



# International Covenant on Civil and Political Rights

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## Human Rights Committee

117th session

### Summary record of the 3278th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 June 2016, at 10 a.m.

*Chair:* Mr. Salvioli

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*Sixth periodic report of Ecuador (continued)*

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

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

*Sixth periodic report of Ecuador (continued) (CCPR/C/ECU/6, CPR/C/ECU/PQR/6)*

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **The Chair** invited the members of the Committee to put oral questions to the delegation in connection with paragraphs 14 to 28 of the list of issues prior to reporting, together with any remaining follow-up questions.
3. **Mr. Vardzelashvili**, following up his previous questions, said that he would appreciate updated information on the number of declarations of public emergency made by the Government during the reporting period; cases in which the State party had declared a public emergency but had failed to inform the Secretary-General of the United Nations of its derogation from certain Covenant provisions during the emergency; and the number of prosecutions conducted on charges of terrorism and sabotage.
4. With regard to paragraph 17 of the list of issues, he welcomed the completion by the Truth Commission of investigations in 118 cases of human rights violations and its recognition of 456 victims. However, he would like an explanation of the obstacles encountered by prosecutors to the thorough investigation and prosecution of persons responsible for torture, ill-treatment or murder during the period in question, given that, in 2015, they had laid charges in only seven or eight cases and had secured only two convictions. Similarly, given that reparation had been awarded in only one case, whereas there were 456 designated victims, he asked whether the State party intended to revise the existing mechanism so as to make it more effective.
5. The delegation should comment on reports that nearly 300 reparation agreements had been reached between the Ombudsman's Office and the victims, but that none had been implemented. With regard to the *Gonzales et al.* case, in which several police officers had been sentenced to 16 years' imprisonment for murder, he sought clarification as to what types of amendments to the Comprehensive Criminal Code had provided for their sentences to be quashed on appeal.
6. With regard to paragraph 18 of the list of issues, he wished to know whether the increase in the number of torture victims had resulted from complaints lodged by victims, whether they needed protection and whether they had access to rehabilitation services and compensation. He would appreciate receiving information on the effectiveness of measures introduced to protect and support such victims and an indication of the number of cases in which those measures had been applied. He asked whether there had been any changes to the organizational structure that could result in victims being provided with victim protection by the same police unit that was suspected of having committed the violations in the first place. Was there a victim protection plan that allowed victims to change their identity or move to another location, and if so, how many victims had benefited from it? Lastly, he requested an explanation as to why no perpetrator had been identified in the investigation into the well known case of Mr. Ramírez Herrera, who had been murdered in 2010.
7. **Ms. Pazartzis**, reiterating an earlier question, said that she was interested in receiving information on medical treatment provided to lesbian, gay, bisexual and transgender (LGBT) persons in health facilities. With regard to paragraph 19 of the list of issues, she wished to know what results had been achieved by the process to revise the National Plan to Combat Human Trafficking, whether a new plan had been drafted since

the submission of the sixth report, whether the necessary resources had been allocated to it and what types of reparation had been granted to victims.

8. With regard to paragraph 26 of the list of issues, she asked whether any public policies provided occupational protection to adolescents between the ages of 15 and 17 who were legitimately employed and what was done to ensure that children and adolescents entered and remained in the education system. She would like to know whether legislation prohibiting corporal punishment in all settings had been enacted and what the legislative status was of the draft Organic Act on a childhood and adolescence free from corporal punishment and degrading treatment and punishment.

9. With regard to paragraph 27, she asked what steps had been taken to implement the 2012 judgment of the Inter-American Court of Human Rights in the case of the *Kichwa Indigenous People of Sarayaku v. Ecuador*, in which the Court had held in favour of a mandatory, free, prior and informed consent process in cases involving indigenous peoples and the exploitation of national resources. She invited the delegation to comment on issues raised by civil society organizations concerning the inadequate participation of various communities in decision-making in matters that concerned them. She would appreciate clarification of the limitations on the right of indigenous peoples to participate in public affairs that had allegedly been introduced by Executive Decree No. 16, which related to social organizations.

