



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

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## Committee against Torture

### Fifty-ninth session

#### Summary record of the 1462nd meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 8 November 2016, at 10 a.m.

*Chair:* Mr. Modyig

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\* No summary record was issued for the 1461st meeting.

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention**

*Seventh periodic report of Ecuador (CAT/C/ECU/7; CAT/C/ECU/Q/7)*

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **Ms. Zúñiga Rocha** (Ecuador), introducing her country's seventh periodic report, said that her Government respected and promoted all the multilateral mechanisms currently in force in the field of human rights, including regional mechanisms.
3. In 2011, the national mechanism for the prevention of torture had been set up. Its purpose was to monitor respect for human rights in places of custody, investigation units, and police and military facilities. In line with the Optional Protocol to the Convention against Torture and the Guidelines on national preventive mechanisms, the Ombudsman's Office, which oversaw the work of the national mechanism for the prevention of torture, received adequate funding and maintained a specialized staff. In 2013, the national mechanism had published its initial report, which had covered the situation in 17 places of custody, including 13 social rehabilitation centres, and the conditions of detention of a total of 7,358 persons. In 2016, it had published seven further reports in which it had noted the efforts that had been made to implement the new prison management model.
4. In December 2015, the prison population had comprised 26,421 adults, housed in 49 places of custody, including 29 social rehabilitation centres and 20 pretrial detention centres. According to the World Prison Brief database hosted by the Institute of Criminal Policy Research, Ecuador had had one of the lowest incarceration rates in South America in 2014, with only 162 prisoners per 100,000 inhabitants. Since 2012, the Government had invested more than US\$ 340 million in the construction of three social rehabilitation centres with an additional capacity of 12,074 and in the upgrading of existing places of custody. Furthermore, the second largest prison in the country had been completely rebuilt.
5. Increased investment in infrastructure had resulted in reduced prison overcrowding, which, in turn, had resulted in fewer incidents involving violence. Until 2013, there had been up to 40 violent deaths annually in the various facilities, but between 2014 and 2016 only 9 such deaths had been recorded. Procedures had been introduced to guarantee the rights of persons in custody and their full rehabilitation based on a comprehensive education plan. In 2009, 1,615 prisoners had been taking courses; currently, 8,125 prisoners were enrolled in formal education programmes, including 386 in higher programmes.
6. In line with the Comprehensive Criminal Code, which had been promulgated in 2014, persons deprived of their liberty were permitted to sign formal employment contracts with private companies. In May 2015, an agreement regulating the employment of prisoners had been signed.
7. Since 2014, the Ministry of Public Health had taken responsibility for the provision of health care in places of custody. In 2016, prisoners had received more than 200,000 medical, dental or mental-health treatment and 6,500 had received anti-drug addiction treatment. Currently, 284 health-care professionals worked in places of custody. Technical support had been provided for persons with disabilities, and vaccination campaigns and HIV/AIDS screening campaigns had been conducted. The new care model prioritized the family ties of prisoners; there were dedicated areas in which they could receive visiting relatives. A protocol stipulating the care to be provided for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in custody had been implemented.

8. The first training academy for prison staff had been opened. In order to protect visitors to places of custody, the Ministry of Justice, Human Rights and Worship had drawn up a protocol on visits with the participation of prisoners, their relatives, and representatives of the United Nations Entity for Gender Equality and the Empowerment of Women, the National Council for Gender Equality, the National Police and prison security officers. The Ombudsman's Office monitored the implementation of recommendations made by the national mechanism for the prevention of torture. Measures had been taken to improve prisoners' access to justice.

