions they propose to carry out, bylaws, symbols, emblems, logos, list of governing board members. Parties must have a national structure, which shall cover at least 50% of the country's provinces, two of which must pertain to the three provinces with the largest population. The registry of members cannot have a number accounting for less than one point five percent (1.5%) of the persons on the voter registration list used in the last election.

Political movements must submit a statement of principles, government platform, symbols, acronyms, emblems, logos and registry of members or followers, with a number accounting for no less than one point five percent (1.5%) of the voter registration list used in the last election.

Article 110

Political parties and movements shall be funded by membership dues paid by their members and followers, and as long as they meet the requirements stipulated by law, the political parties shall receive State allocations subject to monitoring.

The political movement that, on two successive multi-person elections, obtains at least five percent (5%) of all valid votes nationwide, shall acquire the same rights and must meet the same obligations as political parties.

Article 111

The right of political parties and movements registered in the National Electoral Council to political opposition at all levels of government is recognized.

SECTION 6. Political representation

Article 112

The political parties and movements or their alliances may submit militants, sympathizers or unaffiliated persons as candidates for general election. Political movements shall require the backing of persons registered in the voter registration list of the corresponding jurisdiction by a number accounting for no less than one point five percent (1.5%).

When requesting registration, those who are submitting their candidacy shall submit their government platform or proposals.

The political parties and movements or their alliances may not nominate candidates for the elections to the Council for Public Participation and Social Control.

Article 113

The following cannot be candidates to an election by universal suffrage:

1. Those who, when registering their candidacy, have a contract with the State, as natural persons or as representatives or proxies of legal entities, when the contract was entered into for the implementation of a public work, provision of public service or production of natural resources.
2. Those have been convicted and sentenced for crimes punishable by long-term imprisonment or for bribery, illicit enrichment or embezzlement.
3. Those who owe alimony payments.
4. The judges of the Judicial Branch of Government, the Electoral Dispute Settlement Court and the members of the Constitutional Court and the National Electoral Council, unless they have resigned from office six months before the date set for the election.
5. Members of the foreign service who hold a position abroad cannot be candidates representing Ecuadorians abroad unless they have resigned from their position six months before the date set for the election.
6. Public servants whose appointment and recall are discretionary and those who have fixed-term contracts, unless they have resigned prior to the date of registration of their candidacy. The other public servants and teachers can submit their candidacy and shall enjoy a leave of absence without salary from the date of registration of their candidacies up to the date following the election, and if they are elected while they hold office. Performance of their duties by those who are elected to parish boards shall not be incompatible with the performance of their duties as public servants or teachers.
7. Those who have exercised executive authority in de facto governments.
8. Members of the Armed Forces and the National Police Force on active duty.

Article 114

The authorities elected by the people can be reelected only once, consecutively or not, for the same position. The authorities elected by the people who submit their candidature for a different office shall resign from the one they are currently holding.

Article 115

The State, through the media, shall guarantee, in an equitable and egalitarian fashion, promotion of the election fostering debate and dissemination of the program platforms of all the candidates. Political subjects cannot hire advertising in the media and on billboards.

The use of State resources and infrastructure, as well as government publicity, at all levels of government for the electoral campaign, is forbidden.

The law shall set sanctions for those who fail to comply with these provisions and shall determine the limit and control mechanisms for political solicitation and campaign spending.

Article 116

For multi-person elections, the law shall establish an electoral system in line with the principles of proportionality, equality of vote, equity, parity and rotation of power between women and men and shall determine the voting precincts inside and outside the country.

Article 117

Legal reforms to election are forbidden during the year prior to holding elections.

If a provision is declared unconstitutional and this affects the normal development of the electoral process, the National Electoral Council shall propose to the Legislative Branch of Government a bill so that the Legislature can review it within no fewer than thirty (30 days); if it is not dealt with, it shall come into force by law.

CHAPTER 2. Legislative Branch of Government

SECTION 1. National Assembly

Article 118

The Legislative Branch of Government is exercised by the National Assembly, which is comprised of Assembly persons elected for a four-year term of office.

The National Assembly is comprised one single house of representatives and shall have its seat in Quito. In exceptional circumstances, it can meet in any part of the country's territory.

The National Assembly shall be comprised of

1. Fifteen (15) Assembly persons elected as representatives of the nation as a whole (national district).
2. Two (2) Assembly persons elected for each province, plus one (1) additional Assembly person for every two hundred thousand (200,000) inhabitants or fraction thereof over one hundred fifty thousand (150,000), on the basis of the last national population census.
3. The law shall determine the election of Assembly persons representing regions, metropolitan districts, and the district representing Ecuadorians living abroad.

Article 119

To be an Assembly person, one must be an Ecuadorian national, at least eighteen (18) years of age at the time of registering one's candidacy, and in possession of political rights.

Article 120

The National Assembly shall have the following attributions and duties, in addition to those provided for by law:

1. To swear into office the President and Vice-President of the Republic when the National Electoral Council has declared that they have won the election. The swearing-in ceremony shall take place on the 24th of May of the year they were elected.
2. To declare disempowering physical or mental disability preventing the President of the Republic from fulfilling his/her duties and to decide their termination of office in accordance with the provisions of the Constitution.
3. To elect the Vice-President, in the event of his/her definitive absence, from a shortlist of candidates proposed by the President of the Republic.
4. To be apprised of the annual reports that must be submitted by the President of the Republic and issue views regarding them.
5. To participate in the constitutional reform process.
6. To expedite, codify, reform and repeal laws and interpret them, with a generally mandatory nature.
7. To create, amend or eliminate taxes by means of the law, without detriment to the attributions granted to decentralized autonomous governments.
8. To adopt or turn down international treaties in those cases whenever appropriate.
9. To audit the activities of the Executive, Electoral, and Transparency and Social Control Branches of Government and other bodies of the public sector and to request public servants to provide the information that it deems necessary.
10. To authorize, on the basis of a vote of two thirds of its members, the criminal impeachment of the President or Vice-President of the Republic when the competent authority so requests it on substantive grounds.
11. To swear into office the supreme authority of the Office of the State Prosecutor, the Office of the Comptroller General, the Attorney-General's Office, the Office of the Human Rights Ombudsman, the Office of the Attorney for the Defense of the People, the Superintendencies, and the members of the National Electoral Council, the Judiciary Council, and the Council for Public Participation and Social Control.
12. To adopt the General Budget of the State, in which the limits of government indebtedness shall be stipulated, and monitor its implementation.
13. To grant amnesty for public crimes and pardons for humanitarian reasons, with the favorable vote of two thirds of its members. The above shall not be granted for crimes perpetrated against public administration or for genocide, torture, forced disappearance of persons, kidnapping, or homicide on political or moral grounds.

Article 121

The National Assembly shall elect a President and two Vice-Presidents from among its members, for a two-year term of office, and they can be reelected.

The Vice-Presidents shall hold, in order, the office of the President in the event of temporary or definitive absence or resignation from office of the President of the National Assembly. The National Assembly shall fill the vacancies when required and for the time remaining to complete the terms of office.

