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Summary record of the 3277th meeting

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Chair: Mr. Salvioli

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Ecuador (CCPR/C/ECU/6; CCPR/C/ECU/QPR/6)

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **Mr. Long** (Ecuador), introducing his country's sixth periodic report (CCPR/C/ECU/6), said that since 2007, the Government of Ecuador had made considerable efforts to transform the State into one that guaranteed all fundamental rights and freedoms as part of its social contract with its citizens. The reduction of poverty, which was not solely an economic issue, but the result of many factors, including lack of income and inadequate skills, was a crucial aspect of that process.
3. Over the past 10 years, the Government had overhauled the economic and social structures that had perpetuated social exclusion and that had allowed for the systematic violation of human rights, especially the civil and political rights of poor people. As a result, extreme income poverty had been reduced by half between 2007 and 2015, while overall poverty had fallen from 36.7 per cent to 23.3 per cent over the same period. Among Latin American countries, Ecuador had had one of the best records of success in reducing inequality in recent years: its Gini coefficient had dropped by six points, against a drop of just two points in the rest of Latin America. Despite the progress achieved in the past decade, Latin America was the most unequal region in the world, a situation which continued to undermine human rights.
4. It was well known that the poor often found themselves in conflict with the law. In order to change that pattern, the Government of Ecuador had invested more than US\$ 2.5 billion, or 2.5 per cent of the country's gross domestic product (GDP), between 2010 and 2015, in updating and improving the justice system, with the result that Ecuador now had the most trusted system in South America. The Ministry of the Interior and the Ministry of Defence, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Committee of the Red Cross, offered training in human rights, international humanitarian law and non-discrimination policy to law enforcement and military personnel. Furthermore, in 2015, 83.2 per cent of law enforcement personnel had received training on gender issues. The National Police had manuals on how to use force progressively and solely as a last resort.
5. With the establishment, in 2008, of the Ministry of Justice, Human Rights and Religious Affairs, and the promulgation of the Organic Act on National Equality Councils, a number of special bodies had been set up to streamline, assess and enforce observance of the rights granted under the Constitution, at all levels of government. The Councils were tasked with developing equality policies in line with the strategic goals of the National Plan for Good Living.
6. Ecuador firmly supported civil society. However, the title "civil society" could be used as a cloak by failed election candidates who proclaimed themselves human rights defenders, set up small non-governmental organizations (NGOs) and were received in the most prestigious international forums, sometimes with more credibility than States themselves. Their neoliberal ideology demonized the State, despite the fact that it was the main guarantor of human rights. It was important to be aware that the civil society representatives who participated in international forums with various sources of international funding did not necessarily speak for society at large; indeed, they did not represent anyone but themselves and the interests of those who financed them. Ecuador enjoyed a vibrant civil society. It had established a unified information system for social

organizations to enforce the rights of individuals, groups, communities, peoples and citizens, who came together for peaceful purposes in any type of organization that was free, egalitarian and legal. A total of 77,160 organizations had been registered thus far.

7. The principle of free, prior and informed consent was applicable not only in the context of development projects, but also in that of legislation affecting the rights of peoples and national citizens. As laid down by the Constitutional Court, the holding of consultations prior to the adoption of legislation was the responsibility of the National Assembly. Thus far, three major bills had been the subject of consultations before their adoption; consultations on a further three bills were under way.

8. As recognized by the Committee on the Elimination of Discrimination against Women, Ecuador had made substantial progress with regard to its legislation on gender equality and women's empowerment. Examples of such legislation included the Organic Act on the Grassroots Economy and Solidarity, which had reduced economic gender inequality; the Organic Act on Public Service, which guaranteed parity between men and women among nominees and appointees for public service posts; and the Code of Democracy, which required gender parity and the alternating of men and women candidates in electoral lists. The National Assembly currently boasted one of the world's highest rates of female representation — an impressive 43 per cent.