10. With regard to paragraph 28 of the list of issues, she requested statistics on the number of indigenous people employed in the public and private sectors at the national, provincial and local levels. She would like to know whether public and private institutions offered their services in the official languages recognized in the Constitution.

11. **Mr. Shany**, following up on his previous questions, asked what steps would be taken to evaluate the national action plan to prevent violence against women and how much funding was allocated to its programmes. With regard to paragraph 20 of the list of issues, he welcomed reports of a reduction in the overall prison population and hence in prison overcrowding, but was concerned at the fact that one third of all incarcerations in Ecuador were of persons awaiting trial. He requested information on the prescribed timetables for bringing a detained person before a judge upon arrest, charging a detained person with an offence and commencing legal proceedings. He also asked the delegation to provide information to confirm or deny reports that many persons in pretrial detention were kept there for the maximum allowable time period. Did the relevant laws and policies make it clear that detention was a method of last resort in criminal investigation cases, and had the State party noticed any change in recent years in the willingness of judges to resort to alternatives to detention in criminal cases?

12. With regard to conditions of detention, he was concerned at the lack of visiting rights for prisoners in remote areas, including in maximum security prisons, and at reports that visitors were subjected to humiliating and offensive body searches. He drew the delegation's attention to the revised United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, in particular rules 58, 59 and 60. The delegation should comment on how the Rules were being implemented in Ecuadorian prisons and on allegations that harsh conditions — including inadequate food, lack of round-the-clock medical facilities for prisoners and requiring prisoners to pay for a bed in a private or shared cell — prevailed in a number of detention facilities, including the Quito Provisional Detention Centre, the Latacunga Detention Centre, the Quito Women's Prison, and the Esmeraldas Men's Rehabilitation Centre.

13. With regard to paragraph 20 of the list of issues, he had received reports that hotel rooms were used to detain migrants awaiting deportation, who were not allowed to leave their room for periods of time as long as two or three months. Was the State party aware of

that practice, and if so, what steps were being taken to address it, so as to ensure the provision of effective safeguards to persons deprived of their liberty.

14. He would appreciate receiving statistics on deaths in custody from unnatural causes, including as a result of outbreaks of violence in prisons. Referring to two cases of inter-prisoner violence in which prison authorities had allegedly not taken effective measures to prevent such violence or had ignored it, he asked what the Government was doing to improve prison security and to ensure that inter-prisoner violence did not lead to human rights violations. What was the State doing to address the fact that there had been relatively few prosecutions of prison guards in those cases?

15. With regard to paragraph 22 of the list of issues, the delegation should provide information on how the members of the Council for Public Participation and Oversight were appointed, including whether opposition parties had any role in such appointments and whether there were safeguards against excessive control by the executive over its composition, and by extension, that of the Council of the Judiciary. He asked for confirmation that, according to the philosophy of governance adopted by Ecuador, the National Court of Justice was subordinate to the Council of the Judiciary, and if that was the case, what bodies supervised the decisions of the Council of the Judiciary. He wished to know whether members of the general public could challenge the decisions of the Council with regard to judicial appointments and what recourse disqualified judges had against a decision to disqualify them. The delegation should explain how judges were elected to the Constitutional Court and what safeguards had been set up to prevent undue political influence over the selection process. What was the purpose of providing for temporary associate judges, and how was the existence of such judges compatible with the principle of judicial independence?

16. He expressed concern that, of the 16 grounds for the disqualification of judges enumerated in the Organic Code of the Judicial Function, some were rather open-ended, as was the case with the “inexcusable error” ground. He was also concerned at the fact that judges were required to submit to a periodic qualification examination, failure in which could result in the judge’s removal. While it was important for judicial systems to have quality controls, the principle of judicial independence, which included security of judicial tenure, had to be respected.

17. Could the delegation confirm or deny reports that, in the past few years, some 250 judges had been disqualified and an additional 90 judges had been removed, for failure to pass such examinations? Also worrying was the use of the judicial system for what could be described as political trials against opposition figures, social activists, journalists, judges and members of investigation commissions, which often resulted in harsh sentences or high fines. That practice added to the Committee’s concerns about the independent and impartial functioning of the State party’s judicial system.

