



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Eighth periodic report submitted by Ecuador
under article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2020* ****

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** The annexes to the present report are available on the Committee's website.



Articles 1 and 4

Reply to the questions raised in paragraph 2 of the list of issues (CAT/C/ECU/QPR/8)

1. Although Ecuador has not made specific amendments to article 151 of the Comprehensive Organic Criminal Code, the Code as a whole has been the subject of broad reforms that have led to, inter alia, improvements in the definitions of criminal offences and a more robust social rehabilitation system. The updated Code was published on 24 December 2019 in Official Gazette No. 107-S and entered into force on 21 June 2020.
2. As part of the reform, article 89 of the Code, which relates to crimes against humanity, including torture, was modified to state that the perpetrators of such crimes act “on behalf of or with the authorization, support or acquiescence of the State or of a political organization”. This new wording represents a substantial change in how the perpetrators of the offence of trafficking in persons are defined and is in line with the Committee’s concluding observations. In addition, article 11 (3) of the Constitution stipulates that the rights and guarantees established in the Constitution and in international human rights instruments are directly and immediately applicable by and before any public, administrative or judicial official, either ex officio or at the request of a party. The provisions of the Convention are therefore directly and immediately applicable in Ecuador. Lastly, it should be noted that parliament has initiated a second reform of the Code in which further changes may be made to reflect the Committee’s recommendations regarding the necessary criminal reforms to ensure that the Convention is adequately implemented in national legislation.

Article 2

Reply to the questions raised in paragraph 3 of the list of issues

3. The National Service for Adults Deprived of Liberty and Adolescent Offenders applies the legal provisions mentioned below to ensure that, in practice, persons deprived of liberty are afforded all basic legal safeguards from the moment of arrest.
4. Article 51 (2) of the Constitution recognizes the right of persons deprived of liberty to communicate with, and receive visits from, their relatives and legal professionals, and article 51 (3) recognizes their right to testify before the relevant judicial authorities regarding the treatment they receive while deprived of liberty. Similarly, article 12 (14) of the Comprehensive Organic Criminal Code recognizes the right of detainees to communication and visits, including vis-à-vis public defenders and private lawyers. Article 30 of the regulations governing the Social Rehabilitation System states that prison staff must inform persons deprived of liberty, upon arrival, of the rights and prohibitions applicable to them during their detention, and that the delivery of this information must be recorded in the register, accompanied by the signature of both the official and the detainee.
5. Article 46 (1) of the protocol for the management of security and inspections in detention centres establishes that when persons deprived of liberty enter a detention centre, they must be informed of their rights and obligations in accordance with the Constitution and applicable laws.
6. In all its actions, the National Service for Adults Deprived of Liberty and Adolescent Offenders complies fully with the provisions of the legislation described above to ensure that persons deprived of liberty are afforded legal safeguards during their detention.
7. In addition, given that not all persons deprived of liberty can afford a private lawyer, on 26 September 2019, senior officials from the National Service for Adults Deprived of Liberty and Adolescent Offenders and the Public Defence Service signed an inter-agency cooperation framework agreement. The agreement sets out the terms of the coordination, cooperation and reciprocal commitments between the two bodies, with a view to guaranteeing full and equal access to justice for persons deprived of liberty and for adolescent offenders who are subject to socioeducational measures and ensuring that they can have access to free legal assistance and exercise their constitutional rights at all stages of proceedings, as well as in dealings with any other bodies and when submitting appeals or requests.

8. In application of the aforementioned inter-agency cooperation agreement, the following actions are being taken:

- Provision of public defenders offering free legal representation
- Provision of legal assistance for administrative and judicial processes in places of deprivation of liberty and other public facilities
- Organization of information fairs in detention centres, including those housing juvenile offenders, to disseminate information on the legal assistance provided by the Public Defence Service
- Coordination with senior officials at national detention centres and provincial public defenders to ensure the provision of free legal assistance to persons deprived of liberty at all stages of proceedings, as well as in dealings with any other bodies and when submitting appeals or requests
- Implementation of processes to expedite legal procedures and guarantee the right to a defence for persons deprived of liberty and adolescent offenders who are subject to socioeducational measures

9. Similarly, the Public Defence Service guarantees access to free legal assistance without delay. The main functions of public defenders are to guarantee the right to a defence; ensure that due process is respected throughout proceedings and while any sentence is being served; ensure access to sentence enforcement arrangements; provide, through the Public Defence Service, support and assistance to the families of persons deprived of liberty; and provide free assistance in detention centres. To this end, the Public Defence Service has strengthened the unit responsible for overseeing administrative procedures relating to criminal matters and prisons. The unit conducts visits to the country's detention centres, including rehabilitation centres and pretrial detention centres, on a daily basis to check that the rights set out in the Constitution are being upheld. Assistance with administrative and judicial proceedings is also provided following release, for example in connection with the lifting of precautionary measures or the updating of police records.

10. The Public Defence Service has a presence in the 24 provinces of Ecuador, with 194 offices in 146 cantons, to ensure that it can guarantee access to its services. The Public Defence Service delivers its services through its three Regional Divisions in the northern central, coastal and southern areas, which have 82, 78 and 34 local offices, respectively. As of 31 December 2019, there are 688 public defenders nationwide. In 2019, there were 3.98 public defenders per 100,000 inhabitants. The Service has 102 specialized public defenders for victims of gender-based violence (Table 1).

11. Lastly, with the aim of ensuring that persons deprived of liberty are afforded, in practice, all basic legal safeguards from the moment of arrest, the Public Defence Service issued Decision No. DP-DPG-DAJ-2017-33, which regulates the methodology and instructions for service provision with a view to better organizing its services and ensuring that the right to a defence is upheld from the outset of investigations or criminal proceedings.

Reply to the questions raised in paragraph 4 of the list of issues

12. In response to the recommendations and observations concerning the draft reform of the Act on the Ombudsman's Office which were made by the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following its visit to Ecuador from 1 to 4 September 2014, the updated version of the Act entered into force on 6 May 2019. Article 22 of the updated Act establishes rights protection mechanisms, including the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

13. Subsequently, in Decision No. 076-DPE-CGAJ-2019, the Ombudsman's Office issued the statute currently in force, through which the National Directorate of the Mechanism was created within the Directorate General for Protection, which is overseen by the Deputy Ombudsman for Human Rights and the Environment. In recent years, the National Mechanism for the Prevention of Torture has been working in two main areas: (1) visits to places of deprivation of liberty; and (2) interventions to prevent torture and cruel,

inhuman or degrading treatment. The statute also sets out 33 powers and responsibilities relating to protection, intervention, education and preventive visits¹ that are designed to ensure that the Mechanism has a solid legal basis and adequate resources to discharge its mandate effectively and independently, as set forth in the provisions of the Optional Protocol to the Convention.

Reply to the questions raised in paragraph 5 of the list of issues

14. Judicial independence, both internal and external, is a constitutional principle and mandate. The Council of the Judiciary, as the governing, administrative, supervisory and disciplinary body of the judiciary, cannot intervene in the administration of justice because it lacks the competence to review court decisions, which are issued pursuant to the powers invested in judges. In cases of disagreement, such decisions may be challenged through the appropriate judicial channels in accordance with article 123 of the Organic Code of the Judiciary, which states that decisions issued in the context of court trials can be reviewed only through ordinary and extraordinary appeal mechanisms.

15. In this regard, article 254 of the Code refers to the Council's activities as a disciplinary body and states that it may not infringe the independence of judges in the exercise of their specific functions. Article 115 of the Code provides that a complaint is not admitted if it is based on challenges to the interpretation of legal norms, the assessment of evidence or other purely judicial elements. Consequently, rulings on complaints filed owing to disagreement with the actions of a judge cannot be made solely in connection with judicial aspects and/or the judicial assessment of evidence.

16. Additionally, in order to ensure transparency in the judiciary and to take action against possible cases of corruption, the Council has a toll-free hotline (1800 872677) for reporting any act that constitutes corruption and/or a criminal offence. Reports can also be made using a form on the Council's website.²

17. With regard to the judicial disciplinary regime and the system for the dismissal of judges, disciplinary power over officials of the judiciary and its auxiliary bodies and other persons involved in the administration of justice, including trainees, is exercised by the National Subdirectorate of Disciplinary Oversight within the National Legal Advisory Department and the Disciplinary Units within the Provincial Departments of the Council of the Judiciary, using procedures that guarantee due process, allow accused officials to exercise their right to a defence and, above all, ensure the provision of transparent, high-quality justice services, with the aim of promoting optimal access to justice and eradicating corruption from the judiciary and improving the handling of cases. The disciplinary procedure for judicial officials suspected of disciplinary offences is timely and concise, is applied pursuant to the relevant regulations and is governed by the principles of due process.

18. With regard to the dismissal of judges, the most serious disciplinary offences are established in article 109 of the Organic Code of the Judiciary, and the procedure to be followed is laid out in Title III of the Regulations on the Exercise of Disciplinary Powers, which establishes the stages of the administrative procedure, namely the opening of an investigation, opposing arguments, the evidentiary stage and the decision. Pursuant to article 40 of the Regulations, in the event that, during the conduct of administrative proceedings, it is determined that there is a possibility that a very serious offence has been committed, the Provincial Director of the Council of the Judiciary must immediately share with all members of the Council the file and the accompanying reasoned report so that the conviction or acquittal decision, as appropriate, can be issued.

19. With regard to the system for the appointment and promotion of judges, article 52 of the Organic Code of the Judiciary establishes that admission to the judiciary is obtained by means of a public merit-based competitive examination, which is subject to a rebuttal procedure and social control, and that efforts must be made to achieve parity between women

¹ Statute creating the National Directorate of the National Mechanism for the Prevention of Torture: https://www.dpe.gob.ec/wp-content/dperesoluciones2019/resolucion_076.pdf.

² <http://www.funcionjudicial.gob.ec/index.php/es/component/content/article/25-consejo-judicatura/467-denuncias-de-presuntos-actos-de-corrupcion-en-la-funcion-judicial.html>.

and men. Article 73 of the Code states that the results of the competitive examinations and assessments of the candidates for the judiciary are binding and that, consequently, the candidate who has obtained the best score will be appointed to the corresponding position or post.

20. Lastly, with respect to the removal of judges, article 122 of the Code sets out clearly the reasons for which judicial officials can be removed from their position. Removal decisions must be made and duly substantiated by the Director of the Council of the Judiciary. Removal from an office or position does not constitute a disciplinary sanction; consequently, anyone who has been removed is permitted to participate in the merit-based competitive examinations to rejoin the judiciary once the causes of his or her removal have been resolved, except in cases where an official has been removed following a negative evaluation of his or her performance.

Reply to the questions raised in paragraph 6 of the list of issues

21. Within the scope of its competencies, the Council of the Judiciary has taken the actions described below to ensure coordination and cooperation between the Indigenous and ordinary justice systems in respect of human rights and fundamental freedoms.

22. A guide has been produced on mainstreaming the principle of interculturalism in the ordinary justice system. The aim of the guide is to suggest practices that facilitate the application of the principles of interculturalism, equality, non-discrimination and *non bis in idem*, as well as ensuring pro-Indigenous approaches to justice, special protection for Indigenous children and adolescents and a gender-sensitive approach to the protection of Indigenous women in judicial proceedings with participants of Indigenous origin.

23. The Council of the Judiciary signed an inter-agency cooperation agreement with the Confederación de Nacionalidades Indígenas del Ecuador with the aim of pinpointing any officials who self-identify as belonging to an Indigenous People or nationality and who have mother-tongue knowledge of their ancestral language, with a view to adding them to the register of experts. Currently, the Council of the Judiciary has 14 accredited experts and 54 members of the judiciary who are interested in becoming accredited as expert interpreters. If they achieve accreditation, Ecuador will have 68 expert interpreters in ancestral languages, covering 18 provinces and specializing in four languages.