9. Pursuant to the Organic Act on Labour Law and Recognition of Domestic Work, promulgated in 2015, unpaid domestic work, which was done mostly by women, together with the corresponding rights to social security and other benefits, had been recognized for the first time in the history of Ecuador. The Government had also adopted, in 2016, a law to promote youth employment and regulate the workday, unemployment and unemployment insurance; under that law, women and men shared responsibility for infant care.

10. The promulgation of the Comprehensive Organic Criminal Code was an important milestone in that it consolidated the focus on human rights and simplified the administration of justice. The amended Code established femicide as an offence, defining it as the most serious offence against women. Moreover, in 2007, Ecuador had adopted a national plan of comprehensive and intersectoral action to combat gender-based violence.

11. With regard to the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, Ecuador had reformed its Civil Code so as to allow *de facto* unions to be recognized by the competent authority as a civil status, from the first day of cohabitation. Furthermore, a new law on the management of identity and other personal data provided that, upon reaching adulthood, individuals could choose, once only, to replace the field "sex" on their national identity card with the field "gender" and to indicate whether they identified as male or female; the same possibility existed for registering *de facto* unions.

12. Starting with the 2017 elections, Ecuador would become one of the few countries in the world that guaranteed the rights of sexually diverse persons in the electoral process. The Government had taken a tough stance against the so-called "torture clinics", where sexually diverse persons had suffered violence and human rights violations. The Ministry of Public Health was responsible for enforcing the ban on addiction rehabilitation clinics that offered "to cure sexual orientation or gender identity". In 2015, 12 such centres had been penalized or shut down on the basis of human rights violations; in 2016, a further 8 had been penalized or shut down. The President met with LGBTI groups every six months and there was also an inter-institutional mechanism on LGBTI issues.

13. Ecuador considered itself plurinational and intercultural, by virtue of its Constitution, as opposed to multicultural, which implied less focus on equality and rights. Interculturalism was cross-cutting and universal and sought to prevent the creation of both poor and rich ghettos.

14. Ecuador had made great strides with regard to the rights of persons with disabilities, as had been recognized internationally through the appointment of former Vice-President Lenín Moreno as the Secretary-General's Special Envoy on Disability and Accessibility. The Government recognized the rights not only of persons with disabilities, but also of their caregivers. A total of 81,463 persons with disabilities had been hired by businesses and other entities with at least 25 staff. Benefits had been granted to 127,891 persons.

15. The Constitution promoted the concept of universal citizenship and freedom of movement and condemned the criminalization of migration. The rights of migrant persons, including to education, health care and employment, were fully recognized; the Office of the United Nations High Commissioner for Refugees (UNHCR) had repeatedly held up the refugee policies of the Government of Ecuador as a model for the region and the world. Ecuador had in fact granted refugee status to 60,253 persons, the highest number in Latin America.

16. The right to participation in public life and the right to social protest were enshrined in the Constitution. In 2015, a series of protests had taken place in the wake of the introduction of bills on inheritance and capital gains taxes. Those protests had passed off peacefully, unlike others which, more recently, had in some cases involved attacks on members of the security forces. Such events were unacceptable. His Government categorically rejected the allegations of a few organizations, which sought to deceive the Committee and the international community by portraying violent and organized protests as peaceful demonstrations. Both the International Covenant on Civil and Political Rights and the American Convention on Human Rights recognized that restrictions, in conformity with the law, could be placed on the exercise of the right of peaceful assembly if such restrictions were legitimate and necessary in a democratic society in the interests of public safety.

17. There was absolute freedom of expression in Ecuador. It was regrettable that many of the attacks on the Government, which in some cases had reached the international media, had sought to spread information to the contrary. It was often forgotten that the media could also violate human rights, by spreading discriminatory and misleading information. Furthermore, it was important not to confuse the public questioning of the politicized and biased reporting of certain media outlets with censorship or interference with their output. The loss of credibility of the traditional parties had generated a major vacuum in the defence of the interests of the country's elites. That vacuum had been quickly filled by the media, which had begun to play an openly political role of opposition. Instead of ensuring the accountability of political actors, they had become politicians themselves. Opposition figures disguised as journalists currently exercised more power than many parliamentarians or opposition party leaders. The political tensions resulting from the efforts of certain media monopolies to impede government reforms should not be mistaken for a lack of freedom of expression.

