



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

Thirty-ninth session

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Lists of priority themes under article 29 (3) and (4) of the Convention

### List of priority themes in relation to the additional information submitted by Ecuador under article 29 (4) of the Convention

#### Note by the Committee

1. The Committee recalls that the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports; rather, it establishes a procedure in which the Committee may request States Parties to provide additional information. To enable effective and efficient monitoring, and pursuant to rule 49 (1) of its rules of procedure, the Committee may request such information whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State Party and the evolution of the situation related to enforced disappearance in the State Party. In that regard, the examination of the additional information submitted by States Parties pursuant to article 29 (3) and (4) of the Convention covers a maximum of four priority themes identified by the Committee, and the procedure comprises four phases:

(a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and/or to the evolution of the situation of enforced disappearance in the State Party concerned and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State Party; no written response is expected from the State Party at this stage of the procedure;

(c) Public dialogue between the Committee and a delegation of the State Party, with active participation by the competent authorities of the State Party; for Ecuador, the constructive dialogue will take place during two three-hour meetings at the thirtieth session of the Committee in March 2026;

(d) Adoption by the Committee of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure, as determined in the light of the measures needed to implement the recommendations and of the evolution in the situation of enforced disappearance in the State Party.

2. Having considered the additional information submitted by Ecuador under article 29 (4) of the Convention, dated 20 March 2023,<sup>1</sup> the Committee decided to focus its next dialogue with the State Party on the list of priority themes and related issues set out below. The list is not exhaustive and other issues may be raised during the dialogue. All interested persons and organizations may provide information on the issues raised, through

<sup>1</sup> CED/C/ECU/AI/1.



written contributions and/or in confidential oral briefings with the Committee that will take place ahead of the dialogue with the State Party.

## I. Prevention of enforced disappearance

3. The Committee notes that, in January 2024, declarations of a national state of emergency owing to “serious internal disturbances” and the existence of an “internal armed conflict” were made under Executive Decrees No. 110 and No. 111. In response, orders were given for the armed forces and the national police to mobilize and intervene and for the armed forces to conduct military operations to eradicate organized crime and neutralize terrorist organizations and belligerent non-State actors. Taking into account the principles of international human rights law, according to which recourse to states of emergency should be limited,<sup>2</sup> please provide information on:

(a) The measures taken to prevent enforced disappearance in the context of the current state of emergency;

(b) The legal and practical implications of the declaration of an “internal armed conflict”, in particular the provisions regulating the involvement of the armed forces in internal security operations during the state of emergency;

(c) The restrictions on the involvement of the armed forces in public security operations and whether their interventions are compliant with the principles of subsidiarity, exceptionality, civilian oversight and accountability;

(d) The measures taken to comply with the rulings of the Constitutional Court in which the Court noted a lack of evidence that the situation could not be addressed through ordinary constitutional mechanisms and warranted the declaration of a state of emergency on grounds of an internal armed conflict<sup>3</sup> (arts. 1, 2 and 4).

4. In view of the information received by the Committee concerning the rise in forced recruitment of children and adolescents, please describe:

(a) The steps being taken to prevent disappearance in this context;

(b) The objectives and outcomes of the Organic Act on Public Integrity, which amends the provisions of the Comprehensive Organic Criminal Code and the Code on Children and Adolescents that concern the protection of children and adolescents from enforced disappearance (arts. 2, 4 and 25).

5. Please describe the measures taken to comply with the rulings of the Constitutional Court<sup>4</sup> that order the temporary suspension of 17 provisions of the Organic Act on Intelligence and its implementing regulations, the Organic Act on National Solidarity and the Organic Act on Public Integrity (arts. 2, 4, 7 and 12).

6. Please explain what mechanisms are in place to address the shortcomings in the system for registering persons deprived of their liberty<sup>5</sup> and to locate and trace such persons. Please also specify what information is included in the registers of places of deprivation of liberty and what measures are being taken to ensure that, at a minimum, they contain the information provided for in article 17 (3) of the Convention and that any person with a legitimate interest has access to them (arts. 17 and 18).

## II. Investigations and searches

7. With regard to paragraphs 8 and 9 of the additional information submitted by the State Party, which concern cases of enforced disappearance that occurred between 1984 and 2008

<sup>2</sup> See, in particular, [CCPR/C/ECU/CO/7](#), para. 10.

