



**International Covenant
on Civil and
Political Rights**

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**List of issues to be taken up in connection with the consideration
of the fifth periodic report of ECUADOR (CCPR/C/ECU/5)**

**Constitutional and legal framework within which the Covenant
is implemented and principle of non-discrimination (art. 2)**

1. Please indicate exactly what is the legal status of the Covenant in the State party's domestic legal system. Have Ecuadorian courts applied the Covenant? If so, please provide examples of cases in which this has been done and statistics, if available (CCPR/C/ECU/5, para. 109).
2. Bearing in mind that the State party's Constitution is currently being reviewed, please provide detailed, up-to-date information on the steps that the State party has taken to ensure that the rights recognized in the Covenant will be fully reflected in the Constitution.
3. What measures have been taken by the State party to guarantee that the process of selecting the Ombudsman is open and transparent? Also, please indicate what steps the State party has taken to allocate sufficient resources for the proper operation of the Office of the Ombudsman. In addition, please identify the steps taken by the State party to strengthen the Office's ability to provide a pluralistic form of representation and thus ensure that it is fully aligned with the Paris Principles.
4. Please state whether an assessment of the impact of the National Human Rights Plan, which was adopted as State policy in June 1998, has been undertaken (CCPR/C/ECU/5, para. 25). If so, please describe the conclusions that were reached.

5. Please furnish detailed information on the steps taken to uphold the constitutional and legal guarantees established in order to protect indigenous peoples and Afro-Ecuadorians from discrimination.

6. Please also state whether steps have been taken to protect members of the indigenous communities from the adverse effects of oil drilling in the State party so that they may fully exercise their rights, particularly with regard to the preservation of their cultural identity and their traditional livelihoods (concluding observations on the fourth periodic report of Ecuador, CCPR/C/79/Add.92, para. 19). Has there been an investigation into allegations that abuses and violence have been committed against indigenous peoples by some members of the armed forces during protests by indigenous groups against oil drilling and mining activities? If so, please supply detailed information.

Equal rights of men and women, prohibition of torture and other cruel, inhuman or degrading treatment, and principle of non-discrimination (arts. 3, 7 and 26)

7. Please supply up-to-date statistics on the percentage of women holding senior or executive positions in the public and private sectors. To what extent is the Women's Employment Protection Act enhancing women's participation in business, political and academic affairs? Has the prohibition on registering with the Supreme Electoral Tribunal multicandidate lists in which women do not account for at least 20 per cent of the principal candidates and 20 per cent of the alternates been enforced in accordance with article 2 of the Act (CCPR/C/ECU/5, paras. 82-85)?

8. Please indicate whether the Violence against Women and the Family Act (No. 103) has been enforced and, if so, provide examples. In addition, please give information on the outcome of domestic violence cases brought before the ordinary criminal courts. Detailed information is also requested about the programme for the protection of victims, witnesses and other participants in criminal proceedings, with special emphasis on sexual crimes and domestic violence (CCPR/C/79/Add.92, para. 10, and CCPR/C/ECU/5, paras. 66 and 73-76). Please describe how the State trains officials responsible for preventing domestic violence and for punishing those who commit such violence and indicate what impact such training has had on those officials.

9. Please indicate whether the State party has enforced the Health Organization Act, which guarantees access to contraceptives. If so, please provide examples. How has the National Plan on Health and Sexual and Reproductive Rights helped to ensure access to appropriate health and education services for pregnant women (CCPR/C/79/Add.92, para. 11, and CCPR/C/ECU/5, paras. 79 and 80)?

10. What steps have been taken to reduce the very high illiteracy rate, which affects mainly women (CCPR/C/ECU/5, para. 94)?

State of emergency (art. 4)

11. Please indicate how many states of emergency have been declared during the period covered by the State party's fifth periodic report and provide detailed information on the grounds and legal framework for each such state of emergency, the rights that were suspended and the

duration of each. Please also supply detailed information on reports of human rights violations committed during states of emergency, the number of legal actions that were brought and the penalties imposed on those found to be responsible. Please indicate whether the United Nations Secretary-General has been systematically informed whenever a state of emergency has been declared.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment, right to liberty and right of persons deprived of their liberty to be treated with humanity and dignity (arts. 6, 7, 9 and 10)

12. Please indicate how effective the Operational Plan for Human Rights in Prisons has been in eliminating torture and other cruel treatment in prisons, establishing more humanitarian conditions for prisoners, reducing prison overcrowding and improving sanitary conditions in prison facilities (CCPR/C/ECU/5, paras. 152 and 153). Has the bill on the organization of execution of sentences been passed (CCPR/C/ECU/5, para. 210)? Please also indicate what steps have been taken to put a stop to the practice of vaginal inspections in prisons as a security and anti-drug measure.

