



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Information received from Ecuador on follow-up
to the concluding observations on its third
periodic report^{*, **}**

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* The present document is being issued without formal editing.
** The annexes to the present report are available on the web page of the Committee.



I. Introduction

1. On 5 October 2017, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families issued concluding observations on the third periodic report of Ecuador. In paragraph 50 of the document, the Ecuadorian State is requested to provide information on follow-up to the recommendations contained in paragraphs 13 (coordination), 25 (deportation), 27 (deportation), 29 (deportation) and 47 (trafficking in persons). In that regard, the Ecuadorian State submits the required information to the Committee.

II. Information relating to implementation

Follow-up information relating to paragraph 13 of the concluding observations (CMW/C/ECU/CO/3)

2. Since the entry into force of the Organic Act on Human Mobility in February 2017, significant emphasis has been placed on institutional coordination in the area of human mobility, both at the national level and among the different levels of government. Article 167 of that Act stipulates that all public sector entities, at all levels of government, must mainstream the human mobility perspective in policies, plans, programmes, projects and services.

3. The Constitution provides for the establishment of national equality councils, while the Organic Act on National Equality Councils and its implementing regulations determine the powers of the National Council on Equality in Human Mobility, which include coordinating with governing and implementing agencies and bodies specializing in the protection of rights in the area of human mobility, for all functions and at all levels of government.

4. Pursuant to the Constitution and other relevant texts, two national agendas on equality in human mobility have been drawn up to date, one for 2013–2017 and the other for 2017–2021. The latter agenda was supervised by the National Council on Equality in Human Mobility and based on an information-gathering exercise at the local level. This exercise facilitated the evaluation of the previous national agenda (for 2013–2017), which was drafted by the Ministry of Foreign Affairs and Human Mobility as, at the time, neither the National Council nor any other institution that might have overseen the process had been established.

5. In order to formulate the agenda for 2017–2021, meetings, workshops, interviews and focus groups were held with representatives of civil society, non-governmental organizations (NGOs) and national and local public institutions working in the area of human mobility. In total, around 1,000 people were consulted during the process. The agenda for 2017–2021 was therefore the first instrument to be developed by the National Council on Equality in Human Mobility in accordance with its competencies and the guidelines drafted by the then National Secretariat of Planning and Development and the National Planning System. The National Council is currently in the process of validating the proposed agenda for 2017–2021 in conjunction with the technical team of the Ministry of Foreign Affairs and Human Mobility.

6. The Ministry, as the lead agency in the area of human mobility, has drawn up a national human mobility plan in the form of a public policy instrument that was developed in accordance with a progressive, rights-based approach and not solely with a view to controlling migratory flows. The objectives of this plan are to put the constitutional principles concerning human mobility into practice, to strengthen the protection of migrants' rights and to create conditions conducive to orderly and safe migration. The plan provides for coordination of the work of national institutions to assist foreign migrants in the country and Ecuadorian nationals abroad and ensure their access to public services.

7. On 4 October 2018, the Ministry, in keeping with the leading role that it plays in coordinating actions related to human mobility, signed Ministerial Agreement No. 000275,¹

¹ https://www.cancilleria.gob.ec/wp-content/uploads/2018/10/acuerdo_ministerial_275.pdf.

which sets forth the regulations for the establishment of the National Committee on Human Mobility² and the intersectoral standing committees on human mobility. On Friday, 20 July 2019, the first inter-agency meeting of the National Committee on Human Mobility was convened. The main objective of the Committee is to establish, supervise, coordinate and evaluate the implementation of public policies on migrants at the inter-agency, intersectoral and thematic levels. A total of 13 meetings of the National Committee on Human Mobility have been held to date (annex 1).