9. In the referendum held in May 2011, the Ecuadorian people had voted in favour of a reform of the judicial system, which had led to greater judicial efficiency. Since 2013, the number of judges per 100,000 inhabitants had increased from 8.44 to 12.49, which was higher than the regional average, and coverage had been extended to previously neglected sectors of society. The introduction of oral hearings via video link had reduced the number of hearings that had been convened but not taken place (failed hearings) and had improved security. Between January 2015 and April 2016, 10,419 hearings had been conducted via video link. The proportion of failed hearings had fallen from 29.2 per cent in 2012 to 3.9 per cent in 2015. The proportion of prisoners who were awaiting sentence had fallen from 71 per cent in 2007 to 26 per cent in 2015. Additionally, the reform of the judicial system had reduced the number of cases of expiration of the pretrial detention time limit, which had previously been a major cause of impunity, from 2,061 in 2008 to 5 in 2016.

10. Article 151 of the new Comprehensive Criminal Code, which dealt with the offence of torture, represented the principal means of implementation of the Convention. In line with the Rome Statute of the International Criminal Court, to which Ecuador was a party, article 119 of the Code dealt with torture inflicted on a person protected by international humanitarian law, which carried an aggravated penalty of 13 to 16 years' imprisonment. Pursuant to article 89, widespread torture constituted a crime against humanity. Additionally, the Code covered failure by a public official to prevent an act of torture and stipulated that torture was an aggravating circumstance in relation to sexual offences. Ecuadorian legislation did not provide for a single mitigating circumstance for any type of cruel, inhuman or degrading treatment.

11. The Truth Commission had been set up to investigate, punish and grant redress for human rights violations, in particular those committed between 1984 and 1988. Its work had led to the declassification of more than 300,000 official documents. The submission of more than 600 witness statements had resulted in the identification of 456 victims of various human rights violations. Their testimony had been included in the final report of the Truth Commission, which had been entitled "No Justice Without Truth". In 2012, the Attorney General's Office had set up a specialized body, the Office of the Truth and Human Rights Commission, to prosecute those identified in the final report as perpetrators. Through its work, more than a dozen cases that would otherwise have resulted in impunity had been brought before the courts. With the adoption of the Victims Reparation Act in 2013, the State had acknowledged its responsibility for the human rights violations documented by the Truth Commission, which had opened the way for its prosecution, and for full reparation and the guarantee of non-repetition. Pursuant to article 76 of the Constitution, evidence obtained in violation of the law was inadmissible. The Attorney General's Office had opened 136 investigations of allegations involving torture.

12. Violence against a family member had been incorporated into the Comprehensive Criminal Code as a specific offence. In addition, the Organic Act on Intercultural Education had established standards to prevent and deal with sexual abuse and violence in educational institutions. The Ministry of Education had taken various other measures, including the production of school textbooks free from messages that promoted discrimination or violence, and the creation of student counselling departments. In January 2013, an inter-

institutional cooperation framework agreement on the effective investigation and punishment of sexual offences against children and adolescents had been signed; it had so far resulted in 111 prosecutions and 32 convictions.

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) had praised the refugee policy implemented by Ecuador, which facilitated the effective social integration of persons in need of international protection. Since 2009, Ecuador had recognized 60,253 such persons, the largest number in any Latin American country. In addition, the State had implemented a new approach to public safety and peaceful social coexistence. Police officers had received basic training in human rights, specialized investigation and alternatives to the use of force. Lastly, the education system had been modified to professionalize the careers of police officers.

14. **Mr. Heller Rouassant** (Country Rapporteur) said it was clear that the State party had taken many positive legislative and institutional measures in recent years, including the adoption of the National Plan for Good Living 2013-2017, the Victims Reparation Act, the Comprehensive Criminal Code and the Organic Act on National Equality Councils. Furthermore, it had ratified the Optional Protocol to the Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.

15. Those measures notwithstanding, the enjoyment of human rights, in particular the right to freedom of expression and the right to freedom of association, had been restricted in recent years. The State party faced various challenges, which it would need to overcome in order to develop democratically. Acts of torture had been perpetrated in various contexts. In that connection, the problems faced by the State party included a lack of awareness among law enforcement officials of human rights standards and the rights of victims, the inadequacy of investigations of cases of torture, the small number of sentences imposed on perpetrators of torture, many cases of impunity, a lack of trained health-care professionals, and the physical and psychological effects of torture on victims.