18. Freedom of expression, communication and information was a basic right and should as such be expanded. For more than three decades, the media had been controlled by a small group of individuals and companies. As a result of public bidding, there was now a much more equitable allocation of radio and television frequencies to community-based, private and public media.

19. In many European countries, if a tabloid newspaper violated someone's rights, it could be required by law to print an apology, a correction or a rebuttal, or could even face more serious sanctions. Such laws were not considered an impingement on freedom of expression. However, in Ecuador, any request for a correction by the competent authorities was considered an attack on such freedom.

20. Ecuador had established torture as a separate offence in domestic legislation and was working to do the same for the crimes referred to in the Rome Statute. In 2007, the Government had established a Truth Commission tasked with investigating and preventing immunity in respect of violent human rights violations that had occurred between 1984 and 1988 and during other periods. In 2010, the Commission had published a report documenting the above-mentioned violations; in 2013, the National Assembly had adopted a law providing for the compensation of victims and for the prosecution of grave human rights violations and crimes against humanity that had occurred in Ecuador between 4 October 1983 and 31 December 2008.

21. In August 2012, the Government of Ecuador had granted asylum to Australian citizen Julian Assange, on the basis of his claims of fear of political persecution by the Government of the United States of America. That action was evidence of Ecuador's commitment to the protection of human rights, particularly freedom of expression, and had been taken despite Ecuador's awareness of the high cost it would have to pay in terms of political pressure and intimidation. He urged the international community, including the Human Rights Committee, to repudiate the pressure exerted on his Government because of its support for an individual's human rights. Ecuador had repeatedly offered the Office of the Attorney General of Sweden the option of questioning Mr. Assange in the embassy of Ecuador in the United Kingdom, where he was currently living. The Swedish authorities' rejection of that offer had been one of the factors that had led the United Nations Working Group on Arbitrary Detention to describe Mr. Assange's deprivation of liberty as "arbitrary" and to request the Governments of Sweden and the United Kingdom to "ensure his safety and physical integrity" and "the exercise of his right to freedom of movement in an expedient manner".

22. In the current pre-election year, 2016, some sectors of society in Ecuador were manipulating the human rights discourse in a desperate bid to regain political power after more than 10 years in opposition to a progressive Government that had sought to consolidate democracy in the country. Ecuador was slowly distancing itself from the antiquated Latin American model of plutocratic rule, which had generated inequality, discrimination and lack of institutional sovereignty, and was doing so without violence, in absolute democracy and respect for human rights.

23. **Sir Nigel Rodley** said that he wished, on behalf of all members, to express the Committee's deepest sympathy for the suffering and damage inflicted by the terrible earthquake that had struck Ecuador earlier that year.

24. He welcomed the State party's submission of a focused report based on its replies to the Committee's list of issues prior to reporting; the new optional reporting procedure was designed to facilitate the work of both States parties and treaty bodies. Regarding issue 1 of the list of issues, the information on legal and institutional developments in the State party, including information on the human rights training offered to judges, lawyers and prosecutors, was much appreciated. It would be interesting to know to what extent the Covenant formed part of that training. He would also like to receive information on the means, objectives and results of the measures undertaken.

25. Turning to the reply to issue 3 of the list of issues, he said that he welcomed the news that the *Floresmilo Bolaños v. Ecuador* case (communication No. 238/1987) had been resolved. However, no information had been provided on the cases concerning *Cañón García v. Ecuador* (communication No. 319/1988), *Teran Jijón v. Ecuador* (communication No. 277/1988), *José Luis García Fuenzalida v. Ecuador* (communication No. 480/1991) and *Jorge Villacrés Ortega v. Ecuador* (communication No. 481/1991).

26. With regard to issue 14 of the list of issues, he noted that the Ombudsman had been mandated to act as the national preventive mechanism in relation to the Optional Protocol

to the Convention against Torture. He asked whether the periodic visits carried out by the Ombudsman's Office to places of detention were unannounced, whether all places of detention, including police and military facilities, were visited and whether the relevant findings were made public.

