



# International Covenant on Civil and Political Rights

Distr.: General  
4 December 2024  
English  
Original: Spanish

## Human Rights Committee

### Concluding observations on the seventh periodic report of Ecuador\*

1. The Committee considered the seventh periodic report of Ecuador<sup>1</sup> at its 4168th and 4170th meetings,<sup>2</sup> held on 28 and 29 October 2024. At its 4179th meeting, held on 5 November 2024, the Committee adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its seventh periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It appreciates having had the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

- (a) Adoption of the Organic Act on Support and Comprehensive, Transformative Reparation for Daughters, Sons, Mothers, Fathers and Other Relatives of Victims of Femicide and Other Violent Deaths for Reasons of Gender, in 2024;
- (b) Adoption of the Organic Act on Equal Pay for Women and Men, in 2024;
- (c) Adoption of the Organic Act against Trafficking in Persons and the Smuggling of Migrant, in 2023;
- (d) Adoption of the Organic Act amending the Communications Act in 2022, and the latest amendments thereto in 2024; and the creation of the prevention and protection mechanism safeguarding the work of journalists, in 2023;
- (e) Amendments to the Code of Democracy and the regulations of the National Electoral Council, including the regulations on the internal democracy of political organizations, the regulations on electoral alliances and the regulations on the registration of candidates, in 2020 and 2023;

\* Adopted by the Committee at its 142nd session (14 October–7 November 2024).

<sup>1</sup> CCPR/C/ECU/7.

<sup>2</sup> See CCPR/C/SR.4168 and CCPR/C/SR.4170.

<sup>3</sup> CCPR/C/ECU/QPR/7.



- (f) Adoption of the Organic Act regulating the voluntary termination of pregnancy for girls and women in cases of rape, in 2022;
- (g) Adoption of the Organic Act on the Ombudsman's Office, in 2019;
- (h) Adoption of the National Agenda for Equality in Human Mobility 2021–2025;
- (i) Creation of the Victim Protection and Support Services Network, in 2020;
- (j) Adoption of the Comprehensive Organic Act to Prevent and Eradicate Violence against Women, in 2018.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

- (a) International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190), in 2021;
- (b) Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), in 2020;
- (c) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2018.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

5. The Committee welcomes the Ministry for Women and Human Rights' resolution establishing the procedure for coordinating the implementation of international human rights obligations, dated 29 August 2023. The Committee takes note of the Constitutional Court judgments in which reference to the Covenant has been made, and of other sensitization and training initiatives organized by the State party to raise awareness of the Covenant. However, it regrets that the State party has not provided information on the frequency with which the provisions of the Covenant have been invoked before other courts and tribunals in the State party (art. 2).

**6. The State party should take all necessary steps to implement all concluding observations and Views adopted by the Committee, through appropriate and effective mechanisms, in accordance with article 2 (2) and (3) of the Covenant. In this connection, it should take measures to ensure that the Committee's decisions are implemented effectively and should consider adopting legislation recognizing the right of authors of communications to whom the Committee has granted measures of reparation to demand before the domestic courts the implementation of such measures. Additionally, the State party should endeavour to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers so as to ensure that its provisions are taken into account by the courts.**

### National human rights institution

7. While appreciating the work that the Ombudsman's Office carries out in implementation of its broad mandate, the Committee is concerned that the Office does not have the necessary human and financial resources to fulfil this mandate effectively. The Committee is also concerned that the laws and procedures for the selection and appointment of the Ombudsman may not be sufficiently robust to guarantee his or her independence. The Committee further notes with concern that a new ombudsman has still to be appointed following the dismissal of the previous incumbent in 2021 (art. 2).

**8. The State party should allocate sufficient human, financial and technical resources to the Ombudsman's Office to enable it to discharge its mandate effectively and independently, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); and should ensure the transparent and participatory selection and**

**appointment of the Ombudsman, applying objective criteria to evaluate the merits and abilities of candidates.**

#### **States of emergency**

9. The Committee is deeply concerned about the frequency with which the State party has declared states of emergency and derogated from certain Covenant rights and about the apparent normalization of states of emergency nationally and locally, bearing in mind that derogations should be invoked only in truly exceptional situations. Likewise, it regrets the recurrent recourse, since January 2024, to citing “internal armed conflict” as grounds for such declarations and the absence of measures to ensure compliance with Constitutional Court rulings on the matter. The Committee is also concerned about reports indicating that some rights, including freedom of movement, freedom of association and freedom of assembly, have been significantly and disproportionately restricted, particularly affecting Indigenous persons, persons living in poverty and migrants, refugees and asylum-seekers (arts. 4, 6, 7, 9, 12, 21 and 22).