The National Assembly shall elect from outside its membership a secretary and a pro-secretary.

Article 122

The supreme body of the legislative administration shall be comprised of those who hold the office of President and the office of the two Vice-Presidents and of four members elected by the National Assembly from among the Assembly persons belonging to different legislative groups.

Article 123

The National Assembly shall be installed in Quito, without the need to issue a call to meeting, on the fourteenth of May of the year of its election. The plenary shall be held regularly and permanently, with two fifteen-day recesses every year. The sessions of the National Assembly shall be public, barring those exceptions provided for by the law.

During recess, the President of the National Assembly, as such, at the request of the majority of the members of the Assembly or of the President of the Republic, shall convene special sessions to deal exclusively with the specific matters indicated in the call to meeting.

Article 124

The political parties or movements that have a number of Assembly persons accounting for at least ten percent (10%) of the members of the National Assembly may be able to set up a legislative group. The political parties or movements that do not manage to account for the above-mentioned percentage will be able to join with others for the purpose of forming a legislative group.

Article 125

To fulfill its attributions, the National Assembly shall set up permanent specialized committees, in which all of its members shall participate. The law shall determine the number, establishment, and competencies of each one.

Article 126

To carry out its work, the National Assembly shall be governed by the corresponding law and its internal regulations. To amend or codify this law, an absolute majority of the members of the Assembly shall be required.

Article 127

The Assembly persons shall perform a public duty at the service of the country, they shall act for the general welfare of the nation; they shall be held politically liable by society for their deeds or omissions in the performance of their duties and attributions; and they shall be obliged to render accounts to their constituents.

Assembly persons shall not be able:

1. To hold any other public or private office or perform their professional activities if the latter are incompatible with their office, except for teaching at university as long as their schedule allows them.
2. To provide, process, receive or administer resources of the General Budget of the State, except those earmarked for the functioning of the administrative budget of the National Assembly.
3. To process appointments to public office.
4. To collect allowances and other income from public funds that do not pertain to their duty as Assembly persons.
5. To accept appointments, delegations, commissions or representations that are paid from other State duties.
6. To be a member of the governing boards of other associated bodies of institutions or companies in which the State has a share.
7. To enter into contracts with entities of the public sector.

Whoever fails to observe one of these prohibitions shall forfeit the status of Assembly person, in addition to being held liable by law for this failure.

Article 128

Assembly persons shall enjoy parliamentary immunity from legal proceedings by the National Court of Justice during the performance of their duties; they shall not be held civilly or criminally liable either for the opinions they give or for the decisions or actions they carry out in the performance of their duties, inside or outside the National Assembly.

To file criminal proceedings against an Assembly person, prior authorization from the National Assembly shall be required, except in those cases that are not related to the performance of their duties. If the petition filed by the competent judge requesting authorization for trial proceedings is not answered within a term of thirty (30) days, it shall be construed as granted.

During the periods of recess, the time-limits indicated above shall be suspended. Assembly persons can only be arrested and imprisoned in case of a felony or final judgment of conviction.

Criminal proceedings that had been filed prior to the swearing into office shall continue to be processed by the judge in charge of the hearing the case.

SECTION 2. Monitoring government action

Article 129

The National Assembly shall be able to proceed with the impeachment of the President or Vice-President of the Republic at the request of at least one third of its members, in the following cases:

1. For crimes against the security of the State.
2. For crimes of extortion, bribery, embezzlement or illicit enrichment.
3. For crimes of genocide, torture, forced disappearance of persons, kidnapping or homicide on political or moral grounds.

To file impeachment proceedings, a ruling of admissibility by the Constitutional Court shall be required, but prior criminal proceedings shall not be required.

Within seventy-two hours, once the procedures provided for by law have concluded, the National Assembly shall issue a ruling, with a statement of its reasons, on the basis of evidence for his/her defense submitted by the President of the Republic.

To proceed with censure and removal from office, a favorable vote of two thirds of the members of the National Assembly shall be required. If the censure leads to grounds for suspicion of criminal liability, a decision shall be taken to refer the matter for investigation by the competent judge.

Article 130

The National Assembly shall be able to remove the President of the Republic from office in the following cases:

1. For having taken up duties that do not come under his/her competence, after a favorable ruling by the Constitutional Court.
2. For severe political crisis or internal unrest.

Within seventy-two (72) hours, after concluding the procedure provided for by law, the National Assembly shall issue a ruling, with a statement of its reasons, on the basis evidence for his/her defense submitted by the President of the Republic.

To proceed with the removal from office, the favorable vote of two thirds of the members of the National Assembly shall be required. If the motion to remove the President from office is adopted, the Vice-President shall take over the Office of the President of the Republic.

This power can only be exercised once during the legislative period, during the first three years of office.

Within seven days at the most after publication of the ruling to remove the President from office, the National Electoral Council shall convene for a same date legislative and presidential elections ahead of time for the rest of the respective terms of office. Installation of the National Assembly and the swearing in of the President-elect shall take place in accordance with the provisions of the Constitution, on the date set by the National Electoral Council.

Article 131

The National Assembly shall be able to file impeachment proceedings at the request of at least one fourth of its members, and for failure to perform the duties stipulated by the Constitution and the law, against the Ministers of State or the supreme authority of the Office of the State Prosecutor, the Office of the Comptroller General, the Attorney-General's Office, the Office of the Human Rights Ombudsman, the Office of the Attorney for the Defense of the People, the Superintendencies, and the members of the National Electoral Council, the Electoral Dispute Settlement Court, the Judiciary Council and the Council for Public Participation and Social Control, and the other authorities as provided for by the Constitution, during the performance of their duties in office and up to one year after concluding their respective terms of office.

To proceed with their censure and removal from office, the favorable vote of the absolute majority of the members of the National Assembly shall be required, except for Ministers of State and members of the Electoral Branch of Government and the Judiciary Council, in which case two thirds shall be required.

Censure shall lead to the immediate removal of the authority from office. If the reasons for the censure lead to grounds for suspicion of criminal liability, the decision shall be taken to refer the matter for investigation by the competent authority.

SECTION 3. Legislative procedures

Article 132

The National Assembly shall adopt laws as general norms for the general welfare. The attributions of the National Assembly that do not require the enactment of a law are exercised by means of agreements or resolutions. A law shall be required in the following cases:

1. Regulating the exercise of constitutional rights and guarantees.
2. Providing for the criminal categorization of infringements and providing for the corresponding sanctions.
3. Levying, amending or eliminating taxes, without detriment to the attributions that the Constitution grants to decentralized autonomous governments.
4. Attributing duties, responsibilities, and competencies to decentralized autonomous governments.
5. Amending the political and administrative division of the country, except with respect to parishes.
6. Granting public monitoring and regulatory bodies the power to issue standards of a general nature in matters pertaining to their competence, without being able to alter or innovate legal provisions.

Article 133

Laws shall be organic and regular.