8. On 14 September 2017, the Ministry of Foreign Affairs and Human Mobility and the Ministry of Labour signed a framework agreement on inter-agency cooperation for the inclusion of migrants in the labour market (annex 2) through the strengthening of public and private actors and the exchange of experiences in promoting employment and reducing unemployment, thereby ensuring full respect for the rights of migrants and promoting their access to healthy and freely chosen or accepted work. On the basis of this agreement, two job fairs for returned migrants were held in the cities of Quito and Azogues between July and December 2017. Forty private companies were represented at these fairs, contributing to the creation of 1,180 vacancies. As of December 2017, a total of 3,554 people had attended the fairs, 685 of whom were recruited by one of the participating companies (annex 3).

9. The Ministry of Labour has arranged meetings with the group Migrantes Retornados (Returned Migrants) in order to address its requirements:

- Activities aimed at raising awareness of affirmative actions related to tax issues and merit-based competitive examinations
- Activities aimed at raising awareness of free courses offered by the jobs network Red Socio Empleo
- Job fairs held in 2017 under the agreement with the Ministry of Foreign Affairs and Human Mobility, with another fair to be held in October 2019

10. This Ministry has carried out training and awareness-raising for labour inspectors on labour migration issues. A training manual on the role of labour inspection in the protection of migrant workers has been prepared under a cooperation agreement with the International Organization for Migration. This manual provides labour inspectors in Ecuador with tools for strengthening the human rights perspective in the exercise of their duties and, in particular, ensuring that migrant workers' rights are upheld. Training courses on generating business ideas, career guidance and finding employment have been delivered to refugees.

11. The National Council on Equality in Human Mobility,³ together with the Technical Secretariat for Planning "Planifica Ecuador", as the lead agency for planning, and the other four national equality councils, has begun updating the guidelines on drafting development and land management plans, through which the equality approach, in this case in the area of migration, is incorporated into local planning instruments.

12. As of March 2019, this coordination had given rise to the following outputs: a document on the equality approach in local planning, which covers the principle of equality and non-discrimination, the equality approach in human mobility, relevant national and international standards and a matrix of public policies, including the one on human mobility; guides for use in the provinces, cantons and parishes and in the Galapagos Islands; and guidelines and directives for monitoring and evaluating development and land management plans.⁴

13. In 2019, as part of a national training and technical assistance strategy, territories in which the issue is particularly relevant were prioritized. Through coordination between the National Council on Equality in Human Mobility, the Ministry of Foreign Affairs and

² <https://www.cancilleria.gob.ec/mesa-nacional-de-movilidad-humana>.

³ The National Council on Equality in Human Mobility is a collegial body presided over by the Ministry of Foreign Affairs and Human Mobility (Executive Decree No. 434 of 14 June 2018) and a technical secretariat. It forms part of the Decentralized National System for Inclusive Planning (art. 21 of the Organic Code of Planning and Public Finance) and is aimed at establishing forums for inter-agency coordination in order to mainstream the migration approach in the planning and implementation of public policy.

⁴ <http://www.planificacion.gob.ec/guias-para-la-formulacion-actualizacion-de-los-pdot/>.

Human Mobility, the Consortium of the Provincial Autonomous Governments, and cooperation agencies such as the German Agency for International Cooperation, the human mobility approach and human mobility policies have been incorporated into the planning processes of 26 cantons in the Provinces of Esmeraldas, Sucumbíos, Carchi and Imbabura, which are border areas.

14. In December 2018, a survey was conducted to identify those cantons that have set up local institutions to guarantee and protect rights. As a result, data have been collected on 221 cantons, 203 cantonal rights protection councils, 173 cantonal rights protection boards and 10 advisory councils on human mobility (annex 4).

15. In 2018, the National Council on Equality in Human Mobility, in coordination with the other four national equality councils, the United Nations Development Programme and the National Electoral Council, through the Institute for Research, Training and Political and Electoral Participation, otherwise known as the Institute for Democracy, conducted a national process in the form of seven meetings (one national and six regional) to familiarize representatives of political organizations with the methodology used to develop the workplans of candidates who stood in the 2019 elections, thereby providing tools for mainstreaming the national equality agendas and the Sustainable Development Goals, which are aimed at strengthening and guaranteeing the rights of citizens and priority groups in a range of areas, including human mobility.