16. Article 151 of the Comprehensive Criminal Code provided a very broad definition of a perpetrator of the offence of torture in which reference was not made to any official capacity in which the perpetrator might be acting. Furthermore, the last sentence of article 1 of the Convention was not reflected in the Code. In his view, the very breadth of the definition of a perpetrator of torture threatened to undermine the fundamental obligations of the State party under the Convention by facilitating subjective interpretations. Additionally, article 4 (1) of the Convention seemed to have been inadequately reflected in the Code.

17. Protocols should be drawn up to strengthen the fundamental legal guarantees for persons in custody. He would be grateful for an update on the budget available to the Ombudsman's Office. Although its staff had been significantly increased in 2013, it should be further increased with additional State support.

18. It would be useful to learn whether the reports submitted by the National Directorate of the Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following its visits to places of detention were made available to the public. The Committee had received information alleging that the Directorate had been refused access to a number of places of detention, including the social rehabilitation centre in Guayaquil. The delegation should provide information on why access had been denied and clarify whether visits by the Directorate required authorization from the Ministry of Justice and Human Rights.

19. He wished to learn why the Organizational Bill concerning the operational autonomy of the national preventive mechanism, which had been put before the National Assembly in 2013, had not yet been adopted. The delegation should also provide

information on the status of the Bill on cooperation and coordination between the indigenous and ordinary justice systems.

20. The Committee shared the concerns of the Human Rights Committee, which in its concluding observations on the sixth periodic report of Ecuador (CCPR/C/ECU/CO/6) had noted allegations of frequent use of the disciplinary system laid down in the Code of the Judiciary to dismiss judges and allegations of the imposition of harsh sentences on government critics and members of the opposition. The Committee was also concerned at the extent to which legislation provided for the imposition of limitations on freedom of speech and freedom of association, including in particular the charges of terrorism and sabotage which had been brought against protesters and human rights defenders.

21. The Committee had received numerous reports of expulsions and deportations of asylum seekers who had proved they were in need of protection. The delegation should explain the position of the authorities on that issue, including in particular the situation of asylum seekers from Cuba. It would also be useful to receive more information about the two cases being prosecuted in the State party under articles 5 (1) (b) and (c) of the Convention.

22. The slow progress in prosecuting cases investigated by the Truth Commission was of grave concern. In particular, the Committee wished to receive information about progress made in implementing the 2004 ruling on compensation handed down by the Inter-American Court of Human Rights in the case of *Tibi v. Ecuador*.

23. Recalling the 2015 executive decree extending powers to authorize the disbandment of NGOs deemed to pose a threat to public order, it would be interesting to hear the views of the Government regarding unfounded accusations levelled against human rights defenders and the arbitrary detention of indigenous leaders who had taken part in violent protests in 2010.

24. **The Chair** (Country Rapporteur) said that he would welcome further information on the training provided to personnel who might be involved in the custody, interrogation or treatment of persons under arrest or subjected to any form of detention or imprisonment. What steps did the Government intend to take to develop a comprehensive training plan for the full range of judicial, law enforcement and medical personnel? The delegation should clarify whether the prohibition of torture was made explicit in the rules issued to law enforcement officials.

25. While he welcomed the information provided by the State party regarding the measures taken to resolve the problem of ill-treatment of trainees at the police academy in Manabí, he wished to receive details of what had been done to address similar problems in other police academies. He would also appreciate an update on the investigation into professional misconduct undertaken by the Council of Generals and Senior Officers of the National Police.

26. The delegation should provide information on how many officials had been trained in the detection and documentation of the physical and psychological after-effects of torture, and on whether doctors attending to detainees had been given training on the provisions of the Istanbul Protocol.