24. Against this backdrop, there is a constant dialogue between the different forms of administration of justice with the aim of improving the Indigenous and ordinary justice systems in order to include alternative knowledge and increase appreciation thereof. The National Assembly is seeking to reflect these aims in the Organic Act on coordination and cooperation between the Indigenous and ordinary justice systems and in other legislative instruments, which will be developed in coordination with those involved. The Office of the Undersecretary for Peoples and Nationalities, within the Secretariat for Human Rights, is following up on the progress of the draft, which is ready for first reading in the National Assembly.

25. Lastly, within the framework of coordination in respect of the Indigenous justice system, the Attorney General's Office ratified the inter-agency cooperation framework agreement between the Public Prosecution Service and the Council for the Advancement of the Nations and Peoples of Ecuador. The Office has also issued Decision No. 012-FGE-2011 setting out the regulations governing merit-based competitive examinations for the roles of prosecutor, assistant prosecutor and secretary for public prosecutors' offices for Indigenous affairs. These actions are based on Agreement No. 064-MFG-2007 issued by the Office, which created the public prosecutors' offices for Indigenous affairs, which will report directly to the respective District Prosecutor's Offices.

Reply to the questions raised in paragraph 7 of the list of issues

26. When the Constitution was amended on 4 February 2018, the following was added as article 46 (4): "The prosecution and punishment of offences against sexual and reproductive integrity committed against children and adolescents shall not be subject to a statute of limitations". In keeping with the principle of constitutional supremacy, articles 16 and 75 of the Comprehensive Organic Criminal Code were also amended to provide that no statute of

limitations would apply to offences against sexual and reproductive integrity committed against children and adolescents; that is, to the offences of non-consensual insemination, forced deprivation of reproductive capacity, sexual harassment, statutory rape, distribution of pornographic material to children and adolescents, corruption of children and adolescents, sexual abuse, rape, sexually motivated use of persons for public exhibition, sexually motivated online contact with a minor and online sale of the sexual services of a minor.

27. On 27 November 2018, the Council of the Judiciary, in plenary, issued Decision No. 110A-2018, in which it declared that pretrial and trial proceedings for offences against the sexual and reproductive integrity of children and adolescents, including historical offences, were a top priority. An expert committee was set up under article 7 of that decision to safeguard the rights of children and adolescents.

28. In 2019, the National Assembly, aware of the need for specialization in the handling of such cases, adopted the Organic Act amending the Comprehensive Organic Criminal Code, which amended article 570 of the Code to provide that cases involving offences against sexual and reproductive integrity would be heard and tried by the special judges for violence against women or family members.

29. In addition, the Council of the Judiciary has adopted a comprehensive policy at both the inter-institutional and internal levels, under Decisions No. 052A-2018 and No. 049-2019, which set out a full programme for implementing the Organic Act to Prevent and Eradicate Violence against Women, including through: (1) the identification of the powers to be conferred on the special judges for violence against women; (2) a nationwide plan for the enhancement and strengthening of the special judicial units competent for handling cases of violence against women or family members, which seeks to make specialized services available to the majority of the public and make judicial services available throughout the country; (3) an implementation plan for the law on cases of flagrante delicto; and (4) an in-service training plan for justice officials.

30. Other instruments have also been issued, including a 2018 protocol for expert interpreters and translators working on cases of gender-based violence; a 2018 declaration that made the handling, investigation, trial and adjudication of cases of violence against women and femicide that enter the justice system a priority; a guide to the assessment and determination of the best interests of the child in judicial proceedings; a 2018 guide to the gender-sensitive administration of justice; a 2017 handbook for the application of legal standards on women's rights in sentencing; a guide to the use of a restorative approach for adolescent offenders; and, in 2019, a framework for implementing the Constitutional Court judgment on the use of impartial special trials for adolescent offenders.

31. To ensure that services for responding to cases of violence against women or family members are available around the country, Ecuador has in place 172 judicial units, mainly in provincial capitals and cities with large populations, located in 172 cantons and serving 221 cantons across the 24 provinces. The special units, which together reach 11,316,230 people, or 66 per cent of the population, are staffed by 109 judges, 111 court clerks and 199 court assistants and have a technical team comprising 64 psychologists, 53 doctors and 63 social workers.

32. In 2019, seven special judicial units for cases of violence were created, providing services to 49 cantons across 23 of the country's 24 provinces. In addition, the number of court, technical and administrative staff in 30 special judicial units and 34 competent ones was increased. In short, by late 2019, 18 judges had been appointed to make up the special judicial units and 396 justice officials had been hired, including court clerks, court assistants and administrative support staff, as well as doctors, psychologists and social workers serving as experts.

33. Complaints filed and cases heard involving violence against women or family members constitute the third-largest category of criminal cases filed with the Council of the Judiciary, accounting on average for 27.8 per cent of all cases filed annually.

34. In 2019, 58,667 cases involving violent offences were filed with the judicial units. They can be broken down as follows:

- 2,033 cases involving crimes of physical violence against women or family members

- 3,805 cases involving crimes of psychological violence against women or family members
- 356 cases involving crimes of sexual violence against women or family members
- 52,473 cases relating to lesser categories of offences involving physical and psychological violence against women or family members

35. According to the most recent data from the subcommission, between 10 August 2014 and 12 April 2020, the violent deaths of 388 women were investigated and prosecuted as cases of femicide. Proceedings began in 385 cases during the same time frame, with 107 cases now under preliminary investigation, 73 ongoing before judicial bodies and 205 having been decided. In the 205 cases decided, 189 judgments were handed down, of which 167 – 159 convictions and 8 acquittals – are final, 8 are being appealed, 8 are being appealed in cassation and 6 are pending notification of the judgment. Another 38 cases were concluded by other means: 17 cases were discontinued; 7 cases were dismissed; and in 14 cases, the preliminary investigation was closed at the prosecutor’s request.

36. With respect to the statistical data, disaggregated by age and ethnic origin or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences in cases of gender-based violence since the consideration of the previous periodic report of Ecuador, it should be noted that the Automated Court Proceedings System, which is the nationwide case archive, does not provide information disaggregated by sex, age, ethnic origin or nationality or place of detention on judicial proceedings involving gender-based violence offences, since the System is used to record general procedural information about cases. However, in connection with the implementation of the Organic Act to Prevent and Eradicate Violence against Women, modifications are being made to the structure of the System to incorporate features that will allow disaggregated information to be obtained (Annex 1).

37. In March 2019, the Directorate for Crime Policy of the Attorney General’s Office published a pamphlet entitled “Let’s Stop Gender-based Violence and Femicide” with the aim of preventing femicide and providing information about the different types of violence – physical, sexual and psychological – and the channels for filing complaints in those types of cases. In addition, it published a criminological and statistical bulletin on the crime of femicide in September 2019 as a tool for State agencies and as a means of encouraging members of the public to educate themselves with reliable, timely and standardized information on the main characteristics of femicide victims, the times and places where the crime has been committed, the relevant traits of the killers and the steps that the entity takes in response.

38. Furthermore, in order to ensure that, from both a technical and legal perspective, investigations are carried out in accordance with the legislation on preventing and eradicating gender-based violence, the Attorney General’s Office ensures that due process is observed by applying legal controls, through the Directorate for Legal Oversight and Prosecution Assessment, and reviewing the complaints and petitions of members of the public with respect to prosecutors and administrative civil servants, without prejudice to the referral of such cases to the Council of the Judiciary for disciplinary review, to ensure that they do not go unpunished.

39. In terms of international cooperation, work is being done with other countries to combat violence against women, with the Attorney General’s Office actively participating in the Ibero-American Association of Public Prosecutors and the Conference of Ministers of Justice of the Ibero-American Countries, where countries share experiences and develop joint strategies to step up their efforts in preventing, responding to and following up on cases of gender-based violence, especially those committed against women, children and adolescents.

40. In addition, as a result of the coronavirus disease (COVID-19) pandemic, the Attorney General’s Office set up an online form to enable victims or third parties, including family members, friends and neighbours, to report acts of gender-based violence to the Public Prosecutor’s Office in an automated manner. The tool, which incorporates a differentiated and specialized approach, is user-friendly, gender- and child-sensitive and responsive to issues of multiculturalism, intersectionality and sexual and gender diversity and provides for

priority assistance to groups such as children and adolescents, persons with disabilities and older persons, in order to ensure that, when complaints are being handled, there is an awareness of the different types of vulnerability and the multiple forms of discrimination that can come together in one complaint. Between 20 April and 13 September 2020, 7,312 forms were received, of which 97 per cent have been processed and 78 percent, or 5,683, have, after legal analysis, been registered in the Integrated System for Prosecutorial Proceedings as reports of a crime. Furthermore, in order to enhance and increase the public's access to justice through the flagrante delicto units, the administrative coordinating office for those units has: (1) prioritized assistance to victims of domestic violence, sexual offences, and gender-based violence, preventing revictimization; (2) set up a centralized office exclusively for assisting victims of gender-based violence, with specialized staff from the Attorney General's Office; (3) set up two special offices for gender-based violence; and (4) together with the judiciary and the Public Defence Service, set up a gender-based violence unit that is located on the second floor of the building housing the flagrante delicto unit. Additionally, during the pandemic, the entity provided prosecutors with digital signatures so that they could file applications for protection measures for victims of gender-based violence.

Reply to the questions raised in paragraph 8 of the list of issues

41. In order to prevent and eliminate abuse and sexual violence against minors in schools, Ecuador has been increasing the work done in coordination by various agencies, which has resulted in the more effective implementation of measures. The measures taken relate to, for example:

An inter-agency cooperation framework agreement among the Council of the Judiciary, the Attorney General's Office, the Ministry of Education and the Ministry of Justice, Human Rights and Religious Affairs (now the Secretariat for Human Rights) to ensure that educational settings are free from violence, entered into on 17 August 2017 for a period of five years.

42. The National Agreement 2030, which promotes access to justice for a life free from violence, was signed on 29 July 2019 by the heads of the National Court of Justice, the Attorney General's Office, the Public Defence Service, the Ministry of Economic and Social Inclusion, the Secretariat for Human Rights and the Council of the Judiciary with the aim of preventing, eliminating and punishing all forms of violence, especially violence against women, children and adolescents.

43. Decision No. 116A-2018, under which the protocol for the forensic interviewing of child and adolescent victims of sexual violence using specialized listening skills was adopted, and the guide to implementation of the protocol will both help give direction to and systematize the steps taken by civil servants involved in the different stages of the proceedings so as to improve the conditions and quality of interaction in the interview process and prevent revictimization.

44. Decision No. 038-2019 of 28 March 2019 provides that the National Subdirectorate for Disciplinary Oversight must automatically initiate disciplinary proceedings ordered by the Council of the Judiciary in plenary if it becomes aware of reliable information that a member of the judiciary has engaged in conduct amounting to a disciplinary offence under the Organic Code of the Judiciary.