16. The National Council on Equality in Human Mobility also participated as a national election observer in the local elections of March 2019. During the first half of that year, steps were taken to strengthen the ability of the elected authorities to mainstream the equality and non-discrimination approaches in their work. To that end, the National Council again held one national and six regional meetings.

17. The National Statistics and Census Institute, with technical support from specialized bodies such as the Ministry of Foreign Affairs and Human Mobility and the National Council on Equality in Human Mobility, conducted the 2018 multi-year survey in follow-up to the National Development Plan as part of efforts to define discrimination and measure its impact in society, in order to meet objective 8.01 of the 2017–2021 National Development Plan (“improve indicators on the perception of discrimination and exclusion by 2021”). In this survey, the section on discrimination was aimed at measuring the Ecuadorian public’s perception of that phenomenon by identifying attitudes, perceptions and prejudices that reinforce or perpetuate discriminatory behaviour. This was the first time that such a process was carried out in the country, and all the teams and actors involved had to be trained and sensitized. The task of processing the results will continue until December 2019.

18. The Ministry of Foreign Affairs and Human Mobility and the National Council on Equality in Human Mobility form part of the Special Commission on Population and Migration Statistics, the objective of which is to provide input and support for the preparation and execution of the 2020 Population and Housing Census. The Ministry of Foreign Affairs and Human Mobility, the National Council on Equality in Human Mobility and the Ministry of the Interior have drawn attention to the importance of strengthening the questions related to internal and external human mobility.

19. The process by which the National Council on Equality in Human Mobility was composed and established differed from that employed for the other national equality councils. As no such institution existed prior to the drafting of the Organic Act on National Equality Councils, its operation is technically, administratively, financially and politically different from that of its peers. In April 2016, administrative procedures were initiated to provide the Council with a budget, an initial organizational structure and a position within the State apparatus. However, it was not until March 2017 that the Council began operating with a small team, paying particular attention to internal training, institution-building and coordination with other State and civil society agencies whose work relates to the area of human mobility. This institution’s main purpose is to consolidate the construction of a common approach based on rights, policies and mechanisms related to human mobility, in coordination with the lead agency.

20. With regard to protocols for assisting migrants, the Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of Migrants and for Victim Protection, led by the Ministry of the Interior, has been working since 2018 on the

drafting of inter-agency protocols for action in cases of trafficking in persons and migrant smuggling. These technical instruments are currently being reviewed. At the first regular meeting of the Inter-Agency Coordinating Committee's Protection Group, it was decided that the inter-agency agreement for the entry into force of the above-mentioned protocols would be signed by the end of November 2019.

21. The Ministry of Labour, through the Directorate of Employment and Vocational Retraining, launched a customer service window for migrants that provides information on products and services offered by the Ministry and other public sector institutions in this field. In addition, the email address migracioneslaborales@trabajo.gob.ec has been set up exclusively for migrants who seek answers to questions on employment matters.

22. The Migration Control Directorate of the Ministry of the Interior, together with different institutional units, has developed, managed and monitored the implementation of the following legal texts concerning migrants:⁵

- A protocol for protecting children and adolescents and their families in situations of human mobility
- A procedure for dealing with children and adolescents and their families in situations of human mobility in Ecuador
- A manual on procedures for deportations and denials of entry
- A protocol for contesting fines in relation to the verification of immigration status
- A protocol on the receipt of fines in relation to the verification of immigration status
- A protocol on the execution of immigration control operations