The following shall be organic laws:

1. Those governing the organization and functioning of the institutions established by the Constitution.
2. Those governing the exercise of constitutional rights and guarantees.
3. Those governing the organization, competencies, powers, and functioning of decentralized autonomous governments.
4. Those related to the system governing political parties and the electoral system.

The issuance, reform, repeal and interpretation, of a generally mandatory nature, of organic laws shall require an absolute majority of the members of the National Assembly.

The others shall be regular laws, which cannot amend or prevail over an organic law.

Article 134

The initiative to submit bills pertains:

1. To the Assembly persons, with the support of a legislative group or at least five percent (5%) of the members of the National Assembly.
2. To the President of the Republic.
3. To the other branches of the State in the framework of their jurisdiction.
4. To the Constitutional Court, the Office of the State Prosecutor, the Attorney-General's Office, the Office of the Human Rights Ombudsman, and the Office of the Attorney for the Defense of the People in the subjects that pertain to them in accordance with their attributions.
5. To the citizens who are in possession of their political rights and the social organizations that benefit from the support of at least zero point twenty-five percent (0.25%) of the citizens registered in the national voter registration list.
6. Those who submit bills in accordance with the present provisions will be able to participate in their discussion, either personally or by means of their delegates.

Article 135

Only the President of the Republic will be entitled to submit bills that levy, amend or eliminate taxes, that increase public spending or that change the country's political and administrative division.

Article 136

Bills must refer to one single subject and shall be submitted to the President of the National Assembly with sufficient explanation of their grounds, the list of articles that are being proposed and a clear indication of the articles that would be repealed or amended by the new laws. If the bill does not meet these requirements, it shall not be processed.

Article 137

The bill shall be subject to two debates. The President of the National Assembly, within the time-limits set by law, shall order distribution of the bill to the members of the Assembly and shall publicly disseminate an abstract of the law and shall send it to the corresponding committee, which shall start its respective examination and processing.

Citizens interested in having the bill adopted or who believe that their rights might be affected by its enactment shall be entitled to appear before the committee to expound their arguments.

Once the bill has been adopted, the Assembly shall send it to the President of the Republic so that he/she can approve it or object to it on the basis of substantiated grounds. Once the bill has been approved or if there are no objections within thirty days after it was received by the President of the Republic, the law shall be enacted and it shall be published in the Official Register.

Article 138

If the President of the Republic totally objects to the bill, the National Assembly can once again consider it, but only one year after the date of the objection. Once this period has elapsed, the Assembly can ratify it in one single debate, with a favorable vote of two thirds of its members, and shall send it immediately to the Official Register for publication.

If the objection is partial, the President of the Republic shall submit an alternative text, which cannot include subjects not envisaged in the bill; the same restriction must also be observed by the National Assembly when adopting the suggested amendments.

The Assembly shall examine the partial objection within thirty (30) days as of the date of its submission and shall be able, in one single debate, to adhere to it and amend the bill with the favorable vote of the majority of those attending the session. The initially adopted project can also be ratified by the favorable vote of two thirds of its members.

In both cases, the Assembly shall send the law to the Official Register for publication. If the Assembly does not examine the objection within the time-limits indicated, it shall be understood that it adheres to it and the President of the Republic shall order enactment of the law and its publication in the Official Register.

If unconstitutionality is the grounds of the objection, then the objection shall first be resolved.

Article 139

If the objection of the President of the Republic is based on the bill's total or partial unconstitutionality, a ruling issued by the Constitutional Court shall be required and it must be issued within thirty days.

If the ruling confirms that the bill is totally unconstitutional, it shall be shelved, and if it is ruled that it is partially unconstitutional, the National Assembly shall make the necessary changes so that the bill can secure the approval of the President of the Republic. If the Constitutional Court rules that the bill is not unconstitutional, the National Assembly shall enact it and order its publication.

Article 140

The President of the Republic will be able to send to the National Assembly bills qualified as urgent on economic matters. The Assembly must adopt, amend or turn them down within thirty (30) days at the most as of their reception.

Procedures for submittal, discussion and adoption of these bills shall be the regular ones, except with respect to the previously established time-limits. While a bill qualified as urgent is being discussed, the President of the Republic will not be able to send another, unless a State of Exception has been decreed.

When the Assembly does not adopt, amend or turn down the bill qualified as urgent in economic matters within the stipulated time-limits, the President of the Republic shall enact it as a decree-law or shall order its publication in the Official Register. The National Assembly shall be able, at any time, to amend or repeal it, on the basis of the regular process provided for by the Constitution.

CHAPTER 3. Executive Branch of Government

SECTION 1. Organization and duties

Article 141

The President of the Republic performs the duties of the Executive Branch of Government and is the Head of State and Government and is in charge of public administration.

The Executive Branch is comprised of the Office of the President and the Office of the Vice-President of the Republic, the Ministries of State and the other organizations and institutions needed to fulfill, in the framework of their competence, the attributions of Leadership, planning, implementation and evaluation of national public policies and plans that are created to implement them.

Article 142

The President of the Republic shall be an Ecuadorian national by birth, at least thirty (30) years of age when registering his/her candidacy, in possession of his/her political rights, and not subject to any of the disqualifications or prohibitions provided for by the Constitution.

Article 143

Candidates to the office of the President and Vice-President of the Republic shall appear on the same voting ballot. The President or Vice-President shall be elected by absolute majority of the valid ballots that were cast. If, at the first round of voting, no electoral pair secures the absolute majority of votes, a second electoral round shall be held within the ensuing forty-five days, and the two electoral pairs who have obtained the highest number of votes in the first round shall participate in the second round. A second round of voting shall not be necessary if the electoral pair that obtained the highest ranking garners at least 40% of the valid votes and a difference of more than 10% of the number of votes obtained by the electoral pair ranking second.

Article 144

The term of office of the President of the Republic shall start ten days after installation of the General Assembly, before which he/she shall be sworn into office. If the National Assembly has already been installed, the term of office of the new administration shall begin within forty-five (45) days after the results of the election have been announced.

The President of the Republic shall remain four years in office and can be reelected only once.

The President of the Republic, during his/her term of office and up to one year after leaving office, must advise the National Assembly ahead of time of any departure from the country, the duration and reasons for absence from the country.

Article 145

The President of the Republic shall cease to perform his/her duties and shall leave office in the following cases:

1. Expiry of the presidential term of office.
2. Voluntary resignation from office accepted by the National Assembly.
3. Removal from office, in accordance with the provisions of the Constitution.
4. Permanent physical or mental disability preventing him/her from performing his/her duties, as certified in accordance with law by a committee of specialized physicians and so declared by the National Assembly with the votes of two thirds of its members.
5. Giving up the post, as confirmed by the Constitutional Court and declared by the National Assembly with the votes of two thirds of its members.
6. Impeachment and recall, in accordance with the procedures provided for by the Constitution.