**10. The State party should limit recourse to states of emergency and should ensure strict respect for the human rights enshrined in the Covenant and systematic compliance with all the conditions set forth in article 4 of the Covenant, as interpreted by the Committee in its general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. It should also ensure that any measures introduced to protect the population in the context of a state of emergency are temporary, proportionate, strictly necessary and subject to prompt judicial review; and that the principles of non-discrimination and proportionality continued to be guaranteed, in full compliance with articles 164 and 165 of the Constitution and Constitutional Court rulings.**

#### **Fight against impunity and past human rights violations**

11. The Committee is concerned that convictions have been secured in only 12 of the 118 cases documented in the final report of the Truth Commission, which dates back to 2010, since most of the proceedings are still at the preliminary investigation stage. While noting the steps taken by the State party to provide reparations for the victims, the Committee regrets that the Museum of Memory was built and inaugurated without the meaningful participation of the victims (arts. 2, 6, 7 and 14).

**12. The State party should:**

(a) **Ensure accountability for all human rights violations committed in the period 1984–2008, including the cases detailed in the Truth Commission’s report entitled *Sin Verdad No Hay Justicia* (No Justice without Truth), by, among other actions, thoroughly investigating and prosecuting alleged offences and ensuring that the perpetrators, if found guilty, are punished commensurately with the gravity of the acts committed, and take all measures necessary to prevent any recurrence of such acts;**

(b) **Ensure that all victims of past human rights violations and their families receive full reparation, including rehabilitation and adequate compensation, and that their right to truth and memory is respected;**

(c) **Guarantee that mourning and commemorative activities for victims are conducted without restrictions or threats, thoroughly and promptly investigating all reports of harassment or intimidation, prosecuting the perpetrators and, if they are convicted, imposing penalties commensurate with the gravity of the offence.**

#### **Counter-terrorism measures**

13. The Committee welcomes the information regarding cooperation between the United Nations and the State party with a view to amending articles 366 and 367 of the Comprehensive Organic Criminal Code. However, it is concerned that the practical implementation of counter-terrorism laws and policies may lead to due process violations, especially in the context of implementation of the “Phoenix Plan”. It is also concerned about reports indicating that 35,000 arrests, including arrests on terrorism charges, were made from

January to May 2024, as this figure could be indicative of arbitrary use of anti-terrorist measures as justification for restricting the legitimate exercise of rights and freedoms protected under the Covenant, including the right not to be arbitrarily detained, and of a lack of sufficient safeguards against such practices (arts. 2, 9 and 14).

14. **The State party should:**

(a) **Ensure that persons suspected of or charged with terrorist acts or related offences are provided, in law and in practice, with all legal safeguards, in accordance with articles 9 and 14 of the Covenant and the Committee's general comments No. 35 (2014) on liberty and security of person and No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial;**

(b) **Ensure that the bill amending articles 366 and 367 of the Comprehensive Organic Criminal Code is in full compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, and that it contains a clear and precise definition of terrorist offences, in accordance with Security Council resolution 1566 (2004);**

(c) **Ensure that laws to combat terrorism and organized crime are not used to unjustifiably restrict any of the rights enshrined in the Covenant, including the right to liberty and security of person, and the exercise of the right to peaceful assembly, including that of lawyers, journalists, members of the political opposition and human rights defenders.**

**Discrimination and violence based on sexual orientation and gender identity**

15. The Committee welcomes the adoption of the Creating Opportunities Plan 2021–2025, the inclusion of specific targets in the national agendas for equality and the implementation of the second phase of the Spotlight Initiative. However, despite many capacity-building initiatives and the adoption of protocols and manuals, the Committee is concerned about the stigmatization, discriminatory attitudes and violence that lesbian, gay, bisexual, transgender and intersex persons face in the State party. The Committee is also concerned about reports that so-called “conversion therapy” continues to be practised in the State party against lesbian, gay, bisexual, transgender and intersex persons in clandestine centres. The Committee further notes with concern the limited number of investigations and prosecutions of offences motivated by discrimination and hatred. It is also concerned about the lack of legislation to ensure that same-sex couples are recognized and protected by law and regrets the lack of information provided by the State party in this connection (arts. 2, 3, 6, 7, 17, 23 and 26).

16. **In the light of the Committee's previous recommendations,<sup>4</sup> the State party should:**

(a) **Combat prejudice, hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including by extending public sensitization and awareness-raising campaigns and providing judges, prosecutors, law enforcement officers and other officials with appropriate training on how to combat discriminatory attitudes towards persons in this group;**

(b) **Step up efforts and take the steps necessary to prohibit the practice of so-called “conversion therapy” against lesbian, gay, bisexual, transgender and intersex persons;**

(c) **Ensure that offences motivated by discrimination and hatred, especially those motivated by the victim's sexual orientation or gender identity, are thoroughly investigated, that those responsible are brought to justice and, if found guilty, appropriately punished, and that the victims have access to comprehensive reparation;**

(d) **Adopt or revise relevant legislation with a view to fully recognizing the equality of lesbian, gay, bisexual, transgender and intersex persons in access to rights**

<sup>4</sup> CCPR/C/ECU/CO/6, para. 12.