13. In the light of the information on cases of torture committed by police officers provided in paragraph 147 of the State party's report, please supply statistics on complaints of torture and ill-treatment of detainees, disaggregated by age, sex, legal status, ethnic origin, number of convictions and type of penalty imposed on the perpetrators. What specific steps have been taken to ban these practices and compensate the victims?

14. Please indicate whether fundamental legal safeguards for persons detained by the police are being upheld in accordance with the Covenant, including the right to inform a family member, to consult with legal counsel and a physician of their own choosing, to be informed of their rights and to have their legal representatives present during questioning, as well as to have access to information on consular assistance for non-nationals (in accordance with article 36 of the Vienna Convention on Consular Relations).

15. Please comment on reports that detainees have been killed during alleged escape attempts and that detainees have died for no apparent reason in their cells or in police detention centres without State authorities undertaking any serious investigation into such incidents.

16. Please indicate whether the State party has promoted legislative measures that would help to shorten periods of pretrial detention, including the removal from the Code of Criminal Procedure of the provision concerning *detención en firme* (issue of a detention order in conjunction with a committal order to ensure the defendant's presence at the trial). A constitutional challenge to this form of detention is awaiting consideration by the Constitutional Court.

17. Please state what steps have been taken to prevent minors from being held in the same cells as adults in police and pretrial detention centres.

Prohibition of slavery (art. 8)

18. Please furnish detailed information on implementation of the National Plan of Action against kidnapping, illegal trafficking in migrants, sexual and labour exploitation and other kinds of exploitation and prostitution of women, children and adolescents, child pornography and the corruption of minors. Has a specific budget been allocated and have human resources been designated for its implementation (CCPR/C/ECU/5, paras. 170-174)? What steps have been taken to identify, prosecute and punish those responsible for these crimes?

**Liberty of movement and principle of non-discrimination
(arts. 12 and 26)**

19. Please supply detailed information on the measures taken by the State party to eradicate the discrimination and xenophobia directed against some foreigners, particularly Colombians. Please comment on allegations that in recent years Colombian migrants have been the only people required to produce a criminal record certificate in order to enter Ecuador.

Rights of aliens (art. 13)

20. Please provide detailed, up-to-date information on current deportation procedures in the State party, including disaggregated statistics and grounds for deportation in the case of aliens who have been deported during the period covered by the State party's fifth periodic report.

Procedural guarantees (art. 14)

21. Please indicate whether the bill on the system of public defenders has been passed into law. If so, does this law provide for the creation of an Office of the Public Defender which would provide legal counsel and defend persons deprived of their liberty who cannot afford to pay a lawyer (CCPR/C/ECU/5, para. 275)?

22. How are the independence and impartiality of judges ensured and, in particular, what rules govern their tenure and the application of disciplinary measures? Please provide information on corruption cases in which judges and other judicial officials were tried and, if convicted, the judgements and sentences that were handed down. What steps have been taken to eliminate the long delays that occur in judicial proceedings and, in particular, to comply with the Code of Criminal Procedure when it stipulates that the initial trial should be completed within 60 days (CCPR/C/79/Add.92, para. 14)?

23. Please comment on the extent to which the rights recognized in the Covenant have been affected by the decisions adopted by the Deposit Guarantee Agency (AGD), including the right to judicial or administrative remedies.

Freedom of conscience (art. 18)

24. Please provide information on the system of charging for the military passbook (*libreta militar*) and indicate whether the system includes persons who are exempt from military service. In addition, please comment on whether the system of charging for the military passbook is consistent with article 18 of the Covenant and indicate how the State party guarantees that the rights under article 18 of persons who do not buy a military passbook are respected.

**Freedom of expression and the right of assembly
(arts. 19 and 21)**

25. Please comment, in the light of articles 6, 19 and 21 of the Covenant, on reports that members of the army and the police force have been responsible for deaths caused by use of firearms or excessive use of tear gas against participants in public demonstrations (A/HRC/WG.6/1/ECU/3, para. 9). Have these deaths been investigated and have those responsible been duly tried and punished?

26. Please indicate what steps the State plans to take to ensure that articles 18 and 19 of the new Constitution promote and protect the right to freedom of opinion and expression in a manner consistent with the Covenant, including the freedom of the press to publish views opposed to those of the Government. Please discuss the circumstances under which the Gamavisión and TC Televisión television stations were seized and Radio Sucre was shut down.

27. Please provide additional information about the legal system governing the activities of NGOs and human rights advocates. What steps has the State party taken to protect human rights advocates and journalists against any illegal restriction of or interference with their activities?

Rights of the child (art. 24)

28. Please indicate what measures have been adopted to eradicate child labour. Has the National Committee for the Progressive Eradication of Child Labour been furnished with the necessary means to carry out its mandate to eliminate the practice of child labour (CCPR/C/79/Add.92, para. 17)?

Dissemination of the Covenant (art. 2)

29. Please indicate whether NGOs were consulted during the preparation of the report and describe any steps taken to distribute information about the submission of reports and their consideration by the Committee and, in particular, about the concluding observations issued by the Committee.