Article 146

In the event of a temporary absence from the Office of the President of the Republic, the President shall be replaced by the person holding the office of Vice-President. A temporary absence shall be understood as the result of illness or other force majeure circumstance that prevents the performance of duties for a maximum period of three months or the leave of absence granted by the National Assembly.

In the event of the definitive absence of the President of the Republic, the person holding the office of Vice-President shall replace the President for time remaining to complete the corresponding presidential term of office.

In the event of a simultaneous and definitive absence of the President and Vice-President of the Republic, the President of the National Assembly shall temporarily take on the office of President, and within forty-eight (48) hours, the National Electoral Council shall convene an election for these offices. Those who are elected shall perform their respective duties until the term of office has expired. If there is one year or less before expiry of the term of office, the President of the National Assembly shall take the office of the President of the Republic for what remains of the term of office.

Article 147

The following are the attributions and duties of the President of the Republic, in addition to those stipulated by law:

1. To observe and enforce the Constitution, laws, international treaties, and other legal regulations within the scope of his/her competency.
2. To submit, at time of being sworn into office before the National Assembly, the basic guidelines of the policies and actions that will be developed during his/her term of office.
3. To define and direct the public policies of the Executive Branch.
4. To submit to the National Planning Council the proposal for the National Development Plan for its adoption.
5. To direct public administration with a decentralized approach and to issue the decrees needed for its integration, organization, regulation and monitoring

Article 146

Article 147

Article 148

Article 149

Article 150

Article 151

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Article 165

Article

The Advocate for the Defence of the People shall meet the following requirements:

1) Be an Canadian national and a permanent of political rights;

2) Have a university degree in the field of law, having a degree in the scientific knowledge in the field of law;

3) Having practiced with notable results and prestigious the profession of attorney, judge or university instructor in the field of law for at least ten years.

The Advocate for the Defence of the People shall perform his duties for two years and may be reappointed for a second term of office. Exceptions are made in the National Reserve.

Article 24

The School of Jurisprudence Law in Legal Sciences of the universities shall organized and operate the Advocate for the Defence of the People and provide the necessary resources and groups who require priority activities.

The other organizations or people who want to help, they must be established and evaluated by the Office of the Advocate for the Defence of the People.

CHAPTER II. Rights of the Advocate for the Defence of the People

Article 25

The Advocate General's Office is an autonomous body of the Judicial Branch. It is one single institution with its own budget, organized in the form of a hierarchy and operating with autonomy, and financial autonomy. The Advocate General is its supreme authority and legal representative. The Advocate General's Office is responsible for the administration of its own.

Article 26

The Advocate General's Office shall conduct, by virtue of its office or at the request of a party, general inquiries and criminal proceedings, directing the proceedings it deems necessary, and ordering the necessary measures to be taken in accordance with the law, and shall attempt to resolve the complaint and protect the rights of the victims, the victims of crimes, witnesses, and other participants in criminal proceedings, and adjudicate the other duties provided for by law.

Article 27

The Advocate General shall have the following powers:

1) Be a citizen of Canada and a permanent of political rights;

2) Hold a university degree in law, having recognized in the country and the knowledge and experience in the field of law;

3) Having practiced with notable results and prestigious the profession of attorney, judge or university instructor in criminal law for a minimum of ten years.

The Advocate General shall perform his duties for two years and cannot be reelected, and must submit an annual report to the National Assembly. Regulations shall be made in accordance with the provisions of the Organic Law of the Advocate for the Defence of the People.

Article 28

The rainer of public prosecutors is recognized and guaranteed, and its regulation shall be provided by law.

Professional development on the basis of ongoing training, as well as the periodical evaluation of their performance, shall be mandatory for prosecutors and prosecutors in training.

CHAPTER III. Duties for the protection of victims and witnesses

Article 29

The Advocate General's Office shall direct the national system for the protection and assistance to victims, witnesses, and other participants in criminal proceedings, and shall organize the protection and assistance programs and services, and shall provide the protection measures and objective and shall provide the participation of civil society organizations.

The system and programs for the protection of witnesses, cooperators, complementarities, beneficiaries, informers, and experts.

Article 30

The social rehabilitation system shall be primarily aimed at ensuring the integral rehabilitation of victims of crimes, and shall be based on the principles of equality as well as protecting local customs and ancestral human rights.

The system's priority is the development of the capabilities of the persons victimized and ensure their rights and their participation in the criminal justice system.

Article 31

The national and provincial rule prosecutors by contracts made in charge of evaluating the performance of the prosecutors, administrative officers, and other employees, and complying with the provisions of the system.

The prosecutors may be administrative and the decentralized administrative governments, in accordance with the law.

The Advocate General's Office shall establish body and the compensation representations from the Public Prosecutor and the Public Defender and the Judicial Branch and the Bar Association. The President of the Republic shall recognize the existence of bodies and shall chair this body.

The security, technical, and administrative staff of the social rehabilitation system shall be provided with the necessary facilities, equipment, and other resources, in good condition and adequate conditions.

Article 32

The system shall be governed by the following principles:

1) Only those persons punished by imprisonment as a result of a conviction shall remain in custody at social rehabilitation centers;

Only social rehabilitation centers and provincial detention centers shall be part of the system, and shall be subject to the provisions of the Organic Law of Social Rehabilitation and Detention with Liberty, and the provisions of the Organic Law of Social Rehabilitation for the representation of the indigenous peoples.

2) Prisoners shall be placed in provincial detention centers, places for education, vocational training, for participation, and cultural, and national recreation, and any other occupational them, mental and physical health and culture and leisure shall be organized and encouraged.

3) Judges of administration guarantees of respect for the rights of its inmates, prisoners in accordance with the provisions of the Organic Law of Social Rehabilitation.

4) Individual contacts, affiliation and interviews shall be called to guarantee the rights of persons belonging to groups requiring priority care.

5) The State shall establish the conditions for the material and economic incentives of prisoners who participate in the rehabilitation and education programs.

CHAPTER IV. Transparency and Social Control of Bureaucrats

SECTION 1. General Rules

Article 33

The people are the members and prime author of public power. In the exercise of their right to participation.

The Transparency and Social Control Branch of Government shall promote and have monitoring of public activities and shall in social participation rights of the private sector and civil society organizations, and shall be in charge of the promotion of the relations of citizens with civil society, transparency, and the fight against corruption and participation. It shall promote the exercise and fulfillment of rights, and it shall prevent and combat corruption.

The Transparency and Social Control Branch of Government is composed of the Citizen Participation and Social Control, the Office of the Human Rights Ombudsman, the Office of the Attorney General of the Nation, the Office of the Public Prosecutor, the Office of the Comptroller General of the Nation, and the Superintendent of Public Accounts.

Article 34

The representatives of the entities that are part of the Transparency and Social Control Branch shall have jurisdiction of the National Court and shall be subject to impeachment for crimes committed in the exercise of their duties, and shall be subject to the provisions of the Organic Law of the Citizen Participation and Social Control. The Council of Ministers shall be members ex officio of the Citizen Participation and Social Control, and shall be subject to the provisions of the Organic Law of Citizen Participation and Social Control, and shall be subject to the provisions of the Organic Law of Citizen Participation and Social Control

Article 273

The Office of the State Prosecutor is a public, technical, and legal body, with administrative, financial, and operational independence, and is represented by the State Prosecutor or his/her appointed proxy.