23. The Ministry of Economic and Social Inclusion, in coordination with the Ministry of the Interior and the Ministry of Foreign Affairs and Human Mobility, has developed a procedure for dealing with children and adolescents and their families in situations of human mobility in Ecuador (annex 5), thereby establishing general guidelines for institutions and highlighting the role of the specialized professionals who represent the State at border controls. By Ministerial Agreement No. 095 of 9 May 2019, a protocol for the special protection of migrant children and adolescents was adopted in order to establish guidelines on providing them with specialized services. This protocol contains two instruments:

- A guide to the implementation of the protocol for the assistance of children, adolescents and their families in situations of human mobility in Ecuador
- A guide to conducting specialized interviews with children, adolescents and their families in situations of human mobility in Ecuador, in order to identify the protection needs of children and adolescents

24. In 2019, Ecuador became the second Latin American country to chair the Global Forum on Migration and Development. The following strategic priorities have been identified by the Forum: 1. Coordinated responses to mixed movements: Partnerships and collective action to protect rights; 2. Migration narratives and communication: What role, responsibility and resources do Governments have?; and 3. Addressing human mobility as part of urban and rural development strategies. The road map that is being implemented includes meetings and thematic workshops in several countries. In addition, the Forum has taken the unprecedented step of establishing a mechanism that enables the academic community to contribute to its work.

25. Ecuador has innovative mechanisms for promoting social participation, particularly in the area of human mobility. For instance, article 7 of the Organic Act on National Equality Councils provides that the national equality councils must be composed of equal numbers of members representing the State and civil society. The National Council on Equality in Human Mobility therefore plays a key role in promoting dialogue between the State and civil society and defining public policy on the basis of input from non-State actors.

26. Article 9.2 of the Act stipulates that the Council's responsibilities include forming and convening advisory councils in its areas of competence for the purpose of achieving its

⁵ These documents are confidential and accessible only to officials of the Ministry of the Interior.

goals. In compliance with this article, and with the aim of strengthening inclusive processes, the Council has developed technical and methodological tools, with a focus on human rights and social participation, for the purpose of establishing an advisory council on human mobility. These tools serve as supports for facilitators of migrants' participation at the national and local levels. To date, 10 cantonal advisory councils on human mobility have been established.

27. Pursuant to the same article, the Council supports and provides technical assistance to the cantonal rights protection councils, helping them to establish and strengthen cantonal advisory councils by providing advice and technical assistance. In this regard, an information-gathering exercise was conducted to identify those cantons that have established advisory councils on human mobility (annex 6).

28. On 30 July 2019, the Ministry of Foreign Affairs and Human Mobility submitted a draft amendment of the Organic Act on Human Mobility to the National Assembly. The draft is aimed at mainstreaming the human mobility approach by stipulating that all public sector bodies, at all levels of government, have a shared responsibility to incorporate this approach into the planning and implementation of policies, programmes, plans, projects and services. All public sector institutions have a shared responsibility to establish this form of planning, which promotes the sharing and assumption of responsibility among the parties. The aim is thus to ensure that such institutions participate in decision-making and assume responsibilities in accordance with their areas of competence. On the basis of this principle, the lead agencies for human mobility (the Ministry of Foreign Affairs and Human Mobility) and migration control (the Ministry of the Interior) coordinate their actions with the National Council on Equality in Human Mobility.⁶

Follow-up information relating to paragraph 25 of the concluding observations

29. With regard to guarantees of access to justice, the Constitution establishes that Ecuador is a constitutional State of rights and justice. The process of guaranteeing access to justice encompasses a series of positive actions that the State must take in order to establish measures and tools within the justice system that will ensure the provision of timely, efficient, effective and high-quality services to both nationals and foreigners.

30. This has been achieved through the expansion and strengthening of justice services. Since 2013, the Council of the Judiciary has implemented a strategic plan for the ongoing development of the justice system as a public service.⁷ This instrument reflects a comprehensive vision for the reform of the administration of justice and has established equal treatment before the law, for both nationals and foreigners, as a cross-cutting theme. Its main lines of action are based on five key objectives: (1) ensuring transparency and quality in the provision of services; (2) promoting optimum access to justice; (3) promoting ongoing improvement and innovation in the service; (4) institutionalizing meritocracy; and (5) combating impunity, thereby contributing to public safety.