45. The cases involving the Major Pedro Traversari Aeronautic Academy – which led to the State's implementation of measures to help children subjected to sexual violence in educational settings – are being actively followed up on. The case arose in the period between 2011 and 2019, when, in Quito, in the province of Pichincha, 41 children were subjected to sexual abuse in the Academy's classrooms. In the light of these grave abuses, the National Constituent Assembly formed an ad hoc committee on 21 July 2017 to investigate cases of sexual abuse of children and adolescents in the country's various schools and determine whether or not administrative and judicial measures were being taken. The committee comprised the following institutions: the Ombudsman's Office, the Public Defence Service, the Ministry of Education, the Ministry of Health, the Ministry of Economic and Social Inclusion, the Ministry of Justice, Human Rights and Religious Affairs (now the Secretariat for Human Rights) and the Council of the Judiciary. The institutions worked in a coordinated

manner, within their areas of competence. In this context, the Council of the Judiciary was responsible for providing technical support in the follow-up to high-profile cases of sexual offences in educational settings. Officials of the Council attended meetings and prepared inputs that were presented. An updated table on the follow-up to the cases is attached (Annex 2).

46. In Ecuador, there are provincial committees that monitor cases of sexual and reproductive violence through inter-institutional networks. The provincial committees around the country include State representatives as permanent and temporary members and representatives of civil society and academia. In addition, strategies are being implemented to prevent sexual and reproductive violence against children and adolescents and to protect them from such violence, and best practices and key issues in providing comprehensive assistance to victims are being identified. There are currently four provincial committees, in Pichincha, Chimborazo, Azuay and Guayas. In some provinces, committees that for unrelated reasons had become dormant were reactivated, and in other provinces, the committees that were already in operation were reinforced through the involvement of several institutions that are parties to the Agreement 2030, civil society and academia.

47. In addition, the Council of the Judiciary, together with other State institutions, contributed to the development of a special procedure for a unified response to incidents of sexual violence against children and adolescents (Annex 3).

48. In terms of statistical data, a total of 10,047 cases were filed involving offences against the sexual and reproductive integrity of children and adolescents between August 2014 and February 2020, and of that number 8,784 have been decided (Tables 2 and 3).

49. The Ministry of Education developed an investment project to strengthen the comprehensive response to situations of violence identified or committed in the national education system, which is being implemented by the Office of the Undersecretary for Innovation in Education and *Buen Vivir* (the notion of peaceable, harmonious, ethical and environmentally-sustainable living that underpins the Indigenous cosmovision) and the National Directorate of Education for Democracy and *Buen Vivir*. This project was put together in 2018, with a planned implementation period from March 2019 to 2022, for the benefit of all stakeholders in the educational community, and its support measures encompass the comprehensive prevention of violence and the provision of comprehensive assistance for and protection of child and adolescent victims of violence in the national education system. The project is being implemented nationwide through decentralized operational entities: nine area coordinating offices for education and 140 district directorates.

50. The Ministry of Education also implemented the following initiatives:

- A methodology for promoting a participatory approach to the prevention of violence that allows students to develop their ability to initiate dialogues on sexuality and makes information available on the prevention of sexual and gender-based violence. In 2019, each area coordinating office had nine staff members who were responsible for providing direct training to students and teachers in this methodology. It is currently being implemented nationwide, in accordance with curriculum planning. As at September 2019, 31,750 students in the second and third years of secondary education and 1,412 teachers in State-funded schools in the Sierra-Amazonía and Costa school systems had received training, and 730 events had been held nationwide.
- A training programme on violence prevention delivered through the University of Cuenca from September to December 2019 in order to bolster teachers' skills in teaching about topics related to preventing and responding to violence in educational settings, promote best practices inside and outside the classroom and create communities that protect children and adolescents. As at November 2019, a total of 3,617 teachers had received training directly, and 56,774 teachers and 100,518 students had been reached through cascade training. A total of 30,000 teachers in the national education system are expected to be trained in violence prevention by 2022, with a second phase of training in 2020.

51. The “#Don't Let Them Tell You Tales” project is designed to promote and encourage reading as part of a violence prevention framework. It aims to apply, in school libraries, a

methodology for the promotion and encouragement of reading in order to allow the topic of preventing violence in the national education system to be addressed with children and adolescents. The project was implemented between August and December 2019 in 80 main school libraries and in the Pablo Palacio Library of the Ministry of Education. In order to reach more students around the country with the methodology, the Ministry is now publishing a methodological guide to promoting and encouraging reading for the purpose of preventing violence in educational settings.

52. The “Support That Empowers” methodology for professionals whose work involves children and adolescents and the prevention of violence in educational settings seeks to create spaces for communication and horizontal learning that allow individuals to engage in self-care and manage conflict situations and that promote empowerment, emotional release and the development of strategies in a framework of respect, confidentiality, active listening and recognition of personal and group limitations. Between August and November 2019, the methodology began to be rolled out nationwide for the staff of student counselling departments and teachers in educational institutions around the country and was implemented through the delivery of 10 to 12 weekly sessions. During that period, 74 Ministry of Education trainers were trained, including project technicians, area analysts and clinical psychologists working on the ground, and they were able to reach 90 groups, comprising 900 education professionals, with each receiving 12 sessions, for a total of 1,080 “Support That Empowers” sessions held nationwide.

53. The “Educating at Home” programme is designed to strengthen and enhance the relationship between families and the educational institutions at all levels of the national education system as a strategy for improving the quality of education and preventing school, family and social problems. This programme is run by teacher-mentors, with support from student counselling departments, parents’ organizations, government agencies and local stakeholders. The strategy has now been rolled out to the 140 educational districts, with 1.5 million families participating and with the involvement of 2,900 staff members of student counselling departments and 70,000 teacher-mentors.

54. A computerized registration system for cases of violence is used to record information on the alleged aggressors, the victims, the educational institutions where they study, psychosocial support measures and the administrative and legal steps taken to provide support in the cases identified. A total of 9,743 reports were received through the national education system, of which 6,309 were related to alleged acts of sexual violence committed by persons outside the national education system, such as family members, romantic partners and strangers. The remaining 3,434 reports were related to alleged acts of sexual violence committed by persons within the national education system, including 2,046 against teachers or administrators of the educational institution, 157 against administrative or cleaning staff and 1,231 against students (peer-on-peer sexual violence).³

55. In terms of guidelines, the Ministry of Education has prepared the following:

- A handbook for district dispute settlement boards handling cases of sexual violence committed in the national education system, which serves as a guide for persons deciding cases of sexual violence either under administrative inquiries initiated against teachers and administrators implicated in acts of sexual violence or in school disciplinary proceedings against students implicated in acts of sexual violence against other members of the educational community
- Protocols and guidelines for handling situations of violence identified or committed in the education system and a user’s manual for the sexual violence registration system, with the protocols having been brought to the attention of a total of 1,105,440 students, 96,863 teachers, 11,717 administrators and 708,786 families and/or legal representatives in State-funded schools during the 2018/19 school year
- A protocol for handling cases of pregnancy and parenthood in the education system, which provides tools for addressing the situation of students who become pregnant or

³ The information from the computerized system is for reports of acts of sexual violence identified or committed in the education system between 2014 and December 2019.

become parents and enables the staff of student counselling departments, teachers and administrators to ensure that the students stay in school and, in coordination with the health centres of the Ministry of Health, that they have access to comprehensive health care

- A pocket guide for responding to cases of sexual violence, which was published in the second half of 2018, with a total of 610,000 copies being printed and distributed to students in one- and two-room schools and families participating in the “Educating at Home” programme
- Technical guidelines for preventing and combating discrimination on the basis of sexual diversity and gender identity in the national education system, which seek to uphold the principle of equality and non-discrimination in the national education system and prevent discrimination and violence against sex- and gender-diverse persons
- A methodological guide to the prevention of pregnancy in girls and adolescents, of which 2,000 copies have been printed to date and 15,827 more are planned to be printed in 2020, which offers suggestions for specific classroom activities linked to the curriculum that allow for comprehensive discussions on sexuality and the prevention of unplanned pregnancies and promotes the setting of healthy life goals that foster the overall well-being of adolescents
- The booklet entitled “Let’s Prevent Risky Migration”, which was prepared together with the Ministry of the Interior, the Ministry of Foreign Affairs and Human Mobility, the National Council on Equality in Human Mobility, the Secretariat for Bilingual Intercultural Education and the International Organization for Migration and contains informative material that will support the continuity of efforts to prevent risky migration and the possible rights violations associated with it, including those related to trafficking in persons and smuggling of migrants

56. Lastly, in the 2018/19 school year, the Ministry of Education introduced lessons on comprehensive human development in the Sierra-Amazonía system. The lessons are now delivered in all educational institutions around the country, at all sublevels of basic general education. The focus is on work done in the classroom by teacher-mentors with their students to develop life skills in the following areas: empathy, self-awareness, the managing of emotions, conflict resolution and decision-making.

Reply to the questions raised in paragraph 9 of the list of issues

57. With respect to the limitations on the ability of the system to provide disaggregated data on judicial proceedings that would allow for the categorization of cases and the parties involved in them, the Council of the Judiciary is preparing a proposal on specialized information management under which its provincial departments will sort through information on proceedings on-site at the judicial units in order to obtain disaggregated data in line with United Nations requirements. The Council is also working with the various national and provincial departments responsible for information management to ensure continuous reporting of the disaggregated data mentioned above. In addition, technological applications are being developed under the Automated Court Proceedings System to bring together information from the different entities within the justice system in order to link the elements for the implementation of the system for comprehensive assistance.

58. Statistics from the Automated Court Proceedings System on judgments entered between 2014 and 2019 in cases of trafficking in persons and smuggling of migrants are attached as Table 4.

59. Statistics on judgments entered and actions taken by State institutions such as the Attorney General’s Office and the Ministry of the Interior within their areas of competence are attached as Tables 5 to 19.

60. Ecuador now has a national coordinating body for the fight against trafficking in persons, namely the Inter-Institutional Coordinating Committee for the Prevention of

Trafficking in Persons and Smuggling of Migrants and for Victim Protection.⁴ It is responsible for coordinating the implementation, execution, monitoring, oversight and evaluation of, and the follow-up given to, government policies on trafficking in persons and comprises the agencies responsible for human rights, education, economic and social inclusion, foreign affairs and human mobility, health, labour, tourism and justice, with the National Police, under the Ministry of the Interior, acting as the coordinating institution.⁵

61. The following measures have also been taken to prevent or combat trafficking in persons:

(a) The adoption, in August 2017, of the Organic Act on Human Mobility, which sets out rights and duties related to persons in situations of mobility, including emigrants, immigrants, persons in transit, returning Ecuadorian nationals, persons in need of international protection and victims of the offences of trafficking in persons and smuggling of migrants and members of their families;

(b) The adoption and implementation of the regulations on the operation of the Inter-Institutional Coordinating Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and for Victim Protection under Decision No. 0010, published on 14 May 2018 in Official Gazette No. 240;

(c) The publication of Inter-Agency Agreement No. 003 in November 2019, by which the protocol on an inter-agency response in the provision of care and comprehensive protection to victims of trafficking in persons was adopted;

(d) The adoption of the Action Plan against Trafficking in Persons 2019–2030, an instrument that reflects human rights, gender, human mobility, intergenerational, intercultural, security and local perspectives;

(e) The reorganization of the operational staff of the Special Anti-Trafficking Unit as the National Unit for the Investigation of Trafficking in Persons and Smuggling of Migrants and the increase in the size of the unit from 32 to 49 police officers;

(f) The roll-out of the “#Here I Am” campaign, which was launched on 11 April 2019; a campaign against fraudulent job offers (1700-26355) and the “Let’s Prevent Risky Migration” campaign, which both ran nationwide; the launch of an online course on trafficking in persons, in which 31,537 people participated; activities carried out around the country, in Tulcán, Lago Agrio, Quito, Machala and Loja, to mark the World Day against Trafficking in Persons; 83 prevention-related activities held nationwide, which reached some 22,000 people; the updating of a web portal to include a separate section on trafficking in persons, containing information on a plan of action and follow-up to measures taken, the work of the Committee, campaigns, where and how to report cases, the relevant laws and statistics; and information campaigns on and operations to prevent trafficking for criminal purposes;

(g) The adoption of the National Plan for Public Safety and Peaceful Social Coexistence 2019–2030, issued by the Ministry of the Interior under Ministerial Decision No. 0099 of 4 July 2019, which includes objectives that are directly and indirectly related to trafficking in persons;

(h) Eight round tables on human mobility run by the Ministry of Foreign Affairs and Human Mobility – with a subgroup on trafficking in persons and smuggling of migrants, which meets periodically with high-level government representatives in attendance – which have led to the preparation of instructions on authorizations for children and adolescents to leave the country, as a measure to prevent the offence;

(i) A request from the Ministry of the Interior to the General Legal Secretariat of the Office of the President of the Republic to declare the fight against trafficking in persons a policy priority for the State, which has now been agreed to and on which work is under

⁴ Article 96 of the regulations to the Organic Act on Human Mobility.