<sup>3</sup> [CAT/C/ECU/CO/8](#), para. 11; [CERD/C/ECU/CO/25](#), para. 14.

<sup>4</sup> Constitutional Court of Ecuador, cases No. 86-25-IN, No. 57-25-IN and No. 60-25-IN, applications for constitutional review, 4 August 2025.

<sup>5</sup> [CAT/C/ECU/CO/8](#), para. 13.

and were documented by the Truth Commission, please provide information on the status of the investigations, the identification of the alleged perpetrators and their legal situation, the number of cases that have led to convictions, the penalties imposed on the perpetrators and the number of cases in which the fate of the disappeared person has been clarified (arts. 10–14 and 24).

8. The Committee takes note of paragraph 19 of the additional information submitted by the State Party, according to which the Ministry of the Interior has a system, accessible through a web page, for registering and disseminating information on disappeared persons and monitoring the progress of investigations opened by the Attorney General's Office. The Committee also takes note of paragraph 90 (g) on the National Register of Missing, Disappeared, Located, Identified, Unidentified and Undocumented Persons. In this respect, please indicate:

- (a) The number of registers of disappeared persons kept by the State Party and the institutions responsible for managing and updating them;
- (b) The number of persons who have been registered as disappeared or forcibly disappeared, including those who have been disappeared from prisons since 2021;
- (c) The interoperability of the National Register of Missing, Disappeared, Located, Identified, Unidentified and Undocumented Persons, the National Forensic Register and the database of deceased, unidentified and unclaimed persons;
- (d) The monitoring mechanisms in place to ensure that the data recorded by all competent institutions are routinely updated (arts. 2, 3, 12 and 24).

9. With regard to the information received by the Committee on the obstacles faced by victims of enforced disappearance in obtaining access to justice,<sup>6</sup> including the limited progress made in prosecuting cases documented by the Truth Commission, please specify:

- (a) The number of investigations into allegations of enforced disappearance that concern members of the national police or the armed forces, including information on their legal situation and the status of such investigations;
- (b) The status of the investigations connected to the requests for urgent action transmitted to the State Party by the Committee,<sup>7</sup> including those into the enforced disappearance of four Afro-Ecuadorian children in December 2024 during a military operation in the Las Malvinas neighbourhood of Guayaquil, the legal situation of the accused persons and the measures taken to protect family members and witnesses;
- (c) The measures envisaged to guarantee access to justice for victims of enforced disappearance and their involvement in all stages of the search and investigation process (arts. 2, 3, 12 and 24).

10. The Committee takes note of the new article 542.1 of the Comprehensive Organic Criminal Code, which was incorporated through the Organic Act on National Solidarity and establishes that members of the national police or the armed forces who are being investigated for acts related to the fulfilment of their legal duties in the context of the internal armed conflict are to continue to perform their role and are not to be subjected to pretrial detention or house arrest or made to wear an electronic device. In this respect, please describe:

- (a) The measures envisaged to ensure that the presidential pardon provided for in the Organic Act on National Solidarity cannot be granted in cases of disappearance that might constitute enforced disappearance but have been classified as another criminal offence and that it does not lead to such crimes going unpunished;
- (b) The specific mechanisms established to ensure that State agents who are suspected of being involved in an act of enforced disappearance do not influence or obstruct investigations and are suspended from their duties (arts. 2, 4, 6, 7 and 12).

<sup>6</sup> Inter-American Commission on Human Rights, 193rd session, Hearing No. 10 “Ecuador: Disappearances in the context of the militarization of public security”, 23 July 2025, available at: <https://www.oas.org/en/iachr/sessions/hearing.asp?Hearing=3838>.

<sup>7</sup> As at 9 September 2025, the Committee has transmitted 32 urgent actions to the State Party.