18. The Committee would like an update on the progress of the draft bill on coordination and cooperation between the indigenous and ordinary justice systems and any other legal instruments governing justice for indigenous peoples. The issue had been raised by the Committee on the Elimination of Racial Discrimination in 2012. He acknowledged the head of delegation’s comment about the conflicting views expressed at the international level with regard to the adequacy of indigenous legal procedures, but the Committee would like to hear the State party’s position before it made a judgment. It would also be helpful for the delegation to respond to concerns raised in the aftermath of the *La Cocha* case on the application of the double jeopardy principle to trials conducted in the ordinary court system that had already been reviewed in the indigenous court system. The former Special Rapporteur on the rights of indigenous peoples, James Anaya, had proposed the establishment of a mechanism to settle conflicts between the ordinary and indigenous court systems. Had the State party given any consideration to the proposal?

19. **Mr. Rodríguez Rescia** said that he wished to be informed of the criteria used to categorize individuals as indigenous for statistical purposes. Were the statistics provided on indigenous peoples based on self-identification? What percentage of the population was indigenous? Although the Constitution recognized the territories of isolated indigenous peoples, such as the Tagaeri and Taromenane, as irreducible and intangible, the Committee had received reports that they were gradually being reduced in size as a result of development activities. Were those reports evidence of a broader trend? It would be helpful to know whether the national equality councils were already in operation and how the prevalence of child labour was measured. The Committee would also like the delegation to comment on the relationship between the Government and the Confederation of Indigenous Nationalities of Ecuador, which seemed from the outside to be one of conflict, in particular with regard to natural resources. How much importance did the Government attach to the right to demonstrate, not only for indigenous peoples but also for other minorities such as LGBT persons?

20. The Committee had received reports that the State party was not honouring its commitment under the Covenant to ensure freedom of expression. Concerns had been raised in particular regarding the application of the 2013 Organic Act on Communication, which included a number of ambiguous formulations and made provision for disproportionate sanctions. The media were required to disseminate only information that had been verified, which risked forcing journalists to reveal their sources. The Organic Act on Communication also covered “media lynching”, but the concept was defined very vaguely and was therefore open to abuse. How could a journalist or media outlet be prosecuted for “media lynching”? The Act had created the Superintendency of Information and Communications (SUPERCOM), an oversight authority. SUPERCOM had allegedly ordered media outlets to alter, retract and publicly apologize for reports, including opinion pieces, deemed to be inappropriate, and had sanctioned them for failing to report on stories deemed to be important. In July 2015, the newspaper *El Mercurio* had been ordered to issue a correction to an article on the visit of Pope Francis to Ecuador. On several occasions, SUPERCOM had allegedly fined media outlets for failing to amend their reports as requested. The Committee would like more information on reports that the Government exercised excessive control over social media and that it incited harassment by publicly naming individuals; more generally, clarification was needed regarding the Government’s involvement in the media.

21. It would be useful for the Committee to learn more about the application of Executive Decree No. 16 to international cooperation agencies, many of which funded civil society organizations. The Committee had been informed that such agencies were required to declare the sources of their funding and align their work with the Government’s objectives. He was concerned that the remaining civil society organizations in Ecuador would lose their access to funding. The Committee would like to know whether the State party was attempting to control the civil society sector by favouring some organizations over others. Did the State party exercise control over the membership of civil society organizations? Concerns had also been raised regarding the dissolution of NGOs, including the Fundación Pachamama. In the light of the examples provided, it would be helpful for the delegation to make some further comments on the protection of the right to freedom of assembly.

22. **Mr. Muhumuza** said that persons of African descent appeared to be marginalized and were not represented in the composition of the delegation, even though they made up between 17 and 20 per cent of the population. He would like to know what percentage of civil servants were of African descent and what actions had been taken to increase the representation of persons of African descent in public life.

23. **Sir Nigel Rodley** said that he agreed that unannounced visits were important. He would like to know whether the Ombudsman's Office had the right to conduct unannounced visits and whether any had in fact been conducted. Although the head of delegation had said that Manuela Picq had not been deported, the withdrawal of her visa had effectively rendered her an illegal immigrant. It seemed that the Minister of the Interior had effectively blocked one of her attempts to seek judicial redress.