⁵ Under article 96 of the regulations to the 2017 Organic Act on Human Mobility, the Ministry of the Interior is the lead agency in matters relating to trafficking in persons and coordinates all actions and policies with all entities at the various levels of government.

way, with the declaration of priority status expected to ensure the allocation of resources to combat trafficking in persons;

(j) The development – by the Ministry of Economic and Social Inclusion and the International Organization for Migration, which funds the project – of a management model for the operation of shelters, on the basis of recommendations from several State institutions and civil society;

(k) Targeted work done nationwide by the anti-trafficking in persons and migrant smuggling unit of the National Police and the launch of operations of the special national unit for the investigation of transnational organized crime, which also investigates cases of migrant smuggling;

(l) The investigations that the offices of the special prosecutors for international and transnational organized crime continue to conduct into cases of trafficking in persons around the country (divided by region). The offices have a specific budget and specific staff to investigate various transnational crimes, including trafficking in persons.

62. Ecuador also has in place the National Agenda for Equality in Human Mobility 2017–2021, under the responsibility of the National Council on Equality in Human Mobility, which provides for specific government policies for groups of persons in situations of mobility – Ecuadorians in situations of mobility (emigrants and returnees), non-nationals in Ecuador (temporary residents, permanent residents and temporary visitors), non-nationals under international protection (asylum-seekers, refugees and stateless persons) and victims of trafficking in persons and/or migrant smuggling – and a specific government policy for victims of trafficking in persons.⁶

63. In terms of the measures adopted to ensure that victims of trafficking have access to effective remedies and reparation, the section of the country's Action Plan against Trafficking in Persons on investigation and prosecution includes measures to enable institutions involved in the administration of justice to ensure reparation for the violated rights of victims of trafficking. Given that the Plan was adopted in late 2019, it falls under the budget and operational planning for the 2020 fiscal year for the bodies that make up the Inter-Institutional Committee.⁷ The Ministry of the Interior, as the lead agency for government policy on trafficking in persons, monitors the implementation of the measures included in the Plan and, for that purpose, has a management tracking system for trafficking in persons and smuggling of migrants.

64. With regard to measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are carried out, Ecuador provides various types of assistance through several bodies that are tasked with helping and protecting such victims. This includes medical and psychological or psychiatric care, legal counselling, assistance in going back to school or work or in the regularization of migration status for non-nationals and assistance in meeting any other need that may be identified in a particular case, such as, where applicable, for food and accommodation.

65. The work done by the three shelters for victims, which are run by private organizations specialized in providing assistance in cases of trafficking in persons, should be noted, as the services provided by the shelters fully meet quality standards, and there are several reported cases in which they effectively provided protection and promoted the restoration of victims' rights. The bodies tasked with assisting and protecting victims monitor the situation of victims of trafficking in persons within their areas of competence. The three shelters currently operating in Ecuador are Casa Linda in Machala and Alas de Colibrí and Casa Arupos in Quito.

66. Ecuador has signed the following international agreements in order to prevent and combat trafficking in persons:

⁶ <https://www.planificacion.gob.ec/wp-content/uploads/downloads/2020/03/AGENDA-MOVILIDAD-HUMANA-FINAL-FEB-2020-1.pdf....- comprimido-1.pdf>.

⁷ <https://www.ministeriodegobierno.gob.ec/wp-content/uploads/downloads/2019/12/PLAN-DE-ACCIO%CC%81N-CONTRA-LA-TRATA-DE-PERSONAS-1.pdf>.

- An agreement with Peru for judicial cooperation in the investigation, processing and prosecution of cases of trafficking in persons and in protecting the victims, in connection with which Ecuador now has in place a procedural flow chart that has been approved by the Attorney General's Office and the National Police and that is designed to allow key obstacles to be identified and cases of trafficking in persons to be successfully addressed by linking efforts undertaken to the reality at the border
- A proposal for an agreement with Peru on the work of justice officials that is intended to allow for the validation of formalities undertaken in the investigation and prosecution of trafficking cases, a draft of which has been received from Peru and is currently under review. Finally, it was agreed that justice officials in El Oro and Tumbes would receive training in 2020 on issues related to trafficking in persons and human mobility

67. In 2019, the Council of the Judiciary and the Office of the United Nations High Commissioner for Refugees signed a cooperation framework agreement for the delivery of training and continuing education courses to justice officials around the country on issues related to human mobility, international refugee law, international protection, trafficking in persons and smuggling of migrants. The training plan has both online and in-person components and is targeted at judges and prosecutors from nine priority provinces in Ecuador: Santo Domingo de los Tsáchilas, Imbabura, Tungurahua, Manabí, Azuay, Guayas, Pichincha, Carchi and Esmeraldas. The platform of the Pontifical Catholic University of Ecuador was used for the online component. The training began on 11 November 2019 and lasted until 31 January 2020. As the in-person component could not take place owing to the pandemic, the course continued as a webinar in June and July.

68. The Public Defence Services of Ecuador and Peru signed an agreement intended to curb trafficking in persons. The two countries agreed to work on a bilateral protocol on the protection of victims of trafficking in persons to ensure that they receive immediate care and that the competent institutions are able to coordinate joint operations with the police, prosecutors and other organizations working on the issue.

69. Ecuador and Colombia have a standing bilateral working group for the investigation and prosecution of cases of trafficking in persons that also proactively investigates cases of trafficking along the border between the two countries and seeks to improve Ibero-American judicial cooperation with respect to trafficking and smuggling of migrants by analysing best practices and studying common problems, with a view to developing a working protocol on the identification of victims and the initiation of investigations.

70. The Public Defence Service was given a specialized service line under Decisions No. 032-2017⁸ and No. 038-2018⁹ and with support from the Office of the United Nations High Commissioner for Refugees. The purpose of the decisions is to set nationwide rules for the provision of legal advice to persons in situations of human mobility who wish to apply for a visa in Ecuador and to regulate the provision of assistance to persons needing international protection who are initiating, or who have already initiated, the refugee status determination process and who, because of their socioeconomic status, cultural background or situation of vulnerability or defencelessness, are unable to hire a private lawyer. Assistance is gradually being provided to persons in situations of human mobility in the provinces of Pichincha and Guayas by specialized defence attorneys and is provided nationwide through free legal clinics.

71. Lastly, Ecuador is a signatory to several international instruments related to trafficking in persons, including the following:

- Universal Declaration of Human Rights

⁸ Instructions for the provision of assistance to persons in situations of human mobility who are in need of international protection and are in the refugee status determination process or in proceedings to regularize their migration status.

⁹ Instructions of 8 May 2018 on the provision of legal defence services to victims by the Public Defence Service of Ecuador.

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- Protocol on the sale of children, child prostitution and child pornography
- Andean Mechanism on Consular Protection and Migration
- Inter-American Convention on International Traffic in Minors; International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182); however, during the period in question, no agreements or treaties on the issue have been recorded

Article 3

Reply to the questions raised in paragraph 10 of the list of issues

72. Chapter 1 of the Organic Act on Human Mobility addresses objectives, principles, definitions and aims, with article 2 focusing on the principles, namely universal citizenship, freedom of movement, the prohibition of criminalization, protection of Ecuadorians abroad, equality before the law and non-discrimination, favourable treatment for persons in situations of human mobility, the best interests of the child or adolescent, regional integration and non-refoulement.

73. Chapter 5 of the Act refers to non-nationals under international protection. Specifically, article 99 – in section IV of the chapter, on the refugee status determination procedure – addresses due process guarantees and sets out the guarantees that, in addition to those provided for in the Constitution, must be respected during refugee status determination proceedings, with paragraph 8 of the article stating that priority must be given to the processing of applications submitted by children and adolescents who are unaccompanied or separated from their legal guardians, by victims of torture, sexual abuse or gender-based violence or by other members of priority groups.

74. Regulations on the issuance of temporary visas to victims of trafficking in persons are being drafted. Instructions from the Inter-Institutional Committee are being prepared on applications for temporary visas for victims of trafficking, as is a protocol for the granting of temporary residence visas to victims of trafficking by the Directorate for Visas and Naturalization of the Ministry of Foreign Affairs and Human Mobility.

Reply to the questions raised in paragraph 11 of the list of issues

75. To guarantee effective access for persons present in the country who are, or are at risk of being, in an irregular administrative situation, Ecuador has in place the Organic Statute on Process-driven Organizational Management at the Ministry of Foreign Affairs and Human Mobility, which provides that the powers and responsibilities of the International Protection Directorate include:

- Setting policies and guidelines on refugee status and statelessness determination and admissibility procedures for applications for refugee status
- Supervising, monitoring and overseeing refugee status determination proceedings, the assistance and services provided by local units, the refugee status determination procedure, the functioning of the commission responsible for refugee status and statelessness determination in Ecuador and the recording of data related to procedures
- Putting in place protocols on the provision of assistance to members of the public, registration forms, interviews and technical reports on admissibility and eligibility
- Receiving and deciding on requests for review of negative decisions
- Issuing certificates regarding loss of documents and exit permits for refugees, asylum-seekers and others

76. In addition, during refugee status determination proceedings, applicants are informed of their rights, in particular their right to appeal a decision and the suspensive effect of such a challenge, as indicated in articles 103 and 113 of the Organic Act on Human Mobility. Furthermore, every notification and decision issued by the International Protection Directorate states that decisions of the Government may be appealed through the channels provided for in the Legal and Administrative Rules Governing the Executive Branch and the Organic Administrative Code, such as review, appeal and special application for review.

Reply to the questions raised in paragraph 12 of the list of issues

77. The migration policy of Ecuador reflects a human rights-based approach, in line with the Constitution, and forward-looking principles such as those of universal citizenship and the free movement of persons, the principle that no human being should be considered illegal because of his or her migration status, the principles of non-discrimination and equal rights for Ecuadorians and non-nationals and the gradual elimination of the status of non-national.

78. Among Latin American and Caribbean countries, Ecuador has the highest number of recognized refugees: 69,504 persons from more than 70 countries. Colombian citizens comprise the main group of non-nationals granted international protection as refugees. The number of applications from Venezuelan citizens has been on the rise since 2018 and currently stands at 7,257 (Table 20).

Reply to the questions raised in paragraph 13 of the list of issues

79. Article 141 of the Organic Act on Human Mobility provides that deportations are to be carried out pursuant to an administrative decision of the migration authorities.

80. Article 147 of the Act provides that expulsions of non-nationals are to be carried out by judicial decision.

Articles 5–9

Reply to the questions raised in paragraph 14 of the list of issues

81. Ecuador has made no amendments specifically to article 151 of the Comprehensive Organic Criminal Code; however, it has made extensive changes to the Code through the introduction of new offences such as enforced disappearance, incestuous rape, the abuse and killing of urban wildlife, the falsification of medical tests or certificates and the production, manufacture, marketing, distribution, importation, storage or dispensation of counterfeit or adulterated medicines, medical devices or products for human use or consumption. In addition, pet abandonment was made a minor offence. Other provisions included in the changes relate to the prohibition on sentence reductions for offences such as murder, femicide, embezzlement and bribery. These amendments were published on 24 December 2019 in Official Gazette No. 107-S and entered into force on 21 June 2020.