27. The prison population in the State party had increased dramatically from 64 per 100,000 inhabitants in 2010 to 162 per 100,000 inhabitants in 2014. The delegation should provide information on the reasons behind that increase. The Committee also wished to receive data on prison overcrowding since 2014: what was the average rate in 2016, and what was the rate in the most overcrowded place of detention in the State party? The Committee was concerned at reports that visitors to prisons were regularly subjected to strip searches, including body cavity searches, and that prisons had been built in remote areas,

making it difficult for family members to visit. The delegation should explain the policy decisions behind those practices. It would also be useful to receive information on the ongoing reforms of the prison health-care model, including its structure and the facilities being provided, and to learn when visible improvements to the system could be expected.

28. While the Committee welcomed the information in the State party report on homicides in prisons, it still wished to receive the statistics on deaths in custody which it had previously requested. It would also appreciate information on the procedures followed after a death in custody, including whether the Minnesota Protocol was applied, and on the frequency of inter-prisoner violence and the measures taken to prevent it. If no data were available, the delegation should explain how the Government intended to establish oversight of inter-prisoner violence and how it intended to collect data in the future.

29. Further information should be provided on the placing of prisoners in a quiet area for reflection following disciplinary offences, including on the conditions in such places and on how many times that measure had been applied during the reporting period.

30. The Committee would be grateful to receive the disaggregated data on complaints of torture which it had previously requested, particularly in relation to the places of detention where torture had allegedly been committed.

31. The delegation should provide information on how the Government intended to establish a fully functioning mechanism to deal with complaints of torture by law enforcement officials and to ensure that persons making such complaints were protected from reprisals. Information would also be welcome on the mechanism available to persons deprived of their liberty who wished to make a complaint of torture.

32. He also wished to learn about the measures which had been taken to prosecute and punish those involved in the 165 cases of torture identified in the 2010 report of the Truth Commission, and the measures in place to provide redress to the victims. The delegation should indicate how many of the victims of torture mentioned in the report had been eligible for the victim and witness protection programme, and how many had actually received such protection.

33. The Committee wished to learn how many complaints of abuse and sexual violence against minors in educational establishments had been received and investigated, how many of those complaints had been prosecuted and how many sentences had been handed down.

34. The delegation should provide information on the causes of incidents involving alleged mob justice by rural defence networks, and on how the Government intended to address that problem.

35. He would appreciate follow-up information on the proceedings that had been initiated against centres that practised “sexual reorientation” therapies on women, details of any additional proceedings had been initiated in that regard, and as information on any other measures that were being taken to eradicate the use of such therapies. He would also like to know whether any proceedings had been instituted against centres that provided non-voluntary drug addiction treatment and if so, how many centres were concerned and what outcomes had been achieved so far.

36. With reference to paragraph 26 of the list of issues, the Committee wished to reiterate its request for detailed information, including statistics, on redress and compensation. It also wished to know how many victims of torture or ill-treatment and families of victims had received reparation under the Comprehensive Criminal Code and what type of reparation they had received.

37. With regard to the inadmissibility of evidence obtained through torture, it would be useful to know whether any cases had been dismissed by the courts on the basis of the

provisions mentioned in paragraphs 112 and 113 of the State party's report. He would appreciate more information on measures taken to protect all members of the national network of forensic experts. It was crucially important to provide such experts with adequate protection and to ensure that the murder of Mr. Ramírez Herrera did not discourage them from reporting cases of torture. He would also welcome updated information on the case of Mr. Ramírez Herrera.

38. Regarding the legal situation of the indigenous leaders Marlon Santi and Delfín Tenesaca, it would be helpful if the delegation could clarify whether they had been released. The Committee would also like to know whether the State party had received any complaints of intimidation of human rights defenders and, if so, how those complaints had been addressed. Lastly, paragraph 119 of the State party's report required clarification, because it was unclear whether physical violence against a wife or family member that did not cause injuries or incapacitate the person for more than three days was also prohibited.