27. He asked for information on the nature and effectiveness of the measures taken by the National Directorate for Crimes against Life, Violent Deaths, Disappearances, Extortion and Kidnappings and on the extent to which the Directorate dealt with offences committed by agents of the State. Violence against police and security officials could not be condoned under any circumstances. However, he asked whether investigations had been carried out into the allegations contained in a recent Human Rights Watch report concerning the excessive use of force, in 2015, by Ecuadorian law enforcement and security officials when policing public demonstrations, unlawful entry into private homes by State officials and the State-sponsored infiltration of peaceful demonstrations by members of criminal gangs. He asked whether force was commonly used to disperse peaceful public demonstrations against State policies and whether, in the past, police or security officials accused of using excessive force against peaceful demonstrators had been placed under investigation.

28. Information on the summary deportation of and remedies available to Ms. Manuela Picq, a Franco-Brazilian journalist and long-term resident in Ecuador referred to in sexist and demeaning terms by President Correa Delgado, would be welcome.

29. With reference to issue 15, he asked whether the measures taken to tackle lynching had been effective and whether the problem was widespread. The Committee was well aware that the issue was separate from that of indigenous justice.

30. Turning to issue 16, he said that the Committee had not received any information pointing to the consistent or systematic use of torture in Ecuador. However, he wondered why there had been a spike in the number of complaints of torture during the period 2011 to 2013, as highlighted in Table No. 1 contained in Annex 7 to the periodic report. Information on measures taken against perpetrators of torture and ill-treatment and the corresponding investigations, disciplinary and criminal proceedings and convictions handed down would be welcome.

31. **Mr. Vardzelashvili**, turning to paragraph 4 of the list of issues, said that he welcomed the designation of the Ombudsman's Office as the national preventive mechanism. He asked whether the responsibilities of the Ombudsman's Office and the Public Defender Service overlapped with regard to the representation of individuals before the courts and the public authorities, the filing of complaints relating to the poor quality of public services, applications for protective measures and issues relating to habeas corpus.

32. The State party was to be congratulated on the fact that the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights had recently renewed the A status accreditation of the Ombudsman's Office. He asked whether domestic legislation clearly defined the types of physical or mental incapacity which might result in the dismissal of the Ombudsman, whether the corresponding assessment was carried out by the National Assembly or by another competent body and whether it was really necessary for applicants for the post of Ombudsman to have a PhD in Law from a recognized university, given that such a requirement unduly restricted the number of potential candidates. There had been recommendations to amend national legislation to reflect the five-year mandate granted to the Ombudsman by the Constitution. Updated statistical data on the number and types of complaints filed with the Ombudsman and the corresponding decisions would be welcome, as would the views of the delegation on the level of financial resources set aside for the Ombudsman's Office in its role as national preventive mechanism under the Optional Protocol to the Convention against Torture.

33. Regarding paragraph 12 of the list of issues, concern had been expressed that neither national legislation nor practice with regard to the declaration of a state of emergency was in accordance with the Covenant. The Committee's general comment No. 29 on states of emergency (art. 4) stipulated that measures derogating from the Covenant were limited to the extent strictly required by the exigencies of the situation, and that not every disturbance or catastrophe qualified as a public emergency threatening the life of the nation. According to reports from independent sources, the State had made excessive use of its powers in that regard, exaggerating the sensitive nature of situations arising from natural disasters and suspending a number of constitutional guarantees nationwide.

34. He asked why a state of emergency had been declared following the eruption of the Cotopaxi volcano in 2015 and why a presidential decree had been issued restricting private media coverage of that event. Apparently, the Coordinating Minister for Security had threatened to prosecute social media users for posting rumours or inaccurate comments relating to the eruption. Unlike the state of emergency understandably declared for a few days at the time of the 2010 police uprising, the one announced at the time of the volcanic eruption had been maintained for almost two months. He asked the delegation to what extent it believed that the declaration relating to the eruption had been both necessary and in accordance with the provisions of the Covenant. A further nationwide state of emergency had been declared in response to the *El Niño* meteorological phenomenon, despite the fact that its effects were restricted to certain regions, leading to concerns that the authorities had ulterior motives for their action. He asked for updated information on the number of states of emergencies declared since the adoption of the Committee's previous concluding observations.