SECTION II. Office of the State Prosecutor

Article 274

The Council for Public Participation and Social Control shall appoint the State Prosecutor from a shortlist of candidates submitted by the Office of the President of the Republic. The shortlist shall be drawn up by the Council for Public Participation and Social Control, which shall publish a call for candidates and organize a public dialogue, whereby it shall select the five most meritorious candidates for being nominated of the Constitutional Court.

Article 275

The following duties shall be performed by the State Prosecutor, in addition to others stipulated by law:

1) To represent the State in the judiciary;

2) To defend the State and its institutions;

3) To provide legal counsel and legal representation to legal persons from public sector bodies and institutions on the interpretation and application of the law, on those bodies' efforts to transformation on the new legal system and preparation to other authorities;

4) To monitor, subject to the law, the documents and contracts signed by public sector institutions and bodies.

TITLE V. TERRITORIAL ORGANIZATION OF THE STATE

CHAPTER I. General principles

Article 276

Decentralized autonomous governments shall have political, administrative and financial independence and shall be accountable to citizens, constituents, and the central government for their actions, within the limits of the Constitution and the laws. Local autonomy allows for tension from the national territory.

Decentralized autonomous governments comprised of municipal boards, municipal councils, metropolitan councils, provincial councils and regional councils.

Article 277

The nation of decentralized autonomous governments shall be governed by the respective municipal boards, municipal councils, metropolitan councils, provincial councils, regional councils, and shall implement the policies and mechanisms for corresponding fiscal decentralization in the development process.

Article 278

The decentralized autonomous governments of the regions, metropolitan districts, provinces and municipalities shall be governed by a council, a president and a vice president, elected in democratic elections. The council shall be the legislative and supervisory body.

All the decentralized autonomous governments shall exercise executive power within the limits of the Constitution and the laws of the Republic.

Article 279

Planning shall underpin territorial management and shall be mandatory for all decentralized autonomous governments.

CHAPTER II. Organization of the territory

Article 280

The State is territorially organized into regions, provinces, cantons and civil parishes. Special regimes may be established for the administration of rural areas, cities, and other units of population centers.

Autonomous metropolitan districts, the provinces of Galápagos, and indigenous and peasant peoples and nationalities may be established by law.

Note on indigenous and peasant peoples, nationalities and territories

Note on autonomy

Note on autonomy

Note on autonomy

5. Fostering the production, and the right-based and living transformation of small and medium-sized enterprises, cooperatives, and other economic units, including the informal sector, and formalize appropriate processes;

6. Adopting fiscal, tax and financial policies that protect the national capital and finance sustainable economic development and growth;

7. Bolstering disciplined and the introduction of integral and organic technologies in agriculture, industry and services;

8. Promoting protection of the environment and of health and of the human and nature-based water and other productive resources;

9. Establishing and implementing a system for the financing of small and medium-sized enterprises, facilitating for them the acquisition of means of production;

10. Promoting the creation of the conditions for a dignified and disciplined life and of a decent and sustainable standard of living for the population and of a dignified and disciplined work;

11. Ensuring the effective consumer protection and the right to quality products and services, including those of public utilities;

12. Ensuring the development of appropriate scientific research and technological innovation to promote their sovereignty;

13. Regulating, under Socialist Regulations, the use and development of technology, as instrument of production and of social development;

14. Promoting the development of the cooperative and other forms of production and of consumerism, along with those for the marketing and distribution of food stuffs, so as to promote any form of internal and external trade;

15. Creating the socially supportive systems for the distribution and marketing of food stuffs, and of other products, and of the means of production, and of other necessary services;

16. Promoting the development of the means of production, and of the means of production, and of the diversified production of goods and services, in order to ensure the satisfaction of the basic needs of the population, and of the development of the production of the means of production, and of the means of production, and of the means of production, and

The Declaration of Independence, Venezuelan revolutionaries inspired by the earlier American and French revolutions, and Simón Bolívar's Jamaica Letter, all treated the rights of citizens, property, commerce and trade as the central purpose of government. Enlightenment ideas that the Spanish Empire had tended to treat as dangerous or profane, accessible only through clandestine reading, became the foundation of a new political order.

Private property and commerce were treated as the foundation of a free society. The Constitution of 1830 forbade the seizure of private property in composition engaged in the exploitation of natural resources, and the Constitution of 1864 guaranteed the free exercise of industry and trade, subject only to the requisite formalities. Also Peace, Commerce and Navigation in the declaration of public recognition of the right to patentable by law.

Article 32.4

Young adults shall be entitled to be able to subject to production, as well as work for self-employment, in accordance with the law, and to receive the necessary support and assistance for that purpose.

Article 32.5

To fulfill the rights to work of communities, peoples and nations, the State shall adopt specific measures to guarantee the free exercise of the rights of workers and employers, and their organizations, in accordance with the law, which shall be consistent with the international treaties ratified by the country.

Self-employed and free lance work performed in public spaces, permitted by the law and other regulations, shall be recognized and protected. Any manner of underpaid work or workers' projects, works stoppage or lockout is prohibited.

Article 32.6 Workers and employers have the right to be represented and to organize associations, in accordance with the law. The use of discriminatory criteria and instruments affecting people's privacy, dignity and healthy safety is forbidden.

The State shall promote and guarantee the free association of workers and employers, and the specific of employment and self-employment.

Workers and employers have the right to the benefits of qualitative social services, and to participate in the management of social security institutions and agencies under the law and the rights for social welfare.

Article 32.7

The Government and all workers of state, in conformity of equality, shall be guaranteed a minimum wage, which shall be sufficient to provide for the worker and his family a decent living and a dignified existence, and which shall be adjusted every year, in the manner determined related to the condition of a worker's ability to fulfill his responsibilities.

Article 32.8

The State shall guarantee to women equal access to employment, vocational and professional training and promotion, and equal pay for equal work, in accordance with the law, and shall promote the creation of jobs for women.

Any form of discrimination, harassment or violence against women, in the workplace, shall be sanctioned, in accordance with the law.

Article 32.9

The State shall guarantee respect for the inalienable rights of all workers, including the observance of labor standards, the right to collective bargaining, and social security, without distinction due to religion, sex, or number of children, maternity and paternity, family status, and the right to unionize.

The dismissal of a working woman because of pregnancy and maternity, along with discrimination against women in employment, is prohibited.

Article 32.10

Unpaid work of self-sustainment and care giving, carried out in the home, is recognized as productive work.

The State shall ensure a broad, rather concern that works in harmony with the needs to human beings and with nature, and that it shall be based on the principles of solidarity, equity, democracy, productivity, and environmental sustainability, and that it shall be subject to social control as the basis to perform their labor activities. It shall furthermore foster the development of the productive forces and the productive relations in the social organization.