39. **Mr. Bruni** said that he would appreciate more detailed information on the nature of the problems that had been uncovered by the Ombudsman's Office in the course of visits to social rehabilitation centres and the solutions that were being found. He would also like to know what action had been taken by the Ministry of Justice in response to the reports on conditions in detention centres submitted by the national preventive mechanism, and whether a specific unit had been created within the Ministry of Justice to deal with the reports and recommendations of that mechanism.

40. Noting that the principle of non-refoulement under article 3 of the Convention was absolute and applied to even the most dangerous criminals, he wished to know how the State party's legislation, which provided for the deportation of refugees considered a threat to national security, could be reconciled with that principle. He would like the State party to indicate the number of refoulements, extraditions and expulsions that had been carried out on the basis of diplomatic assurances or the equivalent, and the number of cases in which the State party had offered such assurances.

41. With regard to the training of public servants, it would be useful to know whether the Government had established a method for evaluating the effectiveness and impact of training programmes aimed at reducing the number of cases of torture and ill-treatment. He would appreciate further information on the nature of the challenge faced in the northern border area and on the alleged violations committed against refugees and asylum seekers; in particular, he wished to know why military personnel in that area had required special attention and human rights training, and what outcomes that training had achieved. The Committee would also like the delegation to comment on reports that overcrowding remained a serious problem in certain prisons, particularly older ones, and to indicate how that problem could be addressed.

42. **Ms. Belmir** said that she would like to know whether the state of emergency was still in force in the two regions where it had first been declared, whether it had been extended to other regions and whether it was being implemented in compliance with article 4 of the International Covenant on Civil and Political Rights. With regard to articles 119 and 151 of the Comprehensive Criminal Code, she would like clarification of the terms used in relation to bodily suffering and of the specific acts that were criminalized under those articles.

43. She invited the delegation to comment on the allegations regarding the lack of independence of judges in the criminal justice system, which prevented the proper investigation of cases of alleged torture by police officers. Coordination between the indigenous justice system and the ordinary justice system was essential in order to preserve the rule of law and guarantee access to justice. She invited the delegation to comment on allegations of discrimination in the criminal justice system against certain groups, including

indigenous peoples and persons of Roma or African origin. Noting with concern the recent reports of sexual violence in the education system and exploitation of migrant children, the Committee would like the delegation to explain what measures were being taken to address those issues and, in particular, to protect vulnerable groups such as street children.

44. **Ms. Racu**, noting the high rates of gender-based violence, including sexual violence, against women in Ecuador and the prohibition of abortion, even after rape, under the Comprehensive Criminal Code, asked whether any steps were being taken to bring the Comprehensive Criminal Code into line with the Constitution and with the country's international human rights obligations by granting all women access to legal, voluntary and safe abortion and to medical care, including post-abortion medical care.

45. **Ms. Gaer** said that the Committee would like the delegation to provide national statistics on abuse and sexual violence against minors in educational establishments in order to supplement the information provided by NGOs. She would particularly appreciate more information on the number of prosecutions in such cases. NGO reports suggested that victims were discouraged from filing complaints, particularly in cases of rape, or were fearful of doing so due to the lengthy and intrusive physical examinations to which they would be subjected. She asked how national legislation prohibiting rape and sexual violence was applied in practice so as to ensure that perpetrators were brought to justice. And what measures were being taken to address victims' fear of filing complaints?

46. With regard to the case of Paola Guzmán Albarracín, a student who had committed suicide in 2002 after becoming pregnant as a result of sexual abuse committed by the vice-principal of her school, the Committee would like to know why the Government had not been represented at the most recent hearing of the case in the Inter-American Commission on Human Rights on 19 October 2015 and whether it intended to request another hearing in future.

47. The Committee would also like an update on the status of the Glas Viejó case. It invited the delegation to comment on reports that sexual violence in schools was considered "an unfortunate fact of life" in Ecuador. More information would be welcome on whether perpetrators were being held to account and what specialized resources were being used to achieve that.