**and services, and fully guarantee for same-sex couples equal treatment and all the rights recognized in the Covenant.**

#### **Gender equality**

17. The Committee welcomes the measures taken to enhance gender equality, including the adoption of the Organic Act on Equal Pay for Women and Men and the amendments to the Code of Democracy. However, it remains concerned about the persistent discriminatory stereotypes and entrenched patriarchal attitudes surrounding the role and responsibilities of women. While noting the amendments to the Organic Act on Elections and Political Organizations,<sup>5</sup> the Committee is concerned about the limited presence of women in local elected offices and regrets not having received information on measures taken to increase the representation of Indigenous, Afro-descendant and Montubio women in the public and private sectors, particularly in political positions. While the Committee takes note of the addition of political violence to the catalogue of electoral offences, it notes with concern the cases of femicide, harassment and threats against women politicians (arts. 2, 3, 25 and 26).

18. **In line with the recommendations made by the Committee on the Elimination of Discrimination against Women,<sup>6</sup> the State party should intensify its efforts to ensure effective equality between men and women in all spheres and throughout the country. In particular, it should:**

- (a) **Strengthen measures to increase the participation of women, including Indigenous, Afro-descendant and Montubio women, in political and public life, as well as their representation in the public and private sectors, especially in local elected office, ensuring, *inter alia*, full compliance with the temporary special measures provided for in the Code of Democracy;**
- (b) **Strengthen strategies for raising public awareness of and thus combating societal prejudices and gender stereotypes about the roles and responsibilities of women and men in the family and in society;**
- (c) **Prevent and combat gender-based violence against women politicians, and ensure that those responsible are held accountable and that victims have access to an effective remedy;**
- (d) **Take immediate action, for example by promoting training programmes for judges, prosecutors and lawyers, to eradicate prejudices and gender stereotypes.**

#### **Violence against women, children and adolescents**

19. The Committee welcomes the adoption of the Comprehensive Organic Act to Prevent and Eradicate Violence against Women, as well as the information from the State party indicating that the Central Register of Cases of Violence will be operational in the near future. However, the Committee remains concerned about the high incidence of femicide and sexual violence against women and girls, the low number of convictions obtained for these offences, and the lack of adequate protection, support and compensation services for victims.<sup>7</sup> The Committee regrets that sexual violence against women and girls is reportedly a frequent occurrence in schools and homes and that information on measures taken to encourage reporting, particularly by girls of African descent, Indigenous girls and girls living in remote, rural areas, is lacking. While welcoming the introduction of the allowance for children and adolescents orphaned as a result of the violent death of their mother or progenitor and grateful for the State party's explanation as to how, in the current legal framework, it fits in with the Organic Act on Support and Comprehensive, Transformative Reparation for Daughters, Sons, Mothers, Fathers and Other Relatives of Victims of Femicide and Other Violent Deaths for Reasons of Gender, the Committee is concerned that the amount and coverage of this allowance is inadequate (arts. 2, 3, 6, 24 y 26).

<sup>5</sup> CCPR/C/ECU/7, para. 32.

<sup>6</sup> CEDAW/C/ECU/CO/10, paras. 17, 18, 25 and 26.

<sup>7</sup> CCPR/C/ECU/7, paras. 35–37.

20. The State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls, including domestic violence and sexual violence, paying special attention to women from minority and marginalized groups and in particular by:

(a) Stepping up the implementation of the Comprehensive Organic Act to Prevent and Eradicate Violence against Women, among other things by ensuring that it allocates the human, financial and technical resources necessary for its effective and coordinated application, and also for the implementation of the Central Register of Cases of Violence and the Early Warning System;

(b) Ensuring that all cases of violence against women are thoroughly investigated, that the perpetrators are prosecuted and, if found guilty, are given sentences commensurate with the seriousness of the offences committed; and that victims have access to effective remedies, receive full reparation, including adequate compensation, and also have access to appropriate protection and assistance such as shelters and medical, psychosocial, legal and rehabilitative support services throughout the country;

(c) Encouraging the reporting of cases of violence against women and girls, including in educational institutions, for example by informing them of their rights and of the protection, assistance and measures of redress available to them, by providing the means necessary for such complaints to be made, and also by combating the social stigmatization faced by victims, particularly victims of sexual violence;

(d) Providing effective training on how to handle cases of violence against women for public officials including judges, lawyers, prosecutors, law enforcement officers, and social welfare and healthcare providers;

(e) Enhancing sensitization campaigns targeting society as a whole and aimed at preventing and combating violence against women, including all forms and manifestations of domestic violence, particularly by raising awareness of its harmful effects, and addressing social and cultural patterns and stereotypes that allow for gender-based violence to be tolerated;

(f) Guaranteeing the timely and comprehensive payment of the allowance for children and adolescents orphaned as a result of the violent death of their mother or progenitor, and increasing the budgetary resources allocated for distribution of the allowance so as to ensure that all beneficiaries receive due payment and, in a fair and proactive manner, that those eligible are aware of their right to receive the allowance.