31. Among other achievements, the implementation of the above-mentioned plan has brought about an increase in the number of judges per 100,000 inhabitants. That figure rose from 7 judges per 100,000 inhabitants in 2012 to 12.24 judges per 100,000 inhabitants in 2018, for a total of 2,083 judges. This has expanded the country's capacity to resolve cases and the availability of justice services nationwide.

32. Since 2013, the Council of the Judiciary has been implementing the Judicial Services Plan, the purpose of which is to ensure that there is adequate infrastructure for the provision of services. Thus far, the goal of expanding and reorganizing the range of available judicial services has been achieved through measures to adapt existing services to the public's new requirements, thereby closing gaps in coverage at the national level.

⁶ The National Assembly reports that it has received 18 draft bills amending the Organic Act on Human Mobility. For further information on these amendments to the Act, see the replies to the recommendations contained in paragraphs 25 and 47 (j).

⁷ Available at:
<http://www.funcionjudicial.gob.ec/www/pdf/LIBROPLANESTRATEGICOIMPRENTAWEB.pdf>.

33. In 2014, an investment of US\$ 50.6 million made it possible to open new and remodelled judicial units. Bidding processes were initiated for the Quito North and South Judicial Centres at a cost of around US\$ 110 million and for remand units in Quitumbe and Carapungo at a cost of around US\$ 14.2 million.⁸

34. In 2015, the Council of the Judiciary made three judicial complexes and one building available to the public. In addition, 63 courthouses were acquired with suitably adapted spaces, including an area for receiving new cases, a centralized records office, an area set aside for judges, a courtroom and a waiting room.

35. This management model is intended to consolidate a modern, inclusive and efficient system that makes it possible to remove the barriers that have traditionally hampered access to justice for both nationals and foreigners. This is achieved through the provision of infrastructure and justice service facilities that bring the justice system geographically closer to the population, while enhancing inclusiveness and diversifying services through the establishment of mediation and justices of the peace.

36. Access to justice has also been ensured through the implementation of transparent services. In 2017, 561 complaints of alleged acts of corruption were filed through the National Directorate of Transparency in Management,⁹ which is the Council of the Judiciary unit responsible for investigating possible acts of corruption. One hundred per cent of these complaints were dealt with in the course of that same year. In 2018 a total of 932 complaints were filed, of which 921 have been dealt with and 11 are being processed.¹⁰ A free hotline for reporting alleged acts of corruption (1800-transparencia) and an online form¹¹ have also been set up to make the service more accessible to users.

37. In 2019, the new authorities of the Council of the Judiciary, by Decision No. 104-2019,¹² adopted a new strategic plan for the judiciary for 2019–2025. In keeping with the key theme of combating corruption, the plan is aimed at institutionalizing transparency and integrity in the judiciary, facilitating social oversight and ensuring optimal access to justice services. To this end, it establishes the following goals: (1) optimizing the distribution of judicial, prosecutorial and defence officials; (2) improving the system of hearings and the processing of cases; (3) establishing efficient mechanisms for receiving, managing, following up on and resolving complaints of alleged acts of corruption in the judiciary; (4) ensuring access to justice for all citizens under equal conditions; and (5) fostering satisfaction with and trust in the justice system among users and the general public.

38. In June 2019, a seminar on combating corruption and organized crime in Ecuador was organized by the Council of the Judiciary in conjunction with the European Union's Technical Assistance Programme against Transnational Organised Crime. At the seminar, a general guide on corruption and organized crime, aimed at strengthening the training of justice officials and raising awareness of the issue (annex 7), was presented and a document containing conclusions for strengthening the national regulatory framework on international judicial cooperation was drawn up (annex 8).