Reply to the questions raised in paragraph 15 of the list of issues

82. According to information from the computerized treaty-registration system published on the website of the Ministry of Foreign Affairs and Human Mobility, Ecuador has some 19 bilateral and 3 multilateral extradition treaties in place (Annex 4).

83. Article 4 of the Convention states: “Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.” It should be noted that most of the treaties signed by Ecuador are of an earlier time and that the model then used set out a list of offences for which the extradition of a fugitive defendant or convict could be requested. Torture was not listed as a separate offence in most of those treaties, including the treaties concluded with the United States of America, Canada and the United Kingdom of Great Britain and Northern Ireland. However, there has been a change to the legislative approach in the most recent treaties: the list of offences has been removed and it is provided that any offence punishable by at least a 1-year sentence is extraditable if the

acts in question were defined as offences under the laws of the requesting State at the time the acts occurred.

Reply to the questions raised in paragraph 16 of the list of issues

84. Ecuador has signed no international agreements on international mutual legal assistance specifically for cases of torture or other cruel treatment or punishment. However, various measures have been taken under the Inter-American Convention on Mutual Assistance in Criminal Matters, signed on 15 October 1992 and ratified on 26 December 2001, by means of requests for international assistance in criminal matters in proceedings initiated for the offences in question. The information is set out in the attached table, and the measures are carried out by the Attorney General's Office (Table 21).

Article 10

Reply to the questions raised in paragraph 17 of the list of issues

85. In 2018, the Ministry of the Interior developed a pilot training programme for police academies and the police training centre in order to ensure that human rights issues were included in curriculum maps and to build capacity in the application of the Convention and the American Convention on Human Rights. The programme was implemented from June to August 2018 and its methodology included on-site technical visits to 12 police academies, where 399 of the total 1,591 cadets – or 20 per cent of cadets per academy visited – received training.

86. In addition, the Ministry of the Interior, as the responsible agency, trains police officers on human rights issues through the Comprehensive In-Service Training Programme, covering topics such as national and international rules on and relevant procedures for the use of force, enforced disappearance, extrajudicial execution, torture and the maintenance of law and order, and through workshops and seminars such as a basic online course on human rights for officers, junior officers, non-commissioned officers and police officers, a seminar under the Comprehensive In-Service Training Programme serving as a refresher course for human rights instructors, a basic course on human rights at the police university, a training course for human rights instructors, a seminar on human rights best practices for senior officers of the National Police and a seminar on police procedures relating to human rights and the use of force in the northern border area.

87. Under the Comprehensive In-Service Training Programme, training was provided to 40,516 police officers in 2016, 47,112 in 2017, 44,112 in 2018 and 48,046 in 2019.

Reply to the questions raised in paragraph 18 of the list of issues

88. The Judicial Training College of the Council of the Judiciary is the body responsible for training, and it works continuously on the coordination, design and implementation of training plans and programmes for specific target groups, such as judges, prosecutors, public defenders, police officers, lawyers, experts and law students, and academic content delivered in an online, in-person or blended format that relates to the prohibition of torture and the protection of human rights and incorporates the review and analysis of the application of various international human rights instruments, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). An online training programme on the topics of torture and crimes against humanity delivered to members of the National Police in 2018 reached a total of 6,725 officers. A total of 652 police officers were trained in a second phase of the programme in 2019. In other words, between 2018 and 2019, 7,377 members of the National Police received training on the topic.

89. In addition, the training plan for 2020 provided for a seminar on standards for investigations into the deaths of persons in State custody and cases of torture for justice officials working in the city of Quito and a course on such standards for justice officials nationwide.

90. Furthermore, under its proposed in-service training plan for 2020, the Directorate for Training and Mission Strengthening of the Attorney General's Office will, in the second quarter of 2020, provide training for the Office's employees (prosecutors and the staff of Directorates) in the provinces of Pichincha and Guayas and at the Directorates for Citizen Participation and Human Rights and for Legal Oversight and Prosecution Assessment in standards for the protection of human rights defenders, which will be included in the curriculum map as a thematic unit on torture. The efforts to implement this training are inter-institutional, involving civil society (Observatorio de Derechos y Justicia).¹⁰

91. With regard to health workers, the Ministry of Health prepared an operational healthcare management model in the context of deprivation of liberty, taking into account the Istanbul Protocol. The purpose of the model is to set out guidelines for the organization and operation of health facilities that provide care to persons deprived of liberty, children living with mothers deprived of liberty and adolescent offenders in detention centres, which must be applied by all operational and administrative bodies involved in the provision of healthcare to persons deprived of liberty and adolescent offenders. In addition, in-person and online training sessions were held on the model, with in-person training being provided to 90 people: 8 area representatives, 36 representatives of detention centres and centres for adolescent offenders, 50 representatives of the National Service for Adults Deprived of Liberty and Adolescent Offenders and 6 representatives of the National Mechanism for the Prevention of Torture and the victim reparations programme of the Ombudsman's Office. Furthermore, the Ministry of Health delivered online training and assessments for persons responsible for healthcare in prisons and the coordinators of detention centre medical units from 13 January to 13 April 2020.

92. In addition, on 3 September 2019, the National Service for Adults Deprived of Liberty and Adolescent Offenders signed an inter-agency cooperation agreement with the Council of the Judiciary to coordinate their efforts to safeguard the rights of persons deprived of liberty through the creation of special judicial units for that purpose. Following the signing of the agreement, the Council of the Judiciary created nine such special units in the provinces of Guayas, Cotopaxi, Azuay and Manabí, and between 10 and 12 September 2019, the Ombudsman's Office provided training for them on human rights in prisons, the social rehabilitation system and the prevention of torture and cruel, inhuman or degrading treatment.

93. The National Service for Adults Deprived of Liberty and Adolescent Offenders, following up on work begun in 2019, continues to hold technical round tables to plan and map the curriculum content for a specific, in-service training programme on prison safeguards for the public servants heading prison safeguard units. This work is done in coordination with the Ombudsman's Office and the Mechanism for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment.

94. In June 2018, the Office of the Undersecretary for Social Rehabilitation, Reintegration and Provisional Measures of the then Ministry of Justice, Human Rights and Religious Affairs, in coordination with the Ministry of Health and the International Committee of the Red Cross, provided training to 265 public servants (area coordinators, directors, doctors, psychologists and teachers) on human rights as applied to the prison context, during which case studies from the Inter-American Court of Human Rights were discussed with a view to preventing violations of the rights of persons deprived of liberty.

95. The National Service of Legal Medicine and Forensic Sciences is a government body that was created to provide standardized technical and scientific services in the production of expert evidence in legal medicine and forensic science to support the administration of justice while fully respecting victims' rights and human dignity. It applies the procedures of the Istanbul Protocol as a useful guide for detecting and documenting the physical and psychological sequelae of torture and, where applicable, reporting the findings to the justice system or the investigating bodies. The Service also plans to train its staff in 2020 on cross-cutting approaches to rights and comprehensive reparation, with human rights, gender and intercultural perspectives.

¹⁰ Information provided by the Directorate for Training and Mission Strengthening of the Attorney General's Office.

Article 11

Reply to the questions raised in paragraph 19 of the list of issues

96. Article 448 of the Comprehensive Organic Criminal Code states that the Attorney General's Office is to organize and direct investigations relating to criminal trials and pretrial proceedings and has responsibility for the special integrated system comprising investigation, legal medicine and forensic science services that provides specialized technical and scientific support for the administration of justice, with assistance from a special unit of the National Police and civilian personnel.

97. In addition, the Ministry of the Interior and the National Police, in accordance with the Organic Code on Public Safety and Public Order Institutions, have adapted their internal rules to provide for administrative disciplinary procedures against police officers that comply with due process guarantees and the principle of legality. In this regard, article 55 of the Code provides that administrative disciplinary sanctions may be imposed only on the basis of administrative proceedings, safeguarding the principles of due process and the right to a defence established in the Constitution.

98. Furthermore, article 126 provides that in the case of minor disciplinary offences, the police officer will have two days to submit exculpatory evidence with respect to the alleged facts. In the case of serious disciplinary offences, article 130 of the Code states that an administrative inquiry must be opened. Article 131 guarantees detailed prior notice.

99. The fifth paragraph of article 122 of the Code states that the Ministry of the Interior will supervise investigations conducted by the internal affairs section of the Office of the Inspector General of the National Police to ensure that due process is observed in administrative disciplinary proceedings. The penalties for each type of offence are set forth in the Code in section two, on administrative offences and penalties, from article 39 to article 50, in compliance with the principle of legality.

Reply to the questions raised in paragraph 20 of the list of issues

100. Health facilities in detention centres provide primary care and are therefore covered by the regular budget of the Ministry of Health. The separation of health services into levels of care makes it possible to organize the supply of services so as to ensure that there is sufficient response capacity to effectively and efficiently address health needs of varying magnitude and severity, in accordance with the handbook on the comprehensive care model for the national community and intercultural family health system.

101. To alleviate prison overcrowding, Ecuador has introduced a computer platform and electronic geopositioning devices. Electronic tagging devices are fitted only by court order and are used in connection with provisional measures (free movement or house arrest), for victim protection (fitted to victims and aggressors) or under changes of regime provided for in the Comprehensive Organic Criminal Code (semi-open and open facilities). Currently, 1,331 are in use pursuant to court orders and 258 are in stock.

102. Also in order to reduce overcrowding, the National Service for Adults Deprived of Liberty and Adolescent Offenders has coordinated with the Works Contracting Service to improve living conditions and promote the enjoyment of the rights of persons deprived of liberty.

103. Currently, the Service is responsible for 53 detention centres with effective capacity to accommodate 29,463 persons, where 39,815 persons are now deprived of liberty, meaning that the overcrowding rate is 35.13 per cent (statistical information as at 25 March 2020) (Annex 5).

Reply to the questions raised in paragraph 21 of the list of issues

104. Article 51 (2) of the Constitution recognizes the right of persons deprived of liberty to communicate with and receive visits from family members and legal professionals. In line with that provision, article 12 (13) of the Comprehensive Organic Criminal Code provides that "persons deprived of their liberty shall be entitled to maintain their family and social ties.

They must be placed in a centre near their family, unless they request otherwise or unless, for duly substantiated safety reasons or to avoid overcrowding, they have to be relocated to a detention centre further away from their family, their place of habitual residence and the competent court.”

105. In addition, articles 79 to 87 of the regulations governing the National Social Rehabilitation System, published in the supplement to Official Gazette No. 695 of 20 February 2016, address visitation for persons deprived of liberty. Article 37 of the Regulations sets out the procedure for transfers under the Comprehensive Organic Criminal Code, and article 668 of the Code identifies the grounds on which persons deprived of liberty may challenge transfers ordered or denied by the technical body or the prison safeguards judge.

106. Prison search and admittance procedures are set out in a prison security and surveillance management protocol published in the supplement to Official Gazette No. 316 of 30 August 2018. With respect to body searches, different procedures apply to the general admittance of individuals and public servants and to searches of children, pregnant women, persons with a disability or a catastrophic or terminal illness, consular representatives, diplomats, justice officials and representatives of the technical body.