#### **Voluntary termination of pregnancy and reproductive rights**

21. The Committee notes the measures taken by the State party to improve access to sexual and reproductive health services and information and to prevent and address teenage pregnancy, including pregnancy resulting from sexual violence. It notes in this connection the adoption, in 2022, of the Organic Act regulating the voluntary termination of pregnancy for girls and women in cases of rape. However, the Committee is concerned that abortion remains an offence, except in cases of rape or threat to the life or health of the mother. While the Committee takes note of the precautionary measures adopted by the Constitutional Court, which have temporarily suspended the application of certain provisions of the Organic Act, it is concerned about the practical obstacles to access to legal abortion that women reportedly face, which include recourse to conscientious objection on the part of medical teams (arts. 3, 6, 7, 17 and 26).

22. Bearing in mind the Committee's general comment No. 36 (2018) on the right to life, the State party should:

(a) Amend articles 149 and 150 of the Comprehensive Organic Criminal Code and revise the Organic Act regulating the voluntary termination of pregnancy for girls and women in cases of rape with a view to guaranteeing safe, legal and effective access to abortion, including in remote, rural areas, when carrying the pregnancy to term would cause considerable pain or suffering for the pregnant woman or girl, and especially if the pregnancy is the result of incest or is not viable;

(b) Take all necessary measures to ensure that the exercise of conscientious objection is not an obstacle to effective and equal access to confidential, legal and safe abortion services and post-abortion care for women and girls, in particular by providing systematic training for medical professionals, including training programmes explaining the content of the precautionary measures adopted by the Constitutional Court;

(c) Step up its efforts to prevent unwanted pregnancies, especially among teenage girls, and to ensure full access to adequate sexual and reproductive health services, including accessible and appropriate contraceptives, in all areas of the country, particularly for Afro-descendant and Indigenous women, women living in remote, rural areas and women living in poverty or extreme poverty;

(d) Implement comprehensive educational and awareness-raising programmes on sexual and reproductive health and related rights in all schools and expand public awareness-raising campaigns on sexual and reproductive health and the prevention of unwanted pregnancy targeting women, men and adolescents, while at the same time combating the stigmatization that women who undergo abortion experience.

#### **Right to life and security of person**

23. While the Committee notes that the number of homicides fell in the first half of 2024, it is concerned that homicide rates remain extremely high. The Committee is also concerned about the relaxation of the legal framework regulating the possession of weapons with the adoption of Executive Decree No. 302, and about the reduction in the taxes payable on the purchase of personal weapons. It also notes with concern the decision, adopted by referendum, to allow the armed forces to participate in supplementary controls of domestic order, given the high risk of human rights violations inherent in the militarization of civil security (arts. 6 and 9).

24. **The State party should increase its efforts to exercise more effective civilian control over the possession and use of weapons, among other measures by strengthening the legal framework regulating the possession and use of weapons and reinforcing the procedures for granting or maintaining licences. The State party should strengthen civilian police forces and prison authorities so that they are able to perform in full the citizen and prison security functions to which the armed forces contribute, thereby preventing the latter's involvement except in exceptional circumstances, and then only for a limited period of time.**

#### **Prohibition of torture or cruel, inhuman or degrading treatment or punishment**

25. While noting the measures taken to prevent torture and other cruel, inhuman or degrading treatment or punishment, which have included the training and sensitization of public officials, the Committee regrets that comprehensive data on the outcome of investigations into cases of torture and ill-treatment conducted since January 2024 have not been provided. It is likewise concerned about allegations of acts of torture and ill-treatment in the context of states of emergency, which particularly affect detainees and persons deprived of their liberty. The Committee further regrets the lack of data on reparations provided to victims of torture and ill-treatment, including rehabilitation and compensation (arts. 2, 7 and 9).

26. **As recommended by the Committee against Torture,<sup>8</sup> the State party should eliminate all barriers in law and in practice in order to ensure that all allegations of torture and ill-treatment are promptly, impartially, thoroughly and effectively investigated, that the perpetrators are prosecuted and that victims receive full reparation, including measures of rehabilitation and adequate compensation. It should also take all necessary measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly by strengthening the budget of the National Mechanism for the Prevention of Torture and extending the human rights training provided for judges, prosecutors, lawyers and law enforcement officials,**

<sup>8</sup> CAT/C/ECU/CO/8, paras. 17 and 18.

**including training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the Code of Conduct for Law Enforcement Officials, the Principles on Effective Interviewing for Investigations and Information-Gathering (Mendez Principles) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death.**

#### **Excessive use of force**

27. The Committee welcomes the adoption of the Organic Act regulating the Legitimate Use of Force and the establishment of a special unit for the investigation of illegitimate use of force within the Attorney General's Office. However, the Committee is concerned about reports of systematic use of excessive force, the small number of convictions for such acts, and the lack of substantive progress in investigating and identifying those responsible (arts. 2, 6, 7 and 14).