39. With regard to the necessary measures for ensuring the effective implementation of due process guarantees, the Attorney General's Office uses an integrated information system on prosecutions to record offences in a database via the administrative records received by decentralized units nationwide. This system makes it possible to search for nationals or foreigners who have taken part in an alleged offence by entering the name of the person reporting the offence or the name of the reported person, or to determine the number assigned to the report of the offence.

40. However, in order to identify a follow-up or appeal procedure carried out in relation to criminal proceedings in which a migrant worker or his or her family members have been the victims of an offence of trafficking in persons, or a related offence, the user must enter a search term that allows the complaint to be uniquely identified (a name, surname, identification card number or case number).

⁸ Accountability Document, Council of the Judiciary, 2014–2015.

⁹ Accountability Document, Council of the Judiciary, 2014–2015.

¹⁰ Information provided by the National Directorate of Transparency in Management, January to December 2017 and 2018.

¹¹ Available at <http://apps.funcionjudicial.gob.ec/denunciasweb/>.

¹² <http://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2019/104-2019.pdf>.

41. The Directorate of Criminal Procedure Management of the Attorney General's Office, as the unit responsible for the legal monitoring and oversight of cases, has confirmed that it has no information on complaints submitted by migrants in relation to cases not heard between 1 January and 26 August 2019.

42. Guidelines issued in the form of a circular stipulate that all prosecutors in the country who deal with offences of trafficking in persons and migrant smuggling are required to delegate the investigation only to the Investigation Unit for Combating Trafficking in Persons and Migrant Smuggling of the National Police.

43. In order to guarantee due process and access to justice, the Public Defender Service of the Ecuadorian State has designed, formulated and implemented policies, guidelines, procedures, plans and programmes under which it provides services to migrants.

44. Since the entry into force of the Comprehensive Organic Criminal Code, the Public Defender Service has taken on a leading role in defending the rights of migrants facing deportation. In relation to this new role, the Service has signed a cooperation agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) to strengthen public defenders' technical capacities in litigation and to enable the institution to receive technical support. In addition, it has issued the first manual on handling cases concerning migrants involved in deportation hearings,¹³ a document which sets out the steps to be followed in the migration and asylum cases handled by the Service in order to standardize the work of public defenders in deportation proceedings and to establish minimum budgets for that purpose.

45. A specific scheme has been set up to support migrants and asylum seekers. In Quito and Guayaquil, a specialist public defender has provided free legal services to migrants since 2016; in the provinces, such services are provided by public defenders who are competent in several areas. This legal service was initially focused on deportation proceedings. Following the entry into force of the Organic Act on Human Mobility in February 2017, however, it was extended to other proceedings related to the rights of foreign nationals.

46. The Public Defender Service has also issued instructions on services for migrants and persons in need of international protection in processes for determining refugee status and regularizing immigration status.¹⁴ These instructions set out the legal assistance that the Service provides to migrants applying for visas or seeking asylum in Ecuador. Public defence services are also provided in procedures for determining the status of stateless persons and proceedings related to denial of entry, deportation and immigration penalties. The specialist nature of this type of service was finally established under Decision No. 038-2018,¹⁵ which regulates the public defence service provided to persons who have been victimized, either as individuals or as members of a group, and have thereby suffered damage or substantial impairment of their fundamental rights as a result of actions or omissions that do not amount to violations of criminal law but that violate constitutionally or internationally recognized human rights standards. In the Provinces of Pichincha and Guayas, such specialized services for migrants are the responsibility of the victims unit of the Public Defender Service; in the other provinces, public defenders who are competent in several areas provide such services. The Quito victims unit currently has a subunit specializing in migration that provides free legal advice and representation, in cases involving asylum, statelessness, denial of entry, deportation or the regularization of immigration status, to persons who, because of their defencelessness or their economic, social or cultural status, are unable to hire legal defence services in order to protect their rights. UNHCR has provided technical support to this service, training public defenders to provide specialized support, particularly in the northern and southern border areas where the demand is greatest. In 2018, 2,527 cases involving migrants were handled and 6,075 migrants in the various provinces were provided with legal advice and representation (annex 9).