24. He would like responses to his earlier questions on the excessive use of force against peaceful demonstrators. The Committee would like the delegation to respond to reports that the authorities detained demonstrators on spurious grounds and to provide information on investigations of the use of agents provocateurs to disrupt peaceful demonstrations. More information was also needed on the disruption of clearly non-violent demonstrations. It seemed odd for the Government to ban political demonstrations on the Plaza de la Independencia, the main public square in the capital. Were all demonstrations against government development projects on the territories of indigenous peoples organized by "white romantics" and mestizos rather than the indigenous peoples themselves?

25. **Ms. Cleveland** said that the Committee had been informed that the National Electoral Council had not been updating the electoral rolls, that there were approximately 500,000 erroneous voter identification numbers on them, including those of approximately 400,000 deceased persons, that some persons had been registered without a valid name and others registered twice, and that there were no transparent procedures in place to ensure their accuracy. Concerns had also been raised regarding the existence of two different electoral registries. The Committee would like the delegation to comment on the accuracy of those reports and, if they were accurate, would like to know what steps the State party would take to establish an accurate and universal electoral roll prior to the forthcoming elections in 2017. Did the State party intend to invite the Organization of American States to monitor the 2017 elections, as it had in previous elections?

26. **Ms. Jelić**, noting the importance of protecting minority rights under article 27 of the Covenant, said that she would appreciate receiving further information on the protection of the right of indigenous peoples to use land resources, which were essential to their survival and their identity. She would like to know what ethnic diversity management measures were in place in the country.

27. What was the mandate of the national equality council for Peoples and Nationalities? Had there been any developments affecting its transition status? How did it combat discrimination on grounds of ethnic origin? And what approach did it take to addressing individual complaints? Underscoring the importance of indigenous peoples' participation in decision-making processes, she noted that such participation was not limited to prior consultation with indigenous groups and that consultative processes were in any case not obligatory in the State party.

*The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.*

28. **Mr. Long** (Ecuador) said that the current dialogue allowed the State party to reflect on the progress and challenges that remained regarding the human rights situation in the country and to take the Committee's input into account to improve the rights of the Ecuadorian people. The time allocated for replies was not sufficient to provide in-depth answers and more detailed written replies would therefore be provided to support the oral replies.

29. The regulatory framework for the registration of NGOs did not hamper freedom of association and was similar to that established in other countries. More than 70,000 organizations were registered in the unified information system for social organizations under Executive Decree No. 16, and while registration as a legal entity was not compulsory it often served an organization's interests.

30. International cooperation agencies and NGOs were required to declare their activities and targets in order to ensure that they were in line with the country's development agenda. No NGOs had been established by the State and the Government did not interfere in NGO membership.

31. The Confederation of Indigenous Nationalities of Ecuador (CONAIE) was a political actor with links to the Pachakutik Plurinational Unity Movement. CONAIE had grown in different directions since its foundation but did not represent all indigenous associations. While it was often referred to as an "indigenous State", smaller factions had long focused on the structural causes of poverty and the land rights of indigenous groups.

32. He emphasized the importance of adopting a pluralist approach towards indigenous peoples since there were numerous groups with distinct identities. The issue of indigenous peoples' rights should be the subject of broad discussion at international level, without the all-too-common Manichaeism and infantilization of indigenous peoples that was often at the core of the debate, and taking full account of the complexity of the issue, which included environmental and land rights.

33. Not all wings of CONAIE and Pachakutik positioned themselves against the Government and both groups were represented in the Government. Nor was there a great divide between the Government and Ecuador's indigenous peoples. In the previous general elections, President Rafael Correa had won over half the votes of the indigenous community. CONAIE had also stood for election, demonstrating not only indigenous peoples' political representation but also their participation, and had gained around 3 per cent of the national vote.