28. **The State party should take additional measures to effectively prevent and punish the excessive use of force by law enforcement officers, including by:**

(a) **Ensuring that all legislative and regulatory provisions governing the use of force are in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Committee's general comment No. 36 (2018), which establishes that law enforcement officers should use lethal force only when strictly necessary to protect life or prevent serious injury deriving from an imminent threat;**

(b) **Ensuring that all allegations of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially; that the alleged perpetrators are prosecuted and, if found guilty, duly punished; and that adequate remedies are provided to the victims of such violations;**

(c) **Ensuring that all law enforcement officers systematically receive training on the use of force based on international human rights norms including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and that the principles of legality, necessity and proportionality are strictly observed in practice.**

#### **Persons deprived of their liberty and conditions of detention**

29. The Committee notes the State party's efforts to improve its prison services and conditions in places of deprivation of liberty, including its commitment to provide rehabilitation and social reintegration services, to grant pardons and to renovate prison buildings. Furthermore, it welcomes the current efforts to develop a prison health management model. However, the Committee reiterates its concern about the high level of overcrowding in the prison system and the high rate of pretrial detention in the State party.<sup>9</sup> The Committee is also concerned about the harsh conditions in prisons, which endanger the lives of inmates. The deficiencies include overcrowding, inter-prisoner violence, ill-treatment by prison officers and shortcomings in hygiene, nutrition and access to health services, and have been exacerbated since January 2024, when the armed forces were mobilized inside prisons to maintain security (arts. 6, 7, 9 and 10).

30. **The State party should intensify its efforts and take the measures necessary to ensure that, in law and in practice, all persons detained or imprisoned enjoy, from the outset of deprivation of liberty, all the fundamental legal safeguards enshrined in articles 9 and 14 of the Covenant, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person. In addition, the State party should:**

(a) **Continue its efforts to reduce prison overcrowding, including through the wider application of non-custodial measures, as provided for in the United Nations**

<sup>9</sup> CCPR/C/ECU/7, para. 67.

**Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), as alternatives to imprisonment;**

(b) Ensure that pretrial detention is exceptional and is imposed only when necessary and for as short a time as possible;

(c) Accelerate implementation of the public policy for social rehabilitation for the period 2022–2025, including by providing the National Social Rehabilitation System with sufficient human and financial resources for its operation, adopting clear procedures for managing applications for prison benefits and providing effective training on the subject for public officials including judges, lawyers, prosecutors and social welfare and health care providers, so as to guarantee that the five focuses of treatment established in the Comprehensive Organic Criminal Code are effectively covered (art. 701);

(d) Ensure that all persons deprived of liberty have adequate access to health services, including mental health services, and to food, clean water, hygiene and sanitation, rehabilitation services and support for reintegration, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

31. The Committee expresses its deep concern about the more than 600 violent deaths that occurred during detention between 2018 and 2023 as a result of acts of violence between persons deprived of liberty and about the frequent riots that result in prisoner fatalities.<sup>10</sup> It is also concerned about reports of prison staff being killed. The Committee welcomes the plan to train more prison officers with a view to reducing the ratio of inmates to prison staff, and also the State party's efforts to ensure adequate separation between inmates. However, the Committee notes with concern the militarized nature of prison management, the reports of acts of corruption and infiltration by organized criminal groups, which impede the regular operation of the prison system, and the information concerning the situation of self-government in prisons provided by the delegation (arts. 2, 6, 7, 9 and 10).

32. **Taking into account the concerns and recommendations of the Committee against Torture,<sup>11</sup> the Committee urges the State party to:**

(a) Prevent incidents of inter-prisoner violence and excessive use of force by prison guards, including by providing guards with training on de-escalation techniques and the identification of persons vulnerable to inter-prisoner abuse and ensuring that the use of force, when necessary, is proportionate and in conformity with relevant international standards;

(b) Provide confidential internal reporting mechanisms, ensure that reports of inter-prisoner violence and excessive use of force by police officers and prison guards are thoroughly and impartially investigated, that those responsible are adequately sanctioned, if found guilty, and that the victims are provided with appropriate reparation;

(c) Take urgent steps to ensure that all deaths in detention are thoroughly and impartially investigated, that those responsible are held accountable, and that victims' families obtain reparation, with due regard for the Minnesota Protocol on the Investigation of Potentially Unlawful Death;

(d) Take the measures necessary to ensure that the armed forces strictly comply with human rights standards during their temporary intervention in prisons,

<sup>10</sup> See <https://www.ohchr.org/es/press-releases/2022/10/ecuador-un-torture-prevention-body-remains-seriously-concerned-prison-crisis>; <https://www.ohchr.org/es/press-briefing-notes/2022/05/ecuador-prison-violence>; and <https://www.ohchr.org/en/press-briefing-notes/2022/02/press-briefing-notes-ecuador> and <https://www.ohchr.org/es/press-releases/2023/07/ecuador-un-human-rights-chief-concerned-spoke-violence-and-backward-step>. See also communications ECU 5/2022 and ECU 4/2023. All communications mentioned in this report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>11</sup> [CAT/C/ECU/CO/8](#), paras. 15 and 16.

and ensure due implementation of the plan guaranteeing the armed forces' progressive and orderly withdrawal from prisons, in line with a clear schedule and clear objectives;

(e) Adopt comprehensive prison policies that address the current prison crisis and its systemic causes from a human rights perspective and, among other things, reinforce the capacities of the National Social Rehabilitation System by allocating sufficient human and financial resources for its efficient operation;

(f) Take judicial and disciplinary proceedings against officials, public servants and other staff tasked with guarding prisoners who are responsible for acts of corruption within the prison system;

#### **Trafficking in persons**

33. The Committee welcomes the State party's efforts to combat trafficking in persons, including the programmes of training on trafficking in persons, the adoption of the Action Plan against Trafficking in Persons 2019–2030 and the creation of the Inter-Agency Coordination Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and the Protection of Victims. However, the Committee is concerned about the limited number of convictions secured on trafficking related offences. The Committee is also concerned about the limited information provided about reparations and assistance received, services and shelters available and the integration of victims (art. 8).