107. Furthermore, in order to improve the prison security system and the system for the admittance of persons, vehicles and objects to detention centres, the Service is in the process of acquiring technical equipment and monitoring systems under an investment project targeting the nationwide transformation of the Social Rehabilitation System, which has been granted priority by the technical secretariat for planning in Ecuador and has been included in the Service’s annual investment plan for 2020.

Reply to the questions raised in paragraph 22 of the list of issues

108. Article 35 of the Constitution states that older people, children and adolescents, pregnant women, persons with disabilities, persons deprived of liberty and persons with catastrophic or highly complex illnesses shall receive specialized assistance on a priority basis in the public and private sectors.

109. The Constitution identifies the goal of the National Social Rehabilitation System and then sets out, in article 203 (4), guidelines relating to deprivation of liberty and social rehabilitation, including that affirmative steps should be taken to protect the rights of persons in priority groups, in line with article 710 of the Comprehensive Organic Criminal Code, which calls for specific programmes for older persons, pregnant women, persons with disabilities and persons with catastrophic illnesses.

110. In this regard, the Casa de Confianza in Quito is a detention centre for women that provides care on a priority basis. In addition, the healthcare model for places of detention¹¹ establishes procedures and includes flow charts for the provision of healthcare services under specific programmes for persons deprived of liberty.

111. A protocol is in place on assisting lesbian, gay, bisexual, transgender and intersex persons deprived of liberty. The purpose of the protocol is to provide guidance and direction to enable public servants and stakeholders within the National Social Rehabilitation System to safeguard such persons’ exercise of their rights (Annex 7).

Reply to the questions raised in paragraph 23 of the list of issues

112. Under article 51 (1) of the Constitution, persons deprived of liberty have the right not to be subjected to solitary confinement as a disciplinary sanction.

113. The classification and placement of persons deprived of liberty is carried out in accordance with the following legal instruments: articles 682, 692 to 697, 708, 711 and 712 of the Comprehensive Organic Criminal Code; articles 12 and 13, 40 to 48, 59 and 60, 62 and 63, and 69 to 78 of the regulations governing the National Social Rehabilitation System; and a technical standard for the classification of persons deprived of liberty and security level

¹¹ Annex 6.

certificates, approved by means of Agreement No. MJDHC-MJDHC-2017-0021-A of 1 November 2017.

114. Adolescents who have committed offences under the Comprehensive Organic Criminal Code are subject to custodial and non-custodial socioeducational measures, in accordance with the Organic Code for Children and Adolescents. The comprehensive care model for institutionalized adolescent offenders includes monitoring and disciplinary measures in line with article 404 of the Organic Code for Children and Adolescents, which states that centre coordinators, after observing due process and taking into account the report of the technical team, will implement the monitoring and disciplinary measures set out in the applicable regulations, while article 405 provides that adolescents will be assessed periodically by the medical, psychology, social and education services to monitor their progress. The Code also states that if an adolescent commits an offence involving the presumption of criminal responsibility, the centre coordinator must notify the prosecution service so that, as the competent public authority, it may launch the relevant criminal proceedings.

Reply to the questions raised in paragraph 24 of the list of issues

115. Deprivation of liberty creates complex situations that overlap with the needs of persons subjected to it. As a result, they may commit acts that disrupt order in detention facilities. Such cases are reported to the competent authorities, and persons deprived of liberty may lodge complaints with the prosecution service through their public or private defence lawyers. When there is a complaint or security alert concerning a threat to the life of a person deprived of liberty, the Social Rehabilitation System transfers or relocates the detainees involved on the basis of technical recommendations made by the relevant professionals.

Reply to the questions raised in paragraph 25 of the list of issues

116. Since article 35 of the Constitution recognizes persons deprived of liberty as a priority group, one of the purposes of the Social Rehabilitation System, as set out in article 201 of the Constitution, is to protect them and guarantee their rights. Article 676 of the Comprehensive Organic Criminal Code states that persons deprived of liberty are under the custody of the State. As part of that duty of care and due diligence, the Social Rehabilitation System provides healthcare for persons deprived of liberty via the Ministry of Health, which is the body responsible for health and which sits on the system's technical supervisory board.

117. Regarding the action to be taken if a death occurs, article 461 of the Comprehensive Organic Criminal Code provides that when the existence of a corpse or human remains is reported, prosecutors are responsible for arranging: (a) the identification and removal of the corpse; (b) an external assessment of the deceased person's location, position, clothing and injuries; and (c) an autopsy report on the condition of the corpse, the time of death, any weapon likely to have been used and the probable manner and cause of death. Additionally, in cases of violent deaths, the public prosecutor may request that the health authorities withhold permission for cremation while investigations are ongoing.

118. The National Police, in accordance with article 68 of the Organic Code on Public Safety and Public Order Institutions, undertakes operational investigations of offences in order to gather or preserve evidence to secure convictions, protect victims and innocent parties and prevent the escape or concealment of suspects and the commission of crimes. The National Police has established a national directorate that investigates crimes against life, violent deaths, disappearances, extortion and kidnappings and that is responsible for gathering sufficient evidence to carry out in-depth investigations and provide the basis for charges in criminal proceedings.

119. Once it is informed that a death has occurred in a prison that is part of the Social Rehabilitation System, the National Police undertakes the relevant investigations, while the Attorney General's Office also launches the proceedings applicable in cases of unnatural deaths (Tables 22 and 23).

Reply to the questions raised in paragraph 27 of the list of issues

120. Psychiatric healthcare services are provided to persons deprived of liberty in Ecuador through the specialized psychiatric hospital of the Ministry of Health, the Julio Endara Hospital. The following care has been provided to persons deprived of liberty:

- Outpatient consultations: 7 in 2016, 13 in 2017, 27 in 2018, 107 in 2019 and 43 in 2020, making a total of 197 consultations between 2016 and 2020
- Emergency consultations: 0 in 2016, 2 in 2017, 2 in 2018, 1 in 2019 and 1 in 2020, making a total of 6 consultations between 2016 and 2020
- Consultations involving persons declared unfit to stand trial: 22 in 2016, 20 in 2017, 19 in 2018, 23 in 2019 and 25 in 2020, making a total of 109 consultations between 2016 and 2020

121. Additionally, data collected by the healthcare monitoring and compliance systems through the automated daily register of consultations and outpatient care and the healthcare registration platform demonstrate that, at the national level, a total of 996 persons deprived of liberty received healthcare at detention facilities from 2017 to August 2020 (Table 24).

Articles 12 and 13

Reply to the questions raised in paragraph 28 of the list of issues

122. The National Mechanism for the Prevention of Torture is a substantive, mission-driven mechanism under the auspices of the Ombudsman's Office whose functions include undertaking unannounced monitoring visits to detention centres and making recommendations to the authorities to minimize the risk of institutional violence and to prevent ill-treatment and torture, thereby allowing for the continuous assessment of conditions in detention centres. Since its creation, the National Mechanism has visited 193 detention centres and subsequently prepared reports with recommendations to different State bodies and the competent authorities.

123. Ecuador also has a technical body, the National Social Rehabilitation System, that is responsible for evaluating the effectiveness of its policies, managing detention centres and setting standards to ensure that its four purposes are met. Those purposes are: (a) protecting the rights of persons deprived of liberty, with particular attention paid to their main needs; (b) improving the ability of persons deprived of liberty to exercise their rights and fulfil their responsibilities upon their release; (c) ensuring the comprehensive rehabilitation of persons deprived of liberty; and (d) enabling the social and economic reintegration of persons deprived of liberty. The authorities that sit on the technical board of the National Social Rehabilitation System are listed in article 675 of the Comprehensive Organic Criminal Code, which states that the board will comprise the ministers, or their delegates, of the ministries responsible for justice and human rights, health, labour relations, education, economic and social inclusion, culture, and sport, as well as a representative of the Ombudsman's Office. Article 675 also empowers the President to appoint a minister to chair the board.

124. A similar role is played by the National Service for Adults Deprived of Liberty and Adolescent Offenders (Executive Decree No. 560 of 14 November 2018). The Service is a public law entity with legal personality and administrative, operational and financial autonomy that is responsible for overseeing, regulating, planning and coordinating the National Social Rehabilitation System. The System, whose composition is set out in the Comprehensive Organic Criminal Code, is chaired by a delegate of the President, with the Director-General of the Service acting as the secretary of the board in an advisory capacity. This institutional framework allows the State to guarantee the welfare and safety of persons deprived of liberty and adolescent offenders.

125. Additionally, in order to facilitate visits by the National Mechanism for the Prevention of Torture, on 30 July 2019 the Service signed an inter-agency cooperation framework agreement with the International Committee of the Red Cross to establish and develop cooperation mechanisms through coordination and joint technical efforts, as well as a general framework for training activities and the exchange of the experiences and information

required and developed by both organizations within the scope of their respective responsibilities in order to meet their objectives. As part of that cooperation, the International Committee of the Red Cross undertakes visits to detention centres in coordination with the National Mechanism to assess the situation of detainees and issue confidential reports to the authorities with recommendations and observations intended to strengthen the prison system.

Reply to the questions raised in paragraph 29 of the list of issues

126. As mentioned, the Automatic Court Proceedings System, which records cases across the country, does not provide sufficient disaggregated data since it records only general procedural information on cases. Nevertheless, 58 cases were received between 2016 and 2019, of which 50, or 86.2 per cent, were resolved (Tables 25 to 28).

127. An example of a court ruling that imposed sanctions for the crime of torture is case No. 07283-2016-00093, heard by the Machala Criminal Trial Court, in which the prosecutor, in accordance with the legal regulations in force, brought charges of torture against the defendants for having subjected the victim to physical punishment in a military institution.

128. Another example of punishment for the crime of torture relates to case No. 07283-2018-00291 in which charges were brought against a woman and her partner for acts of torture against the woman's minor daughter.

129. There are two videos in the Turi case, the first relating to the violent death of detainee Guillermo Xavier Quiñonez Pinto, in connection with which the Attorney General's Office followed the applicable process and, on 25 April 2017, the Cuenca Criminal Trial Court convicted six detainees, who received prison sentences of 34 years and 6 months for aggravated murder, according to the report of case No. 01283-2016-01789 retrieved from the Automatic Court Proceedings System.

130. The second case relates directly to the video recording of the police officers in response to which a habeas corpus petition was filed and criminal proceedings launched for the alleged crime of torture. In a judgment dated 26 December 2019, however, the Azuay Criminal Trial Court amended the charges to abuse of authority in the line of duty. Of the 42 police officers prosecuted, 5 were acquitted and 37 received prison sentences of 106 days and 16 hours. It is therefore clear that the judiciary, after following due process according to the legal regulations in force, made the relevant judgments within the scope of its competences.

131. The Sierra Centro Sur Turi Regional Detention Centre has been in operation since November 2014. In line with article 678 of the Comprehensive Organic Criminal Code, its facilities include a pretrial detention centre and a social rehabilitation centre for men and women. Information from the Statistics Unit of the National Service for Adults Deprived of Liberty and Adolescent Offenders indicates that, as of 25 March 2020, the pretrial detention centre had capacity for 176 persons and housed 276 persons, while the social rehabilitation centre had capacity for 2,540 persons and housed 2,501 persons.

132. Regarding the police presence in detention centres, under article 685 of the Comprehensive Organic Criminal Code, perimeter security is the responsibility of the National Police. Nevertheless, the state of emergency declared by the President on 16 May 2019 allowed for the mobilization of the National Police and, consequently, an increased police presence in detention centres since officers were required to take immediate action to maintain order and prevent further acts of violence within the centres, as well as emergency action in response to incidents that were under way. The state of emergency also allowed the armed forces to carry out weapons screening at the internal and external perimeters of detention centres, to which end they developed a weapons, ammunition and explosives control plan. They therefore did not have direct contact with detainees, although they did reinforce security in areas surrounding detention centres to prevent the entry of prohibited items.