34. Around 7 per cent of Ecuadorians self-identified as indigenous and just over 7 per cent identified themselves as Afro-Ecuadorian. Some children of indigenous persons no longer identified themselves as indigenous and certain persons of mixed race considered themselves indigenous, illustrating the complexity of the issue and the need to hold a serious debate concerning the most adequate procedure for taking a census. Recommendations from the Committee on how best to raise the profile and representation of the indigenous and Afro-Ecuadorian populations would be welcome, as Ecuador was anxious to be in the vanguard of plurinationalism.

35. While discrimination against Afro-Ecuadorians and their lack of access to institutional structures was an historical problem, there had also been significant progress in the reduction of poverty and inequality, as illustrated by Afro-Ecuadorians' more than proportional representation at senior levels in the Ministry of Foreign Affairs. Moreover, the Government drew its strongest support from the areas of the country with the highest concentration of Afro-Ecuadorian and indigenous inhabitants.

36. While it was true that much work remained to be done on indigenous issues, discussions on how best to proceed should avoid the false premise of a simplistic, rousseauistic dichotomy between an anti-indigenous government and indigenous peoples who protected nature against a predatory government.

37. With regard to the civil registry, the country's electoral processes, as well as the National Electoral Council itself, had been commended by many international bodies. The Organization of American States and the Union of South American Nations had always been invited to observe electoral procedures, and elections were conducted with transparency and technical supervision.

38. **Ms. Arguello** (Ecuador) said that a national plan to combat human trafficking 2013-2017 had been introduced as part of a wider initiative to address trafficking at the intersectoral level. During the preparation of the plan, existing public policies on trafficking had been evaluated to ensure comprehensive coverage of all aspects of trafficking in

persons. A coordinated intervention committee had been established as part of the plan, headed by the Ministry of the Interior and composed of 15 specialized public institutions, including numerous government ministries, the national police and the Ombudsman's Office. All those bodies contributed expertise and allocated financial resources to intervention actions. In the framework of the plan, policies and initiatives had been introduced to raise awareness of the seriousness and scale of the problem of trafficking in persons and to generate coordination at institutional level. Full reparation and restoration of rights were guaranteed to victims and their families, irrespective of whether they were involved in legal proceedings, in accordance with relevant national and international instruments. Protection shelters had been set up, inter-country cooperation had been strengthened to facilitate the provision of psychosocial support for victims, and victim identification criteria had been improved. Units had also been established within various national bodies, such as the Ministry of the Interior and the Prosecutor-General's Office, to strengthen judicial proceedings, victim rehabilitation, and procedures for identifying perpetrators and victims.

39. In addition, it was important to foster changes in sociocultural attitudes. International agreements also helped to combat trafficking, increase victim protection, and pursue investigations and prosecutions to prevent impunity. Specific units had been set up to detect offences and training had been carried out for immigration officials and at border checkpoints on identification of perpetrators and victims. The rise in reported cases of trafficking was therefore likely to be a result of an overall improvement in the strategic approach to the problem rather than a reflection of an actual increase in trafficking offences.

40. **Ms. Jaramillo** (Ecuador) said that the Truth Commission, which currently had 118 cases before it, was competent to order full reparation. The Ombudsman's Office was empowered to take decisions on non-material reparation, such as education initiatives and historical memory projects, and administrative reparation fell within the purview of the Ministry of Justice, Human Rights and Religious Affairs. Under rules drawn up in 2015, the Ministry was empowered to review the Ombudsman's reparation decisions. Of the 186 cases that had come before the Ministry, 63 had been referred for further examination and 3 had resulted in agreements to provide financial compensation to victims and their families.

41. The Ministry of Health was responsible for psychosocial rehabilitation, which had to date benefited around 150 persons deprived of liberty. The Ministry of Justice, Human Rights and Religious Affairs managed social rehabilitation, focusing on the areas of education, culture, sport, health and work. Currently, 853 persons deprived of liberty were attending literacy courses, around 1,880 persons were receiving general basic education and smaller numbers were receiving higher levels of education. Education workshops for prisoners were also organized on sexual education, self-esteem, information technology skills and human rights. There were 5,500 persons involved in cultural workshops, which involved music and cinema. In addition, there were radio programmes run by the inmates of prisons and social rehabilitation centres. More than 10,000 persons participated in rehabilitation activities relating to sport with the cooperation of the Ministry of Sport. Under Ministry of Health programmes, the entire prison population had access to health rehabilitation measures, and 82,284 persons were currently receiving medical, dental or mental health assistance. Rehabilitation measures focusing on work covered, inter alia, metalwork, carpentry, handicrafts and baking, with the participation of 3,368 persons deprived of liberty.