34. **The State party should continue to step up its efforts to combat, prevent, eradicate and punish trafficking in persons. In particular, the State party should:**

(a) Redouble efforts to systematically identify, prevent and combat trafficking in migrants, refugees and asylum-seekers, especially those at heightened risk, such as children who are unaccompanied or have been separated from their parents or guardians;

(b) Redouble its efforts to identify victims of trafficking in persons and provide them with comprehensive redress, medical, psychological, material and legal assistance, help with their social reintegration and protection against re-victimization, especially in the case of migrants and refugees who are victims of trafficking, at the same time ensuring that victims of trafficking in persons are shielded from criminal responsibility for unlawful acts committed as a direct consequence of trafficking;

(c) Continue efforts to provide adequate training for all relevant State officials, including judges, prosecutors, law enforcement officers, immigration officials, medical professionals and the staff of all reception centres, and also for lawyers, so as to improve their ability to detect, investigate and prosecute trafficking cases and effectively address the needs of its victims;

(d) Ensure that sufficient financial, technical and human resources are allocated to all institutions tasked with preventing, combating and punishing trafficking in persons and forced labour and for providing victims with protection and assistance.

#### **Judicial independence**

35. The Committee takes note of the measures adopted to strengthen the independence of judges and prosecutors, including the adoption of the Strategic Plan for the Judiciary for the period 2019–2025. However, the Committee expresses its deep concern about irregularities in the selection and dismissal processes for judges and prosecutors in the context of the judicial reforms carried out since the 2018 referendum.<sup>12</sup> The Committee is also concerned about reports that the processes for selecting and appointing Supreme Court and Constitutional Court judges, prosecutors and senior officials are not sufficiently transparent, are not duly publicized and are not open to public scrutiny so as to ensure that objective criteria are used to assess the merits and abilities of candidates and shield them from undue political influence. It is also concerned about the lack of transparent evaluation procedures applied by the Council for Citizen Participation and Social Control and the lack of

<sup>12</sup> See communications ECU 1/2020 and ECU 2/2021.

information on the guarantees that the disciplinary regime for judges and prosecutors enshrines to safeguard judicial independence. The Committee is also concerned about allegations of irregularities in the selection processes for appointments to the National Court, the Constitutional Court and the Attorney General's Office that are due to take place in 2024 and 2025 (art. 14).

**36. The State party should step up its efforts to ensure that the judiciary enjoys full independence and impartiality. To this end, it should:**

- (a) Take immediate steps to ensure that disciplinary procedures and selection, appointment, suspension, transfer and dismissal procedures for judges and prosecutors are consistent with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors, and are based exclusively on objective and transparent criteria for assessing the merits of candidates, in accordance with suitability, competence and integrity requirements;
- (b) Ensure that the Council of Citizen Participation and Social Control applies only criteria related to the capacity and merits of candidates in the process of selecting and appointing judges and prosecutors;
- (c) Make public the criteria according to which appointments to the National Court, the Constitutional Court and the Attorney General's Office will be made in 2024 and 2025.

37. The Committee takes note of the measures adopted to enhance the effectiveness of judicial units specializing in offences linked to corruption and organized crime. However, it remains concerned about reported cases of corruption affecting the judiciary, including investigations by the Attorney General's Office indicating that criminal groups have paid bribes to justice officials to secure favourable decisions, changes in a court's composition, unjustified procedural delays and prison benefits for members of organized criminal organizations and their relatives. Such reports fuel high levels of public distrust in justice officials and a belief that organized crime appears to be infiltrating the judiciary. The Committee also notes with concern the scant preventive and protective measures adopted in the face of killings, threats, intimidation and attacks against judges, prosecutors and other justice professionals (art. 14).

**38. The State party should:**

- (a) Ensure that all cases of corruption are investigated promptly, independently and impartially and that those responsible for corruption, including high-level corruption and corruption within the judiciary, are prosecuted and punished in accordance with the gravity of the offence;
- (b) Provide training to law enforcement agencies, prosecutors and judges on detecting, investigating and prosecuting corruption, particularly high-level corruption;
- (c) Continue its efforts to introduce comprehensive preventive and protective measures to ensure that judges, prosecutors and other justice professionals can perform their duties safely and independently, without fear of threats, intimidation, obstacles, harassment, reprisals or criminal acts.