35. Concerning the State party's reply to the question contained in paragraph 13 of the list of issues, it had been learned from reliable sources that the scope of implementation of the provisions of the Comprehensive Criminal Code on sabotage and terrorism was extremely broad. For example, in 2012, nine individuals had been arrested and sentenced to 1 year's imprisonment for detonating political pamphlet bombs. He asked to what extent such activities should be deemed to be acts of terror and prosecuted as such. In another case, Ms. Mary Zamora, the former president of the National Union of Teachers of Ecuador, had been convicted of sabotage for allegedly inciting her students to take part in a peaceful demonstration.

36. According to reports, in 2011 around 190 indigenous persons had been detained on suspicion of having carried out acts of terrorism and sabotage against the State, and other sources had highlighted hundreds of similar cases involving indigenous and/or non-indigenous persons carrying out actions such as the blockading of roads in order to prevent the seizure of water sources by the authorities. One such case was that of Mr. Javier Ramírez, held in pretrial detention for 10 months and subsequently convicted for having exercised his constitutional right to protest against actions or omissions on the part of public authorities or non-State natural or legal persons undermining or threatening to undermine citizens' constitutional rights. He asked to what extent the relevant provisions of criminal legislation were clear and provided guidance on their implementation. Statistical data would be welcome on the number of cases in which the provisions of the 2014 Criminal Code on sabotage and terrorism and similar pre-existing provisions had been applied since the adoption of the Committee's previous concluding observations and the adoption of the new Criminal Code.

37. **Mr. Rodríguez Rescia**, referring to paragraph 5 of the list of issues, asked what measures had been taken or planned to reduce unemployment among women, increase their participation in elections for public office and in political bodies and tackle the gender wage gap. What was the level of women's representation in the Council of the Judiciary? According to reports, some private-sector companies discriminated against pregnant

women requesting time off work to attend routine medical check-ups and required women candidates to provide proof that they were not pregnant as an unofficial part of the recruitment process, in violation of the Labour Code. He asked what was being done to eliminate those practices.

38. Women were being channelled away from certain subjects at university, and their employment prospects were suffering as a consequence. He asked what was being done to highlight and tackle the issue of child labour, in particular involving girls in rural areas, and to reconcile quotas for women candidates and women's participation in political life with a system based on open lists.

39. With regard to paragraph 6 of the list of issues, the State party was to be congratulated on its efforts to promote intercultural justice and on the incorporation into the Constitution of the concept of *buen vivir* (harmonious coexistence). He asked how the Government struck a balance between the right to *buen vivir* and the rights of indigenous peoples and Afro-descendants protesting with regard to collective issues that affected them.

40. The Special Rapporteur on the rights of indigenous peoples had called for dialogue in cases of violence or public demonstrations by indigenous persons relating to prior consultations or opposition to extractive industry projects. There had been a number of instances in which intercultural understanding and respect for the rights of indigenous groups had been absent, and there had also been complaints of a lack of recognition of the importance of bilingual education and expressions of concern relating to the conflict between development and indigenous cultures and world views. He asked how the national authorities went about establishing a constructive dialogue and reconciling intercultural rights with other considerations, in accordance with the Covenant.

41. According to reports, certain regions were not doing enough to promote the rights of persons with disabilities. There had been calls for more transparency with regard to policies and plans in that field.

42. **Ms. Pazartzis**, turning to issues 8 and 9 of the list of issues, concerning non-discrimination and equality, said that she welcomed the fact that the Constitution of 2008 prohibited discrimination on the basis of sex, sexual orientation or gender identity and included a new provision on hate crimes. However, implementation and enforcement measures appeared to be lacking.