133. During the state of emergency, the National Service for Adults Deprived of Liberty and Adolescent Offenders continued to provide treatment, and the suspension of rights was subject to ongoing monitoring by the Ombudsman's Office both by order of the

Constitutional Court and by virtue of its membership of the technical board of the National Social Rehabilitation System.

134. The Anti-Crime Intelligence Department of the National Directorate of the Criminal Investigation Service of the National Police reports that from November 2016 to 12 April 2020, 47 complaints related to crimes against humanity, extrajudicial executions, abuse of authority in the line of duty and torture were recorded. According to the files relating to detained persons maintained by the criminal investigation police, 14 persons are currently detained for the crimes of abuse of authority in the line of duty and torture following rulings by the competent authorities.

Reply to the questions raised in paragraph 30 of the list of issues

135. The fundamental mission of the Directorate of Human Rights and Citizen Participation of the Attorney General's Office (until 2019 known as the Directorate of the Truth and Human Rights Commission) is to coordinate and support investigations into human rights violations throughout the country, regardless of when the events occurred. The Directorate is responsible for the specialized investigation of the 136 cases exposed by the Truth Commission of the executive branch in its 2010 report entitled "No Truth, No Justice".

136. In the years since the report's publication, the Directorate has opened new cases of alleged serious human rights violations that occurred between 1984 and 2008 – the period covered by the report – but that were not documented by the Truth Commission. The report of the Truth Commission breaks down a total of 157 cases into three categories: 119 detailed cases, 2 cases considered special owing to their unique nature and 36 documentary cases that could not be broadened or investigated in greater depth since it was not possible to make contact with the victims. Seven offices of the Directorate of Human Rights and Citizen Participation are currently investigating a total of 230 cases (Figure 1).

137. The cases brought to trial by the Directorate since the submission to the Committee against Torture of the previous periodic report of Ecuador, in 2016, are detailed in the attached table, while the other cases remain as indicated in that report (Tables 29 and 30 and Figure 2).

Reply to the questions raised in paragraph 31 of the list of issues

138. On 4 March 2020, a network of protection and assistance services for victims was created, led by the National System of Protection and Assistance for Victims, Witnesses and Other Participants in Criminal Proceedings. The National System was created by means of the Constitution and has the power to oblige public bodies to contribute to its interests and objectives and to coordinate their participation and that of civil society organizations.

139. The network comprises the following institutions: the Office for Legal Affairs of the Office of the President; the Secretariat for Human Rights; the Directorate General for Civil Registration, Identification and Documentation; the Ministry of Health; the Attorney General's Office; the Ministry of Education; and the Ministry of Economic and Social Inclusion. It prioritizes victims, cases of national interest and cases of social unrest that fall within the scope of the National System.

140. The National System¹² currently has 23 provincial units made up of interdisciplinary teams that include social workers, psychologists, lawyers and victim and witness protection agents. Those teams provide comprehensive and timely protection and assistance, at all stages of proceedings including the pretrial phase, to victims, witnesses and other participants in criminal proceedings who are at risk as a result of their meaningful involvement in a criminal case, civil case or crime, with the aim of safeguarding their physical, psychological and social integrity. The System currently provides protection and assistance to 1,192 protected persons nationwide (Table 31).

¹² <https://www.fiscalia.gob.ec/direccion-del-sistema-nacional-de-proteccion-a-victimas-y-testigos-spavt/>.

141. In the same context, the Attorney General's Office has entered into several inter-agency cooperation agreements:¹³

- An agreement with the Ministry of Economic and Social Inclusion to coordinate action for protected persons in institutional care
- An agreement with the Sembradores de Vida foundation, which provides re-education services, on the treatment of alcohol and drug misuse among protected persons with addiction problems
- An agreement under development with the Ministry of Health on inter-agency coordination and healthcare protocols for protected persons
- An agreement under development with the Ministry of Education on educational guidelines to coordinate assistance for protected persons from basic education to secondary school
- An agreement under development with the Ministry of Production to coordinate and channel assistance for protected persons

142. Lastly, with regard to the outcome of the investigation into the 2010 murder of forensic doctor Germán Antonio Ramírez Herrera in Quevedo, the murder investigation was suspended on 18 December 2018 at the request of prosecutor Manuel Espinoza on the basis of article 39 (1) of the Code of Criminal Procedure, subsumed into article 587 of the Comprehensive Organic Criminal Code. The prosecutor argued that, although approximately eight years had passed since the event, it had been possible only to establish that the offence had been committed, and there was insufficient evidence to launch a criminal prosecution since the person or persons responsible for the doctor's death had not been identified.

Article 14

Reply to the questions raised in paragraph 32 of the list of issues

143. Article 3 of the Act for Reparations to Victims and the Prosecution of Grave Human Rights Violations and Crimes against Humanity makes reference to the principle of comprehensive reparation, establishing that it seeks a solution that objectively and symbolically restores the victim's rights to their condition prior to the damage having been caused and provides knowledge of the events, restitution, compensation for pecuniary and non-pecuniary damages, rehabilitation, guarantees of non-repetition and satisfaction of the right violated.

144. In compliance with this principle, the Act establishes two forms of reparation for the victims identified by the Truth Commission: pecuniary and non-pecuniary reparations. Under article 4 of the Act, pecuniary reparations are the responsibility of the Ombudsman's Office, through the administrative Reparations Programme.

145. Article 7 of the Act establishes that non-pecuniary reparations are the responsibility of the Ministry of Justice, Human Rights and Religious Affairs, now the Human Rights Secretariat created on 14 November 2018 through Executive Decree No. 560. To implement that article, on 13 August 2019 the Human Rights Secretariat issued regulations governing compensation agreements with victims identified in the report of the Truth Commission, which replaced the previous regulations of 2015, by means of Resolution No. SDH-SDH-2019-0013-R.

146. As set forth in articles 14 and 31 of these regulations, the role of the Counsel General's Office is to advise on, authorize and sign – as an observer – compensation agreements. Pursuant to article 21, once a non-pecuniary reparation agreement has been signed, the Ombudsman's Office forwards the file pertaining to the victim to the Human Rights Secretariat so that the process relating to pecuniary reparations may be completed. The total

¹³ Information provided by the Directorate of the National System of Protection and Assistance for Victims, Witnesses and Other Participants in Criminal Proceedings of the Attorney General's Office.

number of victims identified in the Truth Commission report is 459; files relating to 301 of these individuals have been submitted to the Human Rights Secretariat.

147. Since the launch of the Reparations Programme currently overseen by the Human Rights Secretariat, 140 compensation agreements have been authorized and signed, allowing several victims of human rights violations identified by the Truth Commission, including victims of torture, to receive reparations. The Ecuadorian State has provided compensation amounting to US\$ 3,931,673.75.

Reply to the questions raised in paragraph 33 of the list of issues

148. The National Directorate for Reparations for Victims and Protection against Impunity of the Ombudsman's Office, along with State institutions and authorities, is responsible for coordinating reparations for victims identified in the final report of the Truth Commission.¹⁴ Work with around 26 institutions has led to significant progress in non-pecuniary reparations (Tables 32 to 49).

149. The National Directorate has also taken the following action, which is in line with the recommendations of the Truth Commission:

- A ceremony at the Guayaquil Air Infantry School on 1 December 2017 during which the Ministry of Defence, on behalf of the State, apologized publicly to the victims of the Taura case
- An international workshop on 21 September 2016 that highlighted the importance of creating spaces for remembrance within non-pecuniary reparations processes. The workshop was attended by direct and indirect victims and representatives of State institutions, and it enjoyed the support of the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities and the Latin American Network for Genocide and Mass Atrocity Prevention.

150. Documentary evidence of human rights violations is archived and conserved by the National Archive, which, as the body responsible for the custody and administration of the country's documentary heritage, has technical archival description standards and procedures in place.

151. Similarly, under the administrative Reparations Programme for victims identified by the Truth Commission, the Ombudsman's Office works with victims to analyse specific cases, either in person or online, thereby avoiding unnecessary journeys; moreover, once a preliminary report has been issued, victims may propose changes, amendments or other alternatives in order to reach an agreement.¹⁵

152. The Reparations Programme has so far assisted 280 direct victims and 765 indirect victims, for a total of 1,045. In accordance with article 5 of the Act for Reparations to Victims and the Prosecution of Grave Human Rights Violations and Crimes against Humanity, these figures include spouses or common-law partners and relatives up to the second degree of consanguinity in the cases and under the conditions determined by the Act.

Article 15

Reply to the questions raised in paragraph 34 of the list of issues

153. It should be noted that the principle of inadmissibility of evidence obtained through torture is guaranteed in article 76 (4) of the Constitution. There is no evidence that this principle has been violated since the right to due process and public access to judicial proceedings – mechanisms through which any fact that could constitute such a violation may be made known – are guaranteed in Ecuador.

¹⁴ Ecuador, Ombudsman's Office, Resolution No. 198-DPE-CGAJ-2014 (13 November 2014), articles 11 and 20.

¹⁵ Ecuador, Ombudsman's Office, Resolution No. 198-DPE-CGAJ-2014 (13 November 2014), articles 17–22.

Article 16

Reply to the questions raised in paragraph 35 of the list of issues

154. At inter-agency meetings relating to the Mandate of Amazon Women Defenders of the Rainforest against Extractivism, the Secretariat for Human Rights reaffirmed the need to design a comprehensive policy for promoting and protecting the rights of defenders of human rights and the environment.

155. The Secretariat for Human Rights has developed guidelines for the preparation of this policy. It convened the Ministry of the Interior, the Attorney General's Office, the Council of the Judiciary, the Public Defence Service, the Ombudsman's Office, the National Council for Gender Equality and the National Council for the Equality of Peoples and Nationalities to a working meeting on 16 December 2019, at which it presented the proposed guidelines for feedback from those institutions. An inter-agency working group was set up to follow up on the commitments assumed by each institution and on the progress made in the design and implementation of the policy.

156. The expert working group set up to prepare the public policy has adopted a theoretical and conceptual proposal on the design and implementation of a comprehensive policy for promoting and protecting the rights of defenders of human rights and the environment. A participatory approach is being taken to the preparation of the policy, and the proposal has begun to be disseminated to non-governmental organizations (NGOs) of defenders of human rights and the environment. According to the timetable for the process, the final version of the proposal will be presented in November 2020.

157. The Secretariat for Human Rights has updated its list of executive administrative measures for the realization of the rights of sex- and gender-diverse persons and the reporting and assistance procedure for lesbian, gay, bisexual, transgender and intersex persons detained against their will in medical facilities that provide treatment to persons with alcohol or other drug abuse problems. These documents are being reviewed by the inter-agency working group in preparation for their adoption.

158. The Public Defence Service has taken various measures, including the following, which are particularly important.

159. A council of defenders of human rights and the environment was established to promote the active and effective participation of civil society. The members of this council must not be public officials or have any contractual relationship with the Ombudsman's Office. The council may request advice from academics or scientists, where necessary.

160. Standards for the promotion and protection of defenders of human rights and the environment were issued on 5 August 2019. The purpose of these standards is to set out various measures for the promotion and protection of the rights of defenders of human rights and the environment, in accordance with applicable international standards and recommendations.

161. National teaching and learning activities were planned, designed and implemented to promote meaningful learning about human rights and the environment. Technical assistance and guidance was provided to public institutions, including the National Police and the Armed Forces, as well as other stakeholders, such as civil society organizations, NGOs, international organizations and other national human rights institutions.