Social service protection shall be progressively extended to persons who are responsible for unpaid healthy work of others, in conformity with the general conditions of the system and the law.

ARTICLE 32 Democratization of rights

Article 100

The State shall promote equitable access to capital, to which end it is dictated that:

1. To promote the democratization of the productive means and resources, promote their distribution, and eliminate privileges or inequality in access to these means.

2. To shift and promote, with a view to democratization, the concentration of economic processes in the service to productive means.

3. To promote the democratization and decentralization of knowledge and technology for productive purposes.

4. To develop policies to foster diverse production of all sectors, particularly in order to guarantee food and energy security, and to create employment and added value.

5. To bolster public financial services and the domestic banks of credit.

ARTICLE 32 Democracy in the market

Article 101

The State shall regulate, monitor and intervene, as necessary, in commerce and trade, in order to guarantee the free exercise of the rights of producers and consumers, the supply for goods and services, as well as one form of storage to economic rights and public and community spaces.

The State shall use a pricing policy aimed at promoting domestic production. It shall prohibit and punish the hoarding, speculation, monopolies and oligopolies, and any other illicit dealing, which will undermine national economic and social development.

The State shall encourage and safeguard fair trade as a means of access to quality goods and services, removing the obstructions of middlemen and promoting associations.

The State shall promote and protect the rights of consumers and users, and guarantee compensation if losses resulting in unsuitable goods and services, and damages to their health and property.

ARTICLE 32 Social security

The State shall promote the development of old-age pensions for the collectives, transformation, transportation and marketing of products to meet basic demands, needs, as well as ensure the social security of the Guadalupe economy to the regular and hands on the basis of strategic value.

ARTICLE 32 Rights and Development

Article 102

The State shall promote and protect domestic savings as a source of productive investment in order to ensure the development of the country, and shall guarantee the free exercise of the rights of the depositors and their effective enjoyment of economic and social benefits to quality productive investment.

Article 103

The State shall encourage domestic and foreign investment, and shall establish specific conditions, in accordance with the law, which will guarantee the fulfillment of requirements which allow the best interest of the country, the diversification of production, technological innovation, and a fair balance between regions and sectors.

Foreign capital shall be subject to the same conditions as domestic investment. It shall abide by the country's legal framework and regulations, and the application of rights, and shall be aimed at the diversification of the economy, the transfer of technology and knowledge, and the various development of the productive potentials.

Public investment shall be aimed at meeting the objectives of the development strategic plan, and shall be subject to the Constitution and the Fundamental Law of Planning and Development and of the Independence.

TITLE VIII. THE GOOD AND BY LOYALTY STATE

CHAPTER 1. SOVEREIGNTY

Article 340

The national power of public institutions and equity is an indivisible and coordinated set of systems, institutions, policies, norms, programs and services that balance the exercise of sovereignty, the protection of the rights of people, and the fulfillment of the social and economic rights of the Venezuelan people.

The system shall be coordinated with the National Development Plan and with the national budget, and shall be based on the principles of solidarity, equity, democracy, productivity, environmental sustainability, social responsibility, complementarity, cooperation, efficiency, and transparency and it shall function on the basis of the criteria of quality, efficiency, effectiveness, transparency, responsibility and participation.

The systems is comprised of the sectors of education, health, social security, the management of the economy, the management of the land, the management of the environment, the management of basic services and the management of the state's assets and companies.

Article 341

The State shall cover the conditions for the integral protection of its inhabitants throughout their lives, conditions that shall ensure the rights and principles contained in the Constitution, in particular those related to the progressive and non-discriminatory enjoyment of the rights to life, health, food, employment, housing, social security, and the protection of the exercise of inequalities, exclusion, discrimination or violence or the virtue of their age, health, or disabilities.

Integral protection shall inevitably mean of specialized systems in accordance with the law, which shall be coordinated by the State, and shall be based on the principles of the rights of children and of adolescents and of youth.

The national development plan for the integral protection of the rights of children and adolescents shall be drawn up by the National Assembly, with the participation of adolescents. The State shall ensure the development of their physical and intellectual capacities.

The State shall allocate, as a priority, and equitably, enough funds and personnel resources to ensure the fulfillment of the rights of children and adolescents.

ARTICLE 342 Education

Article 342

Education is a public service that shall be aimed at developing the population's intellectual and cultural capacities and promoting the development of a critical, participatory, and ethical knowledge, techniques, aesthetic, and culture. The system shall have as its core focus to develop the capacities and skills of people, and to ensure the right to a free and effective education.

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

Article 344

The national education system shall be comprised of the institutions, programs, services, and resources that are aimed at the provision of the right to education, and shall be based on the principles of the rights of people, and on the principles of the Constitution.

The State shall exercise leadership of the system through the national education authority, which shall be responsible for the formulation, implementation, monitoring, and evaluation of public education policies, as well as the functioning of the system's entirety.

Article 345

Education is a public service that shall be provided by classes of public, mixed, and religious, and private school institutions.

The State shall ensure that the provision of education shall be provided free of charge, in the public institutions, at all levels and at all stages of the educational system.

Article 346

The State shall be an exclusive public responsibility for compulsory school and educational evaluation aimed at promoting the quality of education.

Article 347

The following shall be the responsibilities of the State:

1. To recognize public education and as a vital and permanent improvement of quality, the enjoyment of courage, physical facilities and the equipment needed for the exercise of teaching.

2. To guarantee that schools shall be established, operate for the service of people and peaceful coexistence. Schools shall be opportunities for the sacred decision of government and society.

3. To guarantee formal and worthwhile transition of students.

4. To promote the development of the human personality, sociability and the environment, using a rights based approach.

5. To promote respect for the peaceful coexistence, development of children and adolescents in the education process.

6. To eliminate all forms of violence in the education system and to safeguard the health, psychological and moral integrity of students.

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317. To promote respect for the peaceful coexistence, development of children and adolescents in the education process.

318. To eliminate all forms of violence in the education system and to safeguard the health, psychological and moral integrity of students.

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The cultural entities that receive public funding shall be subject to control and accountability.

The State shall ensure the protection of the cultural heritage through the measures laid down by the law, which shall include the establishment of a system of cultural heritage protection for the management and protection of cultural, as well as the drafting and implementation of national policies in this field.

Article 279

The State shall support all the tangible and intangible cultural heritage that is relevant for the history and identity of the Romanian people, regardless of the property form, which includes:

1. a) groups, forms of preservation, and traditions and diverse cultural manifestations and creations, including those of a local, forms of production nature;
2. b) the cultural heritage of the Romanian people living in other countries;
3. c) the cultural heritage of other peoples living in Romania, which contributes to the identity of a cultural heritage and to the identity of people and the National Institute of Cultural Heritage.