43. In view of the continuing discrimination against lesbian, gay, bisexual and transgender (LGBT) persons both in families and in the broader society, and in light of recent cases of violence and murder in which the victims had been gay and transsexual, she would like to know what legal and administrative measures had been established to implement constitutional provisions for the protection of persons from discrimination on the basis of sexual orientation and gender identity. The Act on Identity and Personal Information (2015) drew a distinction between sex and gender — indicating that sex at birth could not be modified — and laid down rules for civil unions, including unions between LGBT persons. The requirement to register such unions was perceived as an invasion of the privacy rights of individuals with regard to gender identity and sexual orientation. Professionals, in particular, feared discrimination if such information appeared on their identity documents.

44. It was not yet legal for LGBT persons to register the births of their biological children, who could only be registered through adoption. Citing the case of a lesbian couple who wished to give their young daughter both of their last names, now pending before the Constitutional Court, she drew attention to the discrepancy between constitutional provisions and related legislative and other measures. Comments from the delegation would be welcome. She would also appreciate any available information on the prosecution of gender and hate crimes, as well as on any sanctions applied. Were there measures ensuring

that victims of discrimination had effective access to restitution and compensation? In that regard, she asked whether the Ombudsman was empowered to investigate violence, intolerance or discrimination on the basis of sexual orientation, and whether campaigns had been mounted to raise awareness about discriminatory attitudes in society.

45. She enquired how the Government had responded to complaints by persons held in sexual reorientation centres that treated homosexuality as a disease. The State party had raided some of those clinics, rescuing several hundred persons; centres had been closed, and one person had been prosecuted. There were recurring allegations, however, that the practice of sending LGBT persons to rehabilitation clinics continued. She would like to know whether such centres were systematically monitored, how many centres had been closed down and how many still existed; what criminal prosecutions had been carried out, and whether they had resulted in convictions.

46. With regard to the reply to issue 9 of the list of issues, she said that the Committee took note of the withdrawal by the Government of Ecuador of the requirement that Colombian nationals should produce a record of good conduct when seeking asylum. It would also be useful to know what measures were being taken to prevent discrimination against Colombians in Ecuador. Finally, she asked the Government to provide statistics on the number of refugees and asylum seekers on Ecuadorian soil from all countries.

47. **Mr. Shany** said he was concerned by the discrepancy between the large number of complaints of acts of sexual violence and the number of prosecutions and penalties that ensued from those complaints. He would be interested to learn how the Government had responded to recommendations made by the Committee on the Elimination of Discrimination against Women in its concluding observations on the combined eighth and ninth periodic reports of Ecuador (CEDAW/C/ECU/CO/8-9), which lamented the absence of a strategy for preventing violence against women. He would like to receive information on any progress made in the formulation of a national action plan. That Committee had asked whether the use of restraint orders was a common practice, including in remote areas inhabited by indigenous peoples and migrants. In particular, he would like to know whether progress was being made in establishing specialized judicial units to deal with violence against women in all areas of the country.

48. Referring to article 171 of the Constitution of Ecuador, on indigenous justice, he said that more information would be welcome on the division of labour between the ordinary courts and the indigenous courts. In view of the issues raised by the *La Cocha* case, he enquired what forms of legal redress were available to women victims of sexual violence.

49. Turning to the matter of abortion, he said that the Committee urged States parties that controlled access to abortion to allow women to obtain safe, legal abortions in cases where they had been victims of acts of sexual violence, such as rape or incest. The Criminal Code of Ecuador, however, only allowed women with mental incapacity to have an abortion. He enquired whether a woman carrying a baby with fetal abnormalities was permitted to abort.

50. Sources indicated that there were large numbers of clandestine abortions, and that the majority of Ecuadorian citizens were in favour of legalization. The Government should reconsider its position vis-à-vis abortion, and should explain why there had been an increase in the number of women prosecuted for having abortions.