42. A total of 26,421 persons had been deprived of their liberty by the end of 2015. Judgments had been handed down in 70 per cent of the cases concerned and 30 per cent were awaiting the closure.

43. Detainees were entitled, on being taken into custody, to draw up a list of not more than 10 persons who would be permitted to visit them. Body searches of visitors were

conducted on the basis of formal procedures by means of machines and body scanners. Health-care services provided by the Ministry of Health were available to inmates on a 24-hour basis. Inmates also had access, in accordance with the Nelson Mandela Rules, to means of communication, such as telephone booths, which they could use to contact their families and friends.

44. Deprivation of liberty was a last resort. Article 522 of the Comprehensive Criminal Code provided for alternative measures, such as house arrest or the obligation to report regularly to designated authorities.

45. **Ms. Aguirre** (Ecuador) said that the Constitution recognized multiculturalism and required the law to establish mechanisms for coordination and cooperation between indigenous and regular jurisdiction. There had been a great deal of debate on what constituted two separate world views. Constitutional Court Judgment No. 001-10-SIN-CC specified the rules governing pre-legislative consultation. They included some if not all of the standards mentioned by the former Special Rapporteur on the rights of indigenous peoples in his recommendations. Legal procedures had been established to promote pre-legislative consultations and free, fair and informed consent in the National Assembly and executive bodies.

46. With regard to the Constitutional Court ruling in the *La Cocha* case, a sociological and anthropological study had been undertaken to identify the type of legal protection that was required by indigenous communities and to establish how conflicts might be resolved. The Constitutional Court had ruled on the basis of an analysis showing that there had been no human rights violation by the authorities responsible for the administration of justice in the La Cocha community. The Court had also recognized that abstract rules could not be devised for all indigenous communities, since they were not homogeneous, and that in cases of indigenous justice constitutional oversight should be exercised on the basis of the identity of each community and the administrative system applied.

47. The constitutional structure adopted in 2008 had changed the traditional system of separation of powers. The general public could now be involved in public affairs on an organized or informal basis. Many arrangements had been developed to facilitate citizen participation. For instance, citizens were given access to town councils and permitted to submit bills to parliament. Article 207 of the Constitution provided for the establishment of the Council for Citizen Participation and Social Control, the members of which were selected on the basis of a competitive and merit-based public examination. The Council designated the members of the Council of the Judiciary, which was an exclusively administrative body. The National Court of Justice, on the other hand, was the supreme judicial body. The Council of the Judiciary selected judges on the basis of competitive and merit-based examinations. It was an entirely transparent process and devoid of political influence. The members of the Constitutional Court were also selected through a public examination process, with citizen oversight. Citizens also had the option of challenging the process.

48. **Ms. Godoy** (Ecuador), referring to questions regarding the Communication Act, said that the population of Ecuador had mandated the National Assembly, through a nationwide consultation, to enact legislation on communications enshrining citizens' right to truthful, reliable and contextualized information. The initiative had stemmed from the country's history of threats and disinformation. Any fines imposed by the courts depended, for instance, on the number of copies of a publication circulated and on whether a media outlet was guilty of recidivism.

49. With regard to the decriminalization of voluntary termination of pregnancy, any amendment to the legislation would have to be based on a popular vote. A responsible debate on the issue was required on the part of both the State and civil society.