#### **Treatment of foreign nationals, including refugees and asylum-seekers**

39. The Committee takes note of the measures adopted to address migratory flows at the northern border and the implementation of regularization processes for migrants from the Bolivarian Republic of Venezuela. However, the Committee is concerned about the limited scope of these regularization processes, which reportedly exclude Venezuelans who arrived in the State party's territory after 2022. In this regard, it notes with concern that the State party has one of the highest rates of Venezuelan migrants in an irregular situation (68 per cent). While noting the State party's efforts to protect the human rights of migrants, refugees and asylum-seekers, the Committee is concerned about reports that they are victims of arbitrary detention, extortion, trafficking, intimidation and threats, and it regrets the lack

of specific information about the measures taken to ensure that the victims of such acts have access to justice (arts. 2, 6, 8, 9 and 12).

**40. The State party should:**

(a) **Intensify its efforts to regularize the situation of persons in need of international protection, in particular by ensuring recognition of their legal status, and provide them with access to basic services, local integration and educational, work and income-generation opportunities, while at the same time responding to the specific needs of those in a vulnerable situation;**

(b) **Redouble its efforts to investigate allegations of arbitrary detention, extortion, trafficking, intimidation and threats against migrants, refugees and asylum-seekers; prosecute and punish those responsible; ensure access to justice with full respect for the human rights of these victims, and provide them with appropriate reparation and compensation.**

**Human rights defenders**

41. While noting the State party's efforts to protect human rights defenders, the Committee is concerned that there is still no comprehensive policy promoting the implementation of effective protective and preventive measures and no mechanism specialized in the protection of human rights defenders. The Committee appreciates the measures taken to prevent violence and protect and promote the rights of human rights defenders, such as, for example, the development of a criminal policy guaranteeing that they have access to justice. However, it remains concerned about the high incidence of attacks against defenders of human rights and the environment, in particular assaults, killings, intimidation, acts of stigmatization, criminalization, unlawful detention and defamation campaigns, and about the level of impunity that continues in these cases.<sup>13</sup> It is also concerned about reports of criminal and disciplinary proceedings being used as a means to intimidate and threaten defenders of human rights and the environment<sup>14</sup> as well as journalists investigating corruption cases (arts. 9, 14, 19 and 21)

**42. With broad participation by civil society, the State party should adopt and implement a national policy for the protection of human rights defenders capable of responding to needs in the areas of prevention, protection, the fight against impunity and non-stigmatization. It should ensure that the policy is focused on the regions with the highest levels of violence, incorporates differential, ethnic, gender, feminist and intersectional approaches, and is implemented effectively, among other things by allowing the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide capacity-building support. Additionally, the State party should redouble its efforts to:**

(a) **Establish a dedicated mechanism for the protection of defenders of human rights and the environment, allocating sufficient financial and human resources for its work, acting to address structural risk factors on both a reactive and preventive basis and organizing activities that increase public awareness of the mechanism's work;**

(b) **Guarantee effective assistance and protection for human rights defenders, including defenders of environmental rights and the rights of Indigenous persons, persons of African descent, social and community leaders and journalists who are victims of threats, violence or intimidation, and ensure that they can carry out their activities in appropriate conditions, including through the adoption of collective protection measures and the effective implementation of precautionary measures;**

(c) **Ensure that all reports of harassment, intimidation and violence against human rights defenders are promptly, thoroughly, independently and impartially investigated and that the perpetrators are prosecuted and, if convicted, receive penalties commensurate with the seriousness of the offence;**

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<sup>13</sup> See communications ECU 3/2023, ECU 5/2023, ECU 6/2023 and ECU 3/2024.

<sup>14</sup> See communication ECU 2/2024.

(d) **Review legislation intended to guarantee adequate protection for whistle-blowers, witnesses and victims of corruption so as to ensure that they are not criminalized and do not face threats or fear of reprisals.**

#### **Freedom of expression and peaceful assembly**

43. The Committee welcomes the creation of the prevention and protection mechanism safeguarding the work of journalists. However, it regrets that the mechanism's budget is insufficient to ensure timely fulfilment of its mandate, as established in relevant legislation. Furthermore, the Committee is concerned about allegations that the mechanism's cooperation with civil society is limited. The Committee is also concerned about reports of harassment, attacks and violence against journalists and other media professionals, which in some cases have even forced them into exile. Likewise, the Committee is concerned about the alleged violations of the right to freedom of expression and the right to peaceful assembly that took place in the context of the demonstrations of 2019 and 2020, particularly the excessive force used against demonstrators and journalists by the security forces, and about the lack of information on the outcome of the investigations (arts. 6, 7, 9, 14, 19, 21 and 26).