51. Turning to the reply of Ecuador to issue 11 of the list of issues, he enquired why there was a huge gap between the number of complaints of sexual abuse in schools and the number of convictions handed down. In view of the significant percentage of schoolchildren in Quito that had been victims of sexual abuse, he asked why the Government of Ecuador had not sent a representative to appear before the Inter-American Commission on Human Rights when the case of Paola Guzmán Albarracín had been

discussed. How did the State party view the issue of accountability in cases of sexual violence against girls?

The meeting was suspended at 4.45 p.m. and resumed at 5.10 p.m.

52. **Mr. Long** (Ecuador) said that in view of the large number of questions, the Government would reply to some in writing within the 48-hour time limit, in particular those related to specific jurisprudence. The delegation also wished to correct some misunderstandings of fact. Any official statistics would also be supplied in writing.

53. **Ms. Aguirre** (Ecuador) said that there was no overlap between the functions of the Office of the Ombudsman (Defensoría del Pueblo) and the Public Defender Service (Defensoría Pública). The latter was responsible for initiating specific cases while the former's remit encompassed the protection of all constitutional rights and the promotion of collective or class actions (*acciones colectivas*). Any person who was trained as a lawyer and had 10 years of experience was eligible to serve as Ombudsman.

54. Habeas corpus was a recourse that could be invoked by any person, whether or not he or she was a lawyer.

55. **Ms. Jaramillo** (Ecuador) said that the public defenders were indeed permitted inside rehabilitation centres. The Ministry of Justice had offices within the social rehabilitation centres, where public defenders offered their services, sometimes on a round-the-clock basis.

56. The Office of the Ombudsman, in its role as the national mechanism for the prevention of torture, helped to draw attention to the conditions of life for persons in detention centres. The national mechanism was a multidisciplinary team made up of professionals in the areas of law, health, social work, sociology and psychology, and incorporated a gender and an ethnic diversity dimension in its work. Recently, the national mechanism had expanded the sites visited to include temporary shelters, migrant camps, police training schools, psychiatric hospitals, a private clinic for addiction rehabilitation and detention centres for children and adolescents.

57. Although certain formalities must be followed in order to arrange and authorize a visit to a detention centre, visits were not prohibited.

58. **Ms. Arguello** (Ecuador) said that the national police force of Ecuador had been trained to apply a human rights perspective and a gender-sensitive perspective in its work. The structure of the force had also changed, and specialized units had been set up to focus on matters important to the administration of justice. It should be understood that all persons in the territory of Ecuador had the right to freedom of expression, freedom of association and freedom of movement. No one, however, had the right to incite violence against others on the pretext that they were carrying out a protest. No one had the right to damage public or private property. No one had the right to attack the forces of order that were protecting the physical integrity of persons carrying out a protest or of bystanders.

59. Some protest demonstrations had involved acts of deliberate and premeditated violence, in which stones, sticks and torches had been used against the forces of order. The police had had to resist those acts of violence without resorting to violence of any kind, in order to protect the rights of all the inhabitants of Ecuador. Some had been badly hurt, and had needed surgery. In Ecuador, the forces of order were combating crime and violent acts; they were present at those demonstrations solely to ensure order and to protect the safety of all persons residing in the country.

60. **Ms. Espinosa** (Ecuador) said that the Act on Employment Law and Recognition of Housework, which had been adopted as part of an effort to modernize the Labour Code, had entered into force in April 2015. In addition, the minimum wage had increased, and

publicly traded companies were required to pay their employees a decent salary covering the cost of the basic family food basket before they distributed dividends to their shareholders. The salaries of public servants, just under half of whom were women, had been standardized, thereby narrowing the wage gap.

61. **Ms. Jaramillo** (Ecuador) said that Ecuador had implemented a public policy on combating violence against women and children since 2007. A number of outreach campaigns had been launched as part of the National Plan to Eradicate Gender-based Violence. A national directorate had been established with a mandate to implement institutional policies, plans and programmes designed to prevent domestic and gender-based violence.