48. Lastly, noting that certain local justice solutions which were based on the customs of indigenous populations could be considered corporal punishment and, as such, were prohibited under the ordinary justice system, she would like to know how the State party was working to discourage corporal punishment, rape and other abuse in indigenous communities and how it reconciled that goal with its principle of allowing local justice systems to handle many criminal matters.

49. **Mr. Zhang** said that he wished to know how many asylum seekers and refugees had been returned by the State party during the period under review and to which countries. He would appreciate information on whether asylum seekers who were not considered to be a threat to society or to the country's security or public order had been denied refugee status or asylum during that period and, if so, on what grounds. Against how many of those persons had refoulement, expulsion, deportation or extradition proceedings been instituted?

50. He asked what criteria had been used to determine whether or not applications for review or reversal of a decision to deny refugee status or asylum should be upheld, and requested statistics on the number of such applications that had been filed, upheld, rejected and withdrawn in 2015 and 2016.

51. **Mr. Hani** said it was commendable that both the head of delegation and the chief of the Permanent Mission of the Ecuador to the United Nations Office and other international organizations in Geneva were women.

52. The delegation should explain what steps were being taken to expedite adoption of the bill on the organization of the Ombudsman's Office that had been submitted to the National Assembly on 10 December 2013. In that connection, it should indicate what budget had been allocated to the Office in 2015 and 2016, and describe what was done to make available the necessary resources for the functioning of the national preventive mechanism.

53. It would be useful to know whether, in the interests of transparency, the State party planned to make public the confidential report that had been prepared by the Subcommittee on Prevention of Torture following its national preventive mechanism advisory visit in September 2014. He would also welcome details of the Government's stance with regard to the participation of NGOs in the monitoring of places of custody.

54. He invited the delegation to comment on the fact that the Special Rapporteur on the human rights of migrants had addressed an urgent appeal to the State party in July 2016 in response to the deportation of Cuban migrants, some of whom had reportedly been asylum seekers. Noting that, in 2012, UNHCR had documented 22 cases of refoulement of refugees and asylum seekers, he asked what efforts were being undertaken to ensure full compliance with article 3 of the Convention.

55. Turning to the issue of transitional justice, he noted that few of the proceedings instituted in relation to the cases detailed in the Truth Commission's final report of 7 June 2010 had resulted in a definitive sentence or in the granting of redress. With that in mind, the delegation should explain what measures had been adopted to ensure, in law and in practice, that victims of acts of torture obtained redress, in accordance with article 14 of the Convention.

56. The delegation should respond to reports of corporal punishment and other ill-treatment in juvenile detention centres in Ambato, Cuenca, Machala and Quito, and describe what had been done to punish those responsible and to prevent any recurrence of such acts. He wished to know whether it was true that LGBTI persons had been subjected to conversion therapy in clandestine facilities and, if so, what steps were being taken to put an end to the practice. According to alternative sources, the opening of new prisons had led to an overall improvement in detention conditions, but also to a decline in self-management and craftwork, which might dehumanize inmates. He wished to hear from the delegation in that regard.

57. Lastly, he expressed his condolences to the victims of the earthquake that had occurred in Ecuador on 16 April 2016, which had adversely affected the enjoyment of some fundamental rights.

58. **Mr. Heller Rouassant**, referring to paragraph 81 of the State party's report (CAT/C/ECU/7), asked why such a significant proportion of the complaints of acts of torture received by the Attorney General's Office between 2010 and March 2014 had been filed in the Province of Guayas. It would also be interesting to obtain further information on the nature of the 84 cases involving the crime of terrorism that had been brought to trial between 2011 and 2013.

59. **The Chair** asked whether the delegation was aware of videos of alleged cases of torture in Turi prison in Cuenca, whether the videos were considered genuine and, if so, what was being done to rectify the situation.

60. **Ms. Belmir** invited the delegation to comment on reports that a secret police unit, known as SIC-10, had committed acts of torture and other ill-treatment in the State party, and that cases of ill-treatment of police officers by their colleagues had resulted in impunity.