11. With regard to the information received by the Committee on the threats, intimidation and attacks faced by judges, prosecutors and other legal professionals and individuals and organizations defending human rights,<sup>8</sup> please describe:

(a) The investigations opened against individuals who obstruct the course of justice, conceal acts of enforced disappearance or derail investigations into them, and the legal action taken against public officials who stigmatize and threaten to persecute individuals and organizations defending human rights and judicial officials because of their work, in particular when it relates to the search for disappeared persons and the investigation of their disappearance;

(b) The mechanisms in place to ensure that judicial power and oversight are exercised in an independent, impartial, diligent and safe manner and free from corruption;

(c) The measures envisaged to ensure that the National System of Protection and Assistance for Victims, Witnesses and Other Participants in Criminal Proceedings provides effective services to the relatives of disappeared persons and witnesses in these cases and to protect the organizations that support relatives and witnesses during the proceedings (arts. 12 and 24).

12. Bearing in mind that, pursuant to the Organic Act on Intelligence, information held by the National Intelligence System and information concerning its officials and intelligence operations are secret, please indicate what legal safeguards have been put in place to ensure that any information that might be related to an enforced disappearance is fully protected and that the institutions in charge of search and investigation processes have access to such information (arts. 2, 4 and 12).

13. According to information received by the Committee, the files and records that prosecutors or constitutional judges have requested from the Ministry of Defence in relation to investigations into cases of enforced disappearance that have been reported in the context of military operations since 2024 have not been provided by the armed forces on the grounds that they are “confidential and classified”. In this respect, please describe:

(a) The measures taken to ensure that prosecutors and judges have access to all information related to investigations into enforced disappearance;

(b) The outcomes of the applications for the declassification of classified, secret or top secret information held by any security agency, which were filed before the Constitutional Court with a view to securing access to such information for the authorities in charge of search and investigation processes in cases of enforced disappearance<sup>9</sup> (art. 12).

14. With regard to paragraphs 16, 18, 19 and 79–93 of the additional information submitted by the State Party, the Committee takes note of the Organic Act on Action in Cases of Missing and Disappeared Persons, which provides for the establishment of a national system to search for disappeared and missing persons and respond to indirect victims. In this respect, please provide information on:

(a) The effectiveness of the “Alerta Desaparecidos” application introduced by the national police, through which cases of disappearance can be reported, and the “Alerta Emilia” application, which allows for the immediate initiation of efforts to search for and locate disappeared children and adolescents;

(b) The outcome of efforts to search for disappeared children and adolescents and the status of ongoing investigations, in particular those relating to cases of disappearance in the context of forced recruitment;

(c) The implementation of protocols for the registration, search and tracing of persons who have disappeared along migratory routes and the mechanisms for cooperation with other States, international legal assistance and access to information for families (arts. 2, 3, 12, 14, 15, 24 and 25).

<sup>8</sup> [CCPR/C/ECU/CO/7](#), paras. 37 and 41.

<sup>9</sup> Constitutional Court of Ecuador, Decision No. 002-CCE-PLE-2021 of 24 March 2021.

### III. Reparation

15. Please indicate the number of victims of enforced disappearance, as defined in article 24 (1) of the Convention, and the number of victims who have benefited from the administrative material reparations procedure (arts. 2 and 24).

16. With regard to paragraphs 4–8 and 20–25 of the additional information submitted by the State Party, the Committee notes that, once the Ombudsman’s Office has referred a case of enforced disappearance to the Ministry for Women’s Affairs and Human Rights, this Ministry is responsible for providing material reparations to the victims. The Committee also notes, however, that the 17 victims of the acts of disappearance that were documented by the Truth Commission have still not received material reparations. Taking into account the Act for Reparations to Victims and the Prosecution of Grave Human Rights Violations and Crimes against Humanity That Occurred in Ecuador between 4 October 1983 and 31 December 2008, please describe:

(a) The reasons for the delay in the transmission of files from the Ombudsman’s Office to the executive branch, the number of commitments made or agreements signed with other institutions to fulfil requests for access to the victim reparations programme and the resources allocated to the Ombudsman’s Office to coordinate and manage non-material reparations;

(b) The individual and collective reparations and the assistance measures granted to victims of enforced disappearance, including the victims of acts of enforced disappearance that occurred between 1983 and 2008;

(c) The competencies of the institutions responsible for comprehensive reparation, in particular in relation to material reparations, and the measures adopted to guarantee the existence of a reparations policy with a differential and participatory approach (arts. 2, 3 and 24).

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