162. Inter-agency cooperation was promoted through the signing of several agreements with universities and NGOs. Agreements were concluded with the Loja Private Technical University, the National University of Education, the German Agency for International Cooperation, the Organization of Ibero-American States for Education, Science and Culture and the Ministry of Education, among others.

163. Educational resources promoting human rights were produced and made available in the special resource library of the Ombudsman's Office. The special resource library is

intended for research and the development, publication and promotion of specialized material on human rights.¹⁶

Reply to the questions raised in paragraph 37 of the list of issues

164. The National Assembly worked for a year on a firm proposal, supported by every member of the General Commission, at its plenary meetings, where prior statements were made by representatives of human rights institutions and members of the Assembly. The majority of these statements were in favour of decriminalizing abortion, on the ground that not doing so would be contrary to the international instruments to which Ecuador is a party and would result in human rights violations. However, in a vote held in Quito on Tuesday 17 September 2019 during the second and final debate of the plenary Assembly on a package of amendments to the Comprehensive Organic Criminal Code, the decriminalization of abortion for victims of rape and in cases of incest, statutory rape or non-consensual insemination was rejected, with 65 votes in favour of the proposal, 59 against and 6 abstentions, a result which fell 5 votes short of the threshold of 70 votes in favour needed for proposal to be approved and the amendment in question to be adopted.

165. Articles 33, 34 and 35 of the draft amendment to the Comprehensive Organic Criminal Code were intended to amend article 150 of the Criminal Code, which defines non-punishable abortions as abortions “performed by a physician or other qualified health professional, with the consent of the woman or, where she is unable to give it, of her spouse, partner, close family member or legal representative”.

166. Although social pressure in Ecuador was one of the reasons for the failure to adopt these amendments, a precedent was set, prompting Ecuadorian society and women’s rights groups to reconsider and appreciate their importance, and it is therefore hoped that they will be resubmitted.

Reply to the questions raised in paragraph 38 of the list of issues

167. The Academic Training Department of the National Directorate of Education has developed expert mechanisms for supervising and monitoring academic activities and developments in relation to violations of the human rights of police trainees, in the form of an on-site verification and monitoring matrix in police training academies.

168. An evaluation matrix is used for the on-site supervision of police training academies, including: (a) comments from students; (b) a suggestion box; (c) a monthly report on the contents of the suggestion box; and (d) standard operating procedures, which must be posted in a visible place. Reports on compliance with these standard operating procedures are mandatory. The matrix also includes indicators such as physical and/or virtual library, recreational spaces, student welfare spaces, technological environment and eating spaces.

169. A welfare survey is also distributed to trainees to ensure that their human rights are respected during training. It comprises 16 indicators, including: “Standard operating procedures have been complied with”, “The night-time rest period provided for in the standard operation procedures has been respected”, “Disciplinary sanctions are applied in accordance with the Police Training Academy Disciplinary Regulations”, “My right to equality, identity and non-discrimination has been respected” and “Have the officers at the Academy ever overstepped their official duties?”.

170. In addition, a survey on the authorities at the Academy is distributed to trainee police officers, featuring indicators such as: “The school’s director, instructors and administrative personnel apply the principles of equality and equity when making decisions relating to the school.”

Reply to the questions raised in paragraph 39 of the list of issues

171. By Ministerial Agreement No. 033 of 16 October 2018, the current Minister of the Interior gave the National Directorate of Education of the National Police a mandate to make decisions relating, inter alia, to aspects of police and technical officer training concerning

¹⁶ <http://repositorio.dpe.gob.ec/>.

legal issues, finances, discipline, learning, education, food, health, logistics and uniforms, in coordination with the Directorate of Health Governance of the Ministry of the Interior. She also gave the National Director of Education of the National Police the power to issue internal, legal, technical-legal and administrative instruments regulating training.

172. The Police Training Academy Disciplinary Regulations, issued under Resolution No. 2019-061-DNE-PN, regulate relations between trainee police officers and their superiors, academy management, teaching staff and other police officers, operational experts and members of the general public, in the context of both residential and non-residential activities at police training academies. According to article 3 of the Regulations, their purpose is to prevent, correct and sanction disciplinary offences committed by trainee police officers, in accordance with the principles, rights and guarantees established in the Constitution, legislation and police regulations, and to establish a regulatory framework governing the rights and obligations of, and the sanctions and procedure applicable to, trainees.

173. The Academic Training Subdirectorate of the National Directorate of Education has established guidelines for the directors of police training academies, applicable before and during the training within the academies, to ensure that trainees' human rights are respected and upheld. Technical tools have also been implemented to determine whether human rights violations or cruel, inhuman or degrading treatment have occurred in police training schools.

Other issues

Reply to the questions raised in paragraph 40 of the list of issues

174. The National Comprehensive Security Plan 2019–2030 of the National Police defines terrorism as a serious security threat. Under the Organic Statute on Process-driven Organizational Management of the National Police, issued under Ministerial Agreement No. 0080 of 8 March 2019 and currently applicable to the police force, the National Intervention and Rescue Unit is responsible for the execution of tactical interventions as part of sensitive, emergency and planned special counter-terrorism operations. Similarly, the National Unit against Organized Crime has a mandate to investigate crimes related to terrorism under the supervision of the Attorney General's Office.

175. The National Police implements the Comprehensive Continuous Training Plan annually and on an ongoing basis, with a focus on human rights, for personnel of the National Intervention and Rescue Unit. The National Unit against Organized Crime has received training through webinars on the virtual platform managed by the United Nations Office on Drugs and Crime regarding international legal approaches and criminal justice responses to chemical, biological, radiological or nuclear terrorism.

176. On 22 May 2019, the Ministry of the Interior signed an agreement with the Terrorist Screening Center of the Government of the United States of America on the exchange of information related to terrorist screening through secure computer platforms or systems mutually determined by the participants. In practice, according to the National Intervention and Rescue Unit, measures to combat terrorism have been effectively carried out within the framework of the legal regulations in force, in accordance with constitutional and human rights norms and precepts and the progressive use of force.

177. The Organic Act on Public Security designates the Strategic Intelligence Centre as the institution in charge of implementing the National Intelligence Plan, to be approved by the President, coordinating and harmonizing security activities, ensuring the integrity and independence of the State, the rule of law, justice and State institutions and preventing organized crime. Article 7 of the regulations implementing the Public and State Security Act establishes that the military intelligence subsystem is part of the National Intelligence System, which executes specific intelligence and counter-intelligence measures to advise and provide strategic intelligence to the political leadership of the State, in order to ensure national sovereignty and public and State security, uphold the principle of *Buen Vivir* and defend the interests of the State.

178. Terrorism is classified as a publicly prosecutable offence, and, pursuant to article 195 of the Constitution, responsibility for prosecution of the offence lies with the Attorney

General's Office, which receives support in that regard from the National Police, whose mandate is to ensure public safety and public order and protect the free exercise of rights and the security of persons within the national territory. The Armed Forces play a supporting role to the institutions responsible for investigating and punishing terrorist offences. They act in accordance with their powers and in line with the Constitution and international human rights instruments. According to article 526 of the Comprehensive Organic Criminal Code, members of the Armed Forces have the power of arrest in relation to flagrante delicto offences; in such cases, they are required to inform the person arrested of the reason for his or her arrest and immediately bring him or her before the competent authorities.

179. The following information relates to training on terrorism-related topics:

- In November 2016, the Armed Forces of Ecuador conducted training on infiltration and exfiltration techniques at the facilities of the Special Operations Unit in the province of Pichincha as part of the twelfth counter-terrorism course.
- In March 2018, the Joint Military Defence Academy participated in an online seminar on terrorism and transnational organized crime organized by the Association of Ibero-American Defence Colleges. The aim of the event was to raise awareness of the new methods used by transnational contact networks and organized crime to commit acts that undermine peace and public safety.
- In August 2018, the thirteenth counter-terrorism course was held; it was named in honour of the late Second Sergeant Edwin Sinchiguano and, in total, 32 students participated in it, of whom 7 had the rank of officer and 25 were troop personnel. The aim was to prepare the parachute commandos of the Special Forces Brigade No. 9 "Patria" of Latacunga, as part of the training of select groups for missions entrusted to the Ecuadorian Army.
- In May 2019, the Armed Forces Joint Command organized a workshop seminar on strategic cybersecurity and cyberdefence in Ecuador. This event was supported by the Armed Forces University and the Rioja International University in Spain.

180. The following information relates to international cooperation with regard to terrorism:

- Cooperation with France on the implementation of "Plan Vigipirate" to seek international expertise on strengthening security against terrorist attacks
- Cooperation with Spain on the training of officers of the Ecuadorian Armed Forces in the fight against terrorism to promote and update prevention plans (November 2018)
- Approval and signature of the Annual Binational Operational Plan Ecuador-Colombia 2019 to strengthen cooperation in the field of security and defence, establish an action plan and coordination mechanisms in that field in both nations, thereby contributing to positive change for border populations, and establish a strategy against existing threats in the common border area
- Signature of a memorandum of understanding and cooperation on defence with Colombia to establish mechanisms promoting bilateral cooperation. The cooperation envisaged includes measures to combat terrorism, defence strategies, scientific and technological cooperation, knowledge transfer, research and development activities in the defence industry, coordination in combating transnational organized crime, drug trafficking and terrorism, and other related activities.

Reply to the questions raised in paragraph 41 of the list of issues

181. During the period 2019–2020, the Attorney General's Office issued national guidelines for prosecutors to ensure compliance with the various recommendations addressed to, and the obligations of, Ecuador in relation to the investigation of cases of serious human rights violations in various contexts, as follows:

- Guidelines on the Investigation of Discrimination and Hate Crimes
- Guidelines on Standards for Investigation in Cases relating to Social Protests

- Guidelines on the Application of International Instruments in Pretrial Investigations and Criminal Proceedings relating to Offences Committed against Human Rights Defenders
- Basic Guidelines on Ensuring Access to Justice Services
- National awareness-raising workshops on accessing international jurisprudence relating to serious human rights violations

182. The Ministry of National Defence, as part of the measures aimed at making institutional progress in the area of human rights, continues to organize training programmes, which are planned annually and approved according to the needs of the members of the Armed Forces. The Human Rights, International Humanitarian Law and Gender Unit of the General Directorate of Human Resources provides continuous training on human rights, international humanitarian law, gender and intercultural issues to military divisions and/or units every year (Tables 50 to 53).

183. In 2018, the Ministry of Public Health developed a primary care service and a mandatory form for reporting allegations of gender-based violence and serious human rights violations, to facilitate access to the national justice system for victims of violence. In November and December 2018, 800 health professionals from the nine zonal coordinators' offices received training and information on the primary care service and the mandatory form for reporting allegations of gender-based violence and serious human rights violations. In 2019, the Ministry issued a technical standard for the comprehensive care of victims of gender-based violence and serious human rights violations to provide operational guidelines on comprehensive health care for victims of gender-based violence and serious human rights violations. From January to July 2020, 2,238 health professionals and primary healthcare technicians were trained in their use and, as of June 2020, 5,371 activities had been carried out to raise awareness among external users, promoting the prevention of gender-based violence in all levels of care.

184. The National Service for Adults Deprived of Liberty and Adolescent Offenders offers a technical diploma in prison security, which is taught at the technical and technological institutes of Ramón Barba Naranjo (now Cotopaxi), Juan Bautista Aguirre and Francisco Febres Cordero (now Azuay). The course is aimed at officers of the Prison Security and Surveillance Corps. The course curriculum covers human rights in the prison context and includes material about cases decided by the Inter-American Court of Human Rights and the prohibition of torture, cruel, inhuman and degrading treatment. So far, 462 officers have received the technical diploma, and work is under way to update the course.