61. **Mr. Bruni** said that he would welcome examples of criminal proceedings instituted against persons accused of torture or other ill-treatment under the Comprehensive Criminal Code, and details of the outcome of such proceedings, including any punishments imposed.

*The meeting was suspended at 12.30 p.m. and resumed at 12.45 p.m.*

62. **Mr. Andino** (Ecuador) said that article 151 of the Criminal Code included all the elements contained in the definition of torture set forth in the Convention and went even further by broadening the definition of a perpetrator of that offence. It punished by 7 to 10 years' imprisonment anyone who, for whatever reason, inflicted or ordered the infliction of severe pain or suffering, whether physical or mental, on another person, and imposed a more severe penalty of 10 to 13 years' imprisonment if the perpetrator was a public official or a person acting on his or her behalf. Article 48 of the Code provided that torture was an aggravating circumstance in relation to the commission of a sexual offence.

63. The National Assembly's Commission on Justice and Structure of the State was considering a bill to amend provisions of the Code relating to, *inter alia*, abortion. Article 155 of the Code defined violence against women and domestic violence as any act consisting of physical, psychological or sexual ill-treatment performed by a member of a family against a woman or other member of the nuclear family.

64. **Mr. Peñafiel** (Ecuador) said that his Government placed great importance on preventing violence in the education system and that training and awareness-raising courses had been organized for parents, students and teachers in that regard. The Ministry of Education had signed a tripartite agreement with the Attorney General's Office and the National Council of the Judiciary with a view to providing an immediate response to complaints of sexual violence. Alleged perpetrators were suspended pending an investigation; failure by public officials to report relevant information was considered an offence.

65. In 2015 and 2016, the Attorney General's Office had received 185 complaints of sexual violence in educational establishments, of which 22 were being investigated and 32 had resulted in convictions. In a specific case that had been mentioned by the Committee, Jorge Glas Viejó had been found guilty of the charges against him and was serving a 20-year prison sentence. It was simply not true that violence in schools was viewed as normal in Ecuador. Guidance and counselling services had been strengthened and social workers were in place to provide support.

66. **Ms. Espinosa** (Ecuador) said that the Government supported the free movement of persons and guaranteed the protection of migrants. In that connection, it had submitted formal responses to the urgent appeals and requests for information that had been sent to it in relation to the recent case involving Cuban citizens. Those individuals had made an unprecedented and unacceptable request for the Government to enable them to reach the United States. On 6 July 2016, immigration officers had verified the identity of each individual to determine who among them was in an irregular situation. The individuals had been informed of their rights under the Constitution, and their rights had been respected at all times. They had undergone medical examinations and had been brought before a judge for the purpose of establishing their migration status. At no point had they been subjected to criminal proceedings.

67. Deportation hearings had been held from 7 to 13 July 2016. Each case had been examined on an individual basis by several judges, who had found that there were no substantial grounds for believing that any of the individuals would be in danger of being subjected to torture if returned to Cuba. On 1 July 2016, the Cuban embassy in Quito had issued a press release stating that the individuals had not been persecuted for their religious beliefs and were free to return to Cuba, provided that their re-entry complied with the

migration legislation in force. None of the individuals was an asylum seeker or refugee and none of them had intended to remain in Ecuador.

68. The delegation would provide the Committee with updated statistics gathered by the Refugee Directorate of the Ministry of Foreign Affairs. There were at least 260,000 refugees and asylum seekers living in Ecuador and, between 2013 and 2016, more than 16,000 visas had been granted to Cuban citizens. Ecuador had been praised by UNHCR for its human mobility policies and compliance with international instruments applicable to asylum seekers and refugees. It was hoped that, by the end of 2016, the National Assembly would adopt a bill on human mobility aimed at promoting the principle of universal citizenship.

*The meeting rose at 1 p.m.*