44. **The State party should take the measures necessary to ensure full enjoyment of the rights to freedom of expression and to peaceful assembly by all persons, bearing in mind the Committee's general comments No. 34 (2011) on the freedoms of opinion and expression and No. 37 (2020) on the right of peaceful assembly. In particular, the Committee calls upon the State party to:**

- (a) **Strengthen the prevention and protection mechanism safeguarding the work of journalists by allocating sufficient financial, technical and human resources for its effective operation, and ensure that civil society can participate effectively in its work;**
- (b) **Ensure that all allegations of harassment and intimidation targeting journalists and the communications media are investigated promptly, thoroughly, impartially and effectively; that the perpetrators are brought to justice and duly punished; and that the victims receive comprehensive reparation;**
- (c) **Guarantee and respect the rights to peaceful assembly and demonstration, especially for Indigenous and campesino organizations, and ensure that the implementation of the rights to freedom of opinion and expression and peaceful assembly fully complies with the requirements of articles 19 (3) and 21 of the Covenant.**

#### **Freedom of association**

45. The Committee is concerned about reports that the Integrity Strategy for Civil Society and Non-Governmental Organizations is being used to restrict the operations of such organizations. In particular, the Committee is concerned that the requirements that, according to the Strategy, civil society organizations must meet in order to maintain their legal status might constitute an obstacle to the free exercise of their activities and represent an undue restriction on the right to freedom of association (art. 22).

46. **In accordance with article 22 of the Covenant, the State party should take the steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and ensure that members of civil society organizations can exercise their freedom of association without being subjected to restrictions incompatible with the Covenant. In particular, it should refrain from adopting any measure or law that might limit the exercise of the right to freedom of association or result in undue control over civil society organizations or interference in their activities.**

#### **Rights of Indigenous Peoples**

47. The Committee is concerned about the State party's delay in finalizing and adopting a law regulating the right of Indigenous communes, communities, Peoples and nationalities to consultation and free, prior and informed consent, and also about reports that the State party has been applying Executive Decree No. 754 to Indigenous communes, communities, Peoples and nationalities, in contravention of Constitutional Court judgment No. 51-23-IN/23 of 2023. Specifically, it is concerned that the presence of the armed forces and the

operations carried out in implementation of Executive Decree No. 754 might have led to an increase in violence, engendering violent confrontations and the criminalization of human rights defenders. The Committee is also concerned about reports that adequate and sufficiently participatory consultation procedures have not been carried out in order to obtain free, prior and informed consent for plans and programmes implemented on the land of Indigenous Peoples and nationalities that might affect their environment or culture, including the San Carlos Panantza, Warintza, Rio Blanco, Curipamba-el Domo, La Plata and Mirador mining projects. It is also concerned about reports of the hazards posed by contamination and oil spillages in inhabited areas, in particular the areas inhabited by Indigenous Peoples (arts. 6, 19 and 27).

**48. The State party should:**

- (a) Accelerate the adoption of an effective and appropriate law and legally binding protocols on consultation and free, prior and informed consent, which include an effective consultation mechanism, with the effective and meaningful participation of Indigenous Peoples and nationalities; and ensure that the law and the mechanism are aligned with the principles of the Covenant, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the United Nations Declaration on the Rights of Indigenous Peoples and other international standards, and also with article 57 of the Constitution;
- (b) Ensure effective and good faith consultations with Indigenous Peoples, in which they actively and effectively participate, with a view to obtaining their free, prior and informed consent before the adoption and application of any measure that may substantially affect their rights, their way of life and their culture, particularly infrastructure projects or projects involving the exploitation of natural resources;
- (c) Take measures to ensure the restitution to Indigenous Peoples and nationalities of traditional lands and resources that have been confiscated, occupied, utilized or damaged without their free, prior and informed consent and, only where this is not possible, to provide them with just and fair compensation;
- (d) Ensure that harassment, intimidation and violence against Indigenous Peoples and defenders of Indigenous rights and the environment are promptly, thoroughly, independently and impartially investigated, that those responsible are brought to justice and that the victims have access to full reparation;
- (e) Intensify its efforts to prevent and mitigate the effects of climate change and environmental degradation and take appropriate action to apply a precautionary approach that protects people, and particularly Indigenous Peoples, from the negative effects of climate change and natural disasters.

**Indigenous jurisdiction**

49. While taking note of the measures adopted to guarantee access to justice for Indigenous persons, including the implementation of a guide to mainstreaming the principle of interculturalism in the ordinary justice system, the Committee remains concerned about the lack of adequate coordination between the ordinary justice system and the Indigenous justice system, which constitutes an obstacle to access to justice for Indigenous persons (arts. 14 and 27).

50. **The State party should intensify its efforts to guarantee access to justice for Indigenous Peoples, ensuring respect for their fundamental rights and guarantees of due process. In addition, it should continue its efforts to recognize, respect and strengthen the Indigenous justice system, particularly through harmonization, cooperation and coordination between the authorities of the ordinary justice system and the indigenous justice system.**

**D. Dissemination and follow-up**

51. **The State party should widely disseminate the Covenant, its two Optional Protocols, its seventh periodic report and the present concluding observations with a**

**view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society, non-governmental organizations operating in the country and the general public.**

52. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 10 (states of emergency), 20 (violence against women, children and adolescents) and 38 (judicial independence).

53. In line with the Committee's predictable review cycle, the State party will receive the Committee's list of issues prior to reporting in 2030 and will be expected to submit its replies, which will constitute its eighth periodic report, within one year. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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