50. **Ms. Espinosa** (Ecuador) said that the Labour Code and the Code on Children and Adolescents contained provisions aimed at eradicating harmful or dangerous child labour that could damage children's physical or mental health. The project spearheaded by the Ministry of Labour had produced excellent results. According to a survey covering the period from 2001 to 2013, child and adolescent labour had declined by about one third. The incidence of child labour in 2015 among children and adolescents in the 5 to 14 age group was 2.98 per cent. The figure for adolescents was 14.04 per cent, which constituted a major decline compared with the figure of about 20 per cent recorded in 2001. Some 3,000 children and adolescents had hitherto been rescued from employment in slaughterhouses and garbage dumps and guaranteed access to health care, education and recreation. The Ministry of Labour undertook systematic inspections of workplaces. In 2015 it had carried out about 800 inspections and identified more than 521 children and adolescents in employment, who, depending on their circumstances, were afforded protection or enrolled in educational establishments. The Ministry of Economic and Social Inclusion also implemented preventive and awareness-raising programmes on behalf of families and communities. Public-sector contracts with the private sector were required, pursuant to a decree, to include a clause prohibiting child labour. The Ministry of Labour had also promoted the establishment of a network of private companies that supported the eradication of child labour. In 2015 a ministerial list of prohibited areas of employment for children and adolescents had been updated.

51. Articles 156 and 159 of the Comprehensive Criminal Code criminalized physical violence against members of the nuclear family, including children. The punishment of protected persons during an armed conflict had also been criminalized. The Code on Children and Adolescents required all persons to provide protection for children and adolescents in cases of flagrant ill-treatment and to alert the authorities.

52. The National Council for Intergenerational Equality was required to collaborate with public-sector and local government institutions in promoting a cross-cutting approach to the rights of children and adolescents and to conduct monitoring and oversight activities. The national equality councils were composed of five representatives of each public authority and five representatives of civil society, who were selected by the Council for Citizen Participation and Social Control by means of a merit-based competitive examination. The members included women, children, adolescents, older persons, persons with disabilities, Afro-Ecuadorians and representatives of indigenous peoples. Three equality councils were already operating and two others were about to be established.

53. **Mr. Aguirre** (Ecuador) said that the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons were recognized. So-called "dehomosexualization" clinics were monitored to ensure that minimum health standards were respected and that the staff were properly qualified. The Ministry of Health had conducted about 290 raids during the period from 2013 to 2015, not just in response to requests from civil society or reports of human rights violations. Ninety-seven permits had been issued. Four clinics had been closed down in 2015 and one in 2016. Three had been closed temporarily in 2015 and one in 2016 pending investigations.

54. The Ministry of Health was promoting citizen participation in local committees with a view to improving health policies. There were currently more than 1,800 such committees. People could also provide feedback on health-care services by means of a toll-free telephone hotline.

55. **Mr. Rodríguez Rescia** asked whether Decree No. 739 amended or replaced Decree No. 116. He enquired about the procedure for acquisition of the status of a body corporate and for the dissolution of associations.

56. **Ms. Pazartzis**, noting that a bill on consultation and participation had been discussed in the National Assembly, enquired about its current status.

57. It had been reported that concessions affecting, inter alia, the Sarayaku territory had been granted in 2016 without the prior consultations required by Executive Decree No. 1247.

58. **Mr. Shany** said that he would appreciate receiving additional information on the criteria applied when vetting candidates for membership of the Constitutional Court.

59. He asked whether the judiciary was deemed to be subject to the fifth power, i.e. public participation, and whether, if that were the case, the public possessed the ultimate decision-making power on how to interpret the law and how to decide who should be a judge.

60. **Mr. Long** (Ecuador) said that answers to the questions just raised and to other questions would be submitted in writing.

61. He was firmly opposed to the notion that freedom of expression was denied in Ecuador, which had an extremely vibrant and plural media landscape. It was true that some media outlets could be accused of sometimes promoting sexist or racist attitudes, acting in support of powerful monopolies, and defending the interests of existing elites. However, the Government refrained from exercising censorship, preferring to promote human rights and democratization through a process that took account of the historical context of changing constitutional structures and political polarization.

62. With regard to freedom of association and assembly, many rallies had been held in June 2015 against tax reform proposals. The indigenous community had participated, but on a relatively small scale. Most of the participants had represented the middle and upper middle class. Some rallies had been extremely violent, but the police response had been restrained.

*The meeting rose at 1.10 p.m.*