¹³ Decision No. DP-DPG-2016-037, published in *Registro Oficial* No. 727 of 6 April 2016.

¹⁴ Public Defender Decision No. DP-DPG-DIS-2017-032 of 21 February 2017.

¹⁵ Instructions on the provision of legal defence services to victims by the Public Defender Service of Ecuador, 8 May 2018.

47. With regard to the guarantee of review by an independent and impartial body, independence is an essential feature of the administration of justice in Ecuador, both in law and in practice. The Constitution establishes that Ecuador is a constitutional State of rights and justice, enshrining the principles of due diligence in proceedings, responsibility, jurisdictional unity, independence and admission to the judiciary through merit-based competitive examinations. The Organic Code of the Judiciary also addresses issues that are essential for strengthening the internal and external independence of the judiciary: admission, education and training, promotion, stability, evaluation, the disciplinary system and job security within the judiciary. In the strategic plan for 2019–2025, the Council of the Judiciary has included measures to ensure the internal and external independence of the judiciary, establishing permanent investigation and sanction mechanisms to guarantee the effectiveness of disciplinary procedures.

48. With regard to the grounds for denial of entry set out in article 137 of the Organic Act on Human Mobility, paragraph 6 of that article refers to persons who are considered a threat or security risk according to the information available to the Ecuadorian State. This paragraph would be removed under the proposed amendments to this Act, which will be considered by the Specialized Standing Committee on Sovereignty, Integration, International Relations and Comprehensive Security, along with the competent authorities and legislators.

49. Amendments related to the grounds and procedures for deportation have been submitted by the executive and legislative branches and will be examined and debated by the Specialized Standing Committee on Sovereignty, Integration, International Relations and Comprehensive Security.

50. On 30 July 2019, the Minister of the Interior, María Paula Romo, submitted a set of draft amendments to the Organic Act on Human Mobility to César Litardo, the President of the National Assembly. These draft amendments are currently before the Sovereignty, Integration and International Relations Committee of the National Assembly, with a view to their analysis and processing by the plenary Assembly.

51. To date, 18 draft bills amending different sections of the Organic Act on Human Mobility have been submitted to the National Assembly and have been considered at a number of discussions with the competent State authorities and legislators.¹⁶

Follow-up information relating to paragraph 27 of the concluding observations

52. The Office of the Under-Secretary for Migration of the Ministry of the Interior is legally empowered to establish mechanisms for controlling entry into, exit from and residence in Ecuadorian territory in accordance with the migration policies established in the Constitution and in law. Pursuant to paragraph 97 of the judgment of the Inter-American Court of Human Rights in *Vélez Lóor v. Panama*, which states that “in the

¹⁶ The following discussions on amendments to the Organic Act on Human Mobility have been held in the National Assembly:

- On 10 December 2018, the Parliamentary Citizens’ Day for Human Mobility was held in the José Mejía Lequerica room of the National Assembly, where observations and views relating to the draft amendments to the Organic Act on Human Mobility were considered.
- On 28 November 2018, a discussion was held with the Ministry of Foreign Affairs, Assembly members representing Ecuadorians living abroad and their teams in order to review the issue of austerity and the elimination of consulates.
- On 4 January 2019, the Specialized Standing Committee on Sovereignty, Integration, International Relations and Comprehensive Security held a discussion on immigration and asylum in connection with the amendment of the Organic Act on Human Mobility.
- On 11 January 2019, the Specialized Standing Committee on Sovereignty, Integration, International Relations and Comprehensive Security held a discussion on trafficking in persons and migrant smuggling.
- On 14 August 2019, the Specialized Standing Committee on Sovereignty, Integration, International Relations and Comprehensive Security held a discussion on the draft amendments to the Organic Act on Human Mobility.

exercise