62. The Ministry of Justice, Human Rights and Religious Affairs, in cooperation with NGOs, facilitated the provision of services, including legal advice, to thousands of female victims of violence throughout the country. Mobile units reached more remote rural areas. The Ombudsman's Office also provided assistance to numerous victims of violence. The Ministry of Public Health, for its part, had produced handbooks on the identification of victims of sexual violence, while the Attorney General's Office had 18 special units for the investigation of domestic and sexual violence. Some 24,000 schoolteachers had been trained on how they could best fulfil their role as guarantors of children's rights. Domestic or gender-based violence could be reported to a number of offices throughout the country, including units specialized in combating such violence.

63. **Ms. Aguirre** (Ecuador) said that the states of emergency enforced in Ecuador in recent years — in connection with the crisis of 30 September 2010, renewed activity of the volcano Cotopaxi and flooding caused by *El Niño* — had been declared in accordance with the country's Constitution.

64. **Ms. Godoy** (Ecuador) said that same-sex unions had been officially recognized in Ecuador since the adoption of the Constitution in 2008. The National Assembly had amended the Civil Code and the Data Register Act to enable both same-sex and heterosexual couples to make their de facto unions official at the time of their choosing. The amendments to the Data Register Act, which had been adopted in February 2016, would enter into force within 24 months. In anticipation of the elections to be held in early 2017, the Electoral Council was promoting an initiative to allow people to opt for the gender of their choice on their identity cards. A transgender woman could thus cast her vote as a woman.

65. Although women accounted for some 43 per cent of the membership of the National Assembly, they participated to a much smaller extent in provincial and local government. Only two of the country's provinces, for example, were headed by women. A number of ideas had been put forward as part of the development of a bill to rectify that situation.

66. **Ms. Jaramillo** (Ecuador) said that under the Constitution, the victims of criminal offences, including gender-based violence, were entitled to comprehensive reparation, including monetary compensation. Article 86 of the Judicial Safeguards and Constitutional Oversight Act stated that if the court found a violation of rights, it should make a statement to that effect and order full material and non-material reparation, specifying in detail the positive and negative obligations to be met by the person against whom the court decision had been handed down and the circumstances in which such obligations must be satisfied. The Comprehensive Criminal Code stated that one of the aims of imposing a penalty for the commission of a crime was to ensure that the victim was fully compensated. One of the components of the plan of work recently signed by the Council of the Judiciary and UN-Women was to develop a mechanism to ensure the enforcement of any sentences that included an order to compensate a victim of gender-based violence.

67. In late 2012, the Council of the Judiciary, the Attorney General's Office and the Ministry of Education had reached agreement on developing a procedure to report cases of violence or sexual abuse in schools or other educational institutions. Such cases, which were investigated by specialists appointed by judges or prosecutors, were monitored at both the national and provincial levels. From February 2015 to June 2016, files had been created on 382 reported cases of sexual violence in the educational environment.

68. **Mr. Long** (Ecuador) said that the existence of multiple legal systems in a single jurisdiction posed a number of challenges. It sometimes seemed that even United Nations bodies took differing views of legal pluralism. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for instance, had warned of the possible dangers of some forms of traditional justice. It was important for States parties to international human rights treaties not to be praised by one treaty body for practices for which they were criticized by another.

69. Indigenous affairs should not be considered in isolation from matters of concern to the country as a whole, and he was wary of any approach that treated indigenous peoples as a homogeneous population group. The white intellectuals who spoke on behalf of indigenous peoples often failed to recognize their diversity, romanticizing them unduly and viewing them from a highly Eurocentric and even neocolonialist perspective. In reality, indigenous peoples were characterized by a diversity of thought no less wide than that which characterized any other group of people.

70. **The Chair** emphasized that the Committee, whose members came from around the world, was not governed by Western or Eurocentric principles. In addition, several Committee members, including Mr. Iwasawa, Mr. Rodríguez Rescia and he himself, had considerable experience working on issues affecting indigenous peoples. The expertise of the Committee in that regard could be seen in the concluding observations it had adopted in the past seven years and in its Views on such cases as *Poma Poma v. Peru* (communication No. 1457/2006).

The meeting rose at 6.05 p.m.