Article 280

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Article 281

Artistic creation and freedom of the tangible and intangible cultural heritage that is relevant for the history and identity of the Romanian people, regardless of the property form, which includes:

1. a) groups, forms of preservation, and traditions and diverse cultural manifestations and creations, including those of a local, forms of production nature;
2. b) the cultural heritage of the Romanian people living in other countries;
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Caribbean, as well as the establishment of common price indexes and a common market for cultural products.

Article 3

To participate the countries of Latin American and Caribbean Universities, the Ibero-American Universities and the Universities of the Iberian Peninsula, the Universities of Portugal, the Spanish Ministry of Education and culture, and the universities of protection of Latin American and Caribbean citizens in countries of migration, herein called "Universities".

Article 4

Article 5

Article 6

Article 7

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Article 12

Article 13

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Article

Prefects and Deputy Prefects, and Mayors, by checking the box on the slate.

2. On the ballots for National Assembly Persons, Provincial Assembly Persons, Assembly Persons from the Special District of Persons Living Abroad, Council Persons and Members of Rural Parish Boards, by checking the boxes of the candidates from one or various slates.

Municipal government

Article 4. Allocation of seats

To award seats, the following provisions shall be applied:

1. In the elections of President and Vice-President of the Republic, as provided for in the Political Constitution of the Republic.

2. In the elections of the Prefects and Deputy Prefects, as well as for the mayors, the winners shall be those who earn the highest number of votes.

3. In the elections of members of the Andean Parliament, the following procedure shall be applied:

a. The votes achieved by each one of the slates shall be added up.

b. These results are divided for the series of numbers 1, 3, 5, 7, 9, 11,... until there are as many quotients as there are positions to be allocated.

c. The quotients obtained are ranked from highest to lowest; to each slate shall be assigned the positions that correspond to it, in accordance with the highest quotients.

d. Once the above procedure has been duly completed, if all the quotients correspond to one single slate, the last position shall be assigned to the slate that follows it in terms of votes.

e. In the case of a tie, lots shall be drawn to define the winning slate of the position.

f. The seats achieved by the slates shall be allocated to the candidates according to the order on the slate.

4. In the elections for national Assembly persons, provincial Assembly persons, and Assembly persons representing nationals living abroad, municipal council persons and members of rural parish boards, the following procedure shall be used:

4.1. In those voting precincts where two (2) public officials are elected, the first position shall correspond to the slate that obtains the highest number of votes; the second position shall correspond to the one that follows in terms of votes, as long as it accounts for at least 35% of the votes of the above-mentioned slate; otherwise both positions shall correspond to the most voted slate.

4.2. Where three (3) or more public officials are elected, the following steps shall be taken:

a. The votes obtained by the candidates from each one of the slates shall be added up.

b. These results shall be divided for the series of numbers 1, 3, 5, 7, 9, 11,... until both quotients and positions to be assigned are obtained.

c. The quotients obtained are ranked from highest to lowest; to each slate shall be assigned the positions pertaining to it, on the basis of the highest quotients.

d. Once the above procedure has been duly completed, if all the quotients correspond to one single slate, the last position shall be assigned to the slate that follows in terms of voting.

e. If there is a tie, lots shall be drawn to determine the winning slate of the position.

f. The seats earned by the slate shall be assigned to the candidates with the highest number of votes from each slate.

Municipal government

Article 7. Urban and rural precincts

For the elections of council persons in the cantons, there shall be two types of voting precincts, an urban precinct and a rural precinct, comprised of the voters of the urban and rural parishes, respectively.

In each precinct, the number stemming from multiplying all council persons of the canton by the percentage of the population of the corresponding precinct shall be elected. The figure shall be rounded out to the closest whole number. When the amount does not amount to one, then one single council person shall be elected in the precinct.

In those cantons that do not have rural parishes, there shall be one single voting precinct, where all the council persons shall be elected.

Article 8. Voter registration list

The voter registration list shall be drawn up on the basis of the provisions of the Constitution. The time-limits set in the Organic Law for Elections for updating residence information and drawing up the voter registration list shall be observed.

Article 9. Timetable and terms of office

Public officials elected by universal suffrage shall start their terms of office as follows and on the basis of the following timetable:

Regional groups(s)

1. The National Assembly, without the need for prior call, shall meet thirty (30) days after the results of the elections of all public offices have been announced. On that same date, prefects and deputy prefects, mayors, council persons and members of rural parish boards shall begin their respective terms of office.

2. The representatives to the Andean Parliament shall be sworn into office before the National Assembly five (5) days after it is installed.

Regional group(s)

3. The President and Vice-President of the Republic shall start their term of office ten (10) days after installation of the National Assembly, before which they shall be sworn into office.

The President and Vice-President of the Republic shall complete their term of office at the head of the government on May 24, 2013; the members of the Andean Parliament shall complete their terms of office on May 19, 2013; and the members of the National Assembly, on May 14, 2013.

So that national and local elections are not held at the same time, the following two terms of office for prefects and deputy prefects, municipal council persons and members of rural parish boards, for this period and the next, shall end on May 14, 2014 and May 14, 2019

Subsidiary unit government
Show more

Article 10. Calculating terms of office

The term of office of the public officials elected on the basis of the provisions of the Transition System shall be considered their first term of office for all legal purposes.

Article 11. Termination of term of office

The President and Vice-President of the Republic, the members of the Andean Parliament, prefects, mayors, council persons of the majority or minority, members of rural parish boards who are holding office at the time of the Ratification Referendum shall end their terms of office on the dates when those who were elected on the basis of the regulatory provisions of the Transition System are sworn into office.

Article 12. Control over electoral and campaign spending

For this process, Article 10 of the Organic Law on Control over Electoral and Campaign Spending is applicable, using the following values for the corresponding calculation:

a. Election of the President and Vice-President of the Republic: zero point fifteen dollars (US$0.15);

b. Election of members of the Andean Parliament: zero point zero five dollars (US$0.05);

c. Election of national and provincial Assembly persons and prefects: zero point fifteen dollars (US$0.15);

d. Election of Assembly persons representing nationals living abroad: zero point thirty dollars (US$0.30);

e. Election of mayors: zero point fifteen dollars (US$0.15);

f. Election of council persons: the maximum amount shall be sixty percent (60%) of the amount set for the respective mayor;

g. Election of members of parish boards: zero point thirty dollars (US$0.30.

Where the law refers to congressperson, it means Assembly persons.

State
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Article 13. Campaign funding

The State, through the budget of the National Electoral Council, shall exclusively fund electoral campaigning in the press, on radio and television and on commercial billboards for all one-person or multiperson candidacies, except for those of rural parish boards.

Article 14. Prohibition to engage in campaigning

During the electoral campaign, in observance of constitutional and legal provisions, it is forbidden for State offices and institutions to carry out political campaigning activities or advertising or to use their assets and resources for these purposes.

State
Show more

Private outsourcing of political campaigning activities and advertising about the electoral process in the press, on the radio or television, or on commercial billboards is also forbidden.

Candidates and political organizations cannot make donations, bribes, or gifts to citizens.

Article 15. Enforcement of provisions

The bodies of the Electoral Branch of Government shall enforce all the provisions of the Constitution, the Organic Law of Elections and all other related laws, as long as they are not contrary to the present regulatory framework and contribute to complying with the electoral process. This enforcement extends to imposing sanctions for failure to comply with, breaches of, or offenses against these provisions. If necessary, in the framework of their jurisdiction, they can also set the standards needed to enforce the new constitutional system.

CHAPTER 3. Institutional transition

Article 16. Transition process

Once the Constitution has been adopted and for the purpose of facilitating the institutional changes it envisages, the transition process provided for in the regulations indicated below shall be implemented.

Article 17. Legislative Branch of Government

The terms of office of the standing and alternate congresspersons who were elected on October 15, 2006 are hereby terminated.

Five days after announcing the results of the Ratification Referendum, the Constituent Assembly shall meet to set up the Legislative and Auditing Committee, making efforts to uphold the political proportionality that prevailed in the plenary of the Constituent Assembly.

This Legislative and Auditing Committee shall perform the duties of the National Assembly as provided for in the Constitution, until the Assembly persons are elected and sworn into office, as provided for in the present Transition System.

Article 18. Electoral Branch of Government

For the purpose of facilitating the immediate holding of elections as provided for in the present Transition System, the Constituent Assembly shall designate those who shall provisionally comprise the National Electoral Court and the Electoral Dispute Settlement Court.

Members of these bodies so designated shall be replaced by those who win the competitive processes provided for by the Constitution. The selection process shall start once the election process has been completed.

Article 19

The officials and employees of the Electoral Supreme Tribunal and the provincial electoral tribunals whose appointment and recall are not discretionary shall continue to perform their duties in the Electoral Branch and shall be subject to a process of selection and qualification in keeping with the needs of the new bodies.

The assets of the Supreme Electoral Tribunal shall be transferred to the assets of the Electoral Branch.

Article 20. Judiciary Council

The current Plenary of the Judiciary Council is dissolved. In its stead, a Transitional Judiciary Council is created and comprised of three designated delegates and their respective deputies. Appointments of such delegates and deputies shall be made: one by the President of the Republic, one by the National Assembly and one by the Transparency and Social Control Agency. All delegates and deputies shall be subject to impeachment. The transitional Judiciary Council shall have all the powers established in the Constitution as well as those included in the Judicial Function Code (Código Orgánico de la Función Judicial), and shall serve for a period of 18 month, which may not be extended.

The definitive Judiciary Council shall be created by the procedure established in Article 179 of the amended Constitution. The Council for Public Participation and Social Control shall ensure that the members of the new Judiciary Council are appointed prior to expiry of the 18 months' period of the Transitional Judiciary Council's service.

The merits and opposition selection process organized by the Council for Public Participation and Social Control for the appointment of the Judiciary Council's new members shall no longer be in force.

The First Transitory Provision of the Judiciary Code (Código Orgánico de la Función Judicial) shall be suppressed (deleted).

Article 21. National Court of Justice

Ten (10) days after announcing the results of the Ratification Referendum, the terms of office of the thirty-one (31) judges of the Supreme Court of Justice shall be terminated.

The National Electoral Court shall organize a public drawing of lots among the thirty-one (31) judges to choose the twenty-one (21) judges who shall be entrusted with the duties and responsibilities of the National Court of Justice, until the standing judges are designated on the basis of the procedures provided for by the Constitution.

Article 22

Once the law governing the establishment and functioning of the Judiciary Council has been enacted, this body shall set up the National Court of Justice and it shall also proceed to organize the Provincial Courts of Justice and the District and Criminal Courts, designating their members.

Article 23

With the partial renewal of the National Court of Justice, which shall take place after three years, the judges who most have office shall be chosen on the basis of their performance evaluation. Those who have the lowest performance scores shall have their duties terminated. After six years, when the following partial renewal takes place, the seven judges who will have to leave office are those seven who have the lowest performance scores from among the fourteen judges remaining from the first group. The seven best judges shall remain in office nine years.

Article 24. Job security of officers of the judiciary

The job security of the staff of the judiciary whose recall is not discretionary, of the Supreme Court of Justice, the superior courts and district courts shall be guaranteed; they shall be relocated to positions with a similar salary in the National Court of Justice, provincial courts and chambers, respectively, after an evaluation and selection process.

Article 25. Constitutional Court

Once the new Legislative, Executive and Transparency and Social Control Branches of Government have been established, the qualification commission shall be organized to designate the judges that shall comprise the first Constitutional Court.

Each branch shall propose at least nine (9) candidates.

The rules and procedures for this competitive process shall be kid down by the Council for Public Participation and Social Control.

When it is time for renewal of the first third of the judges comprising the Court, lots shall be drawn to decide which judges must leave office. When it is time to renew the second third, lots shall be drawn among the six (6) judges who stayed from the first round of renewal.

Article 26

The employees of the Constitutional Tribunal, except for those whose appointment and recall are discretionary, shall continue to be employed by the Constitutional Court, after an evaluation and selection process.

Article 27. Transition of other entities

The terms of office of the members of the National Judiciary Council, the Constitutional Court and the Supreme Electoral Court shall end when the members of the new Judiciary Council, the members of the Constitutional Court, the council persons of the National Electoral Council and the members of the Electoral Dispute Settlement Court are sworn into office. Their selection shall take place in conformity with the provisions of the Transition System and the Constitution.

Article 28. Term of office of the provisional designations

The provisional designations made by the Constituent Assembly for holding the following offices, that is, Comptroller General, State Prosecutor, Attorney-General, Human Rights Ombudsman, Superintendents of Telecommunications, Companies, Banks and Insurance shall remain in force until, in accordance with constitutional norms, their replacements are designated.

Article 29. Council for Public Participation and Social Control

The Legislative Committee, within fifteen (15) days after its establishment, shall launch a competitive and merit-based public examination process for the designation of the members of the Council for Public Participation and Social Control Once this Council has been established, it shall organize the 216 respective citizen selection commissions to choose the authorities and officials as provided for by the Constitution and law.

Until the law is enacted, the Council for Public Participation and Social Control shall regulate the establishment of the citizen selection commissions and shall issue the regulations for each competitive process, which shall be convened after the investiture of the officials elected by universal suffrage referred to by the Transition System.

It shall also have the power to designate the representatives of the Transparency and Social Control Branch of Government, in the citizen selection commission.

The Council for Public Participation and Social Control, within one hundred twenty (120) days as of its investiture, shall draft a bill for an organic law governing its organization and functioning, which shall be submitted as a proposal to the National Assembly for its consideration.

Article 30

The public servants of the Commission for the Civil Control of Corruption and the National Anti-Corruption Secretariat whose appointment and recalled are not discretionary, shall become part of the Council for Public Participation and Social Control.

The assets of the Commission for the Civic Control of Corruption shall be transferred to the assets of the Council for Public Participation and Social Control

FINAL PROVISION

The present Constitution, adopted by referendum by the Ecuadorian people, shall enter into force the day it is published in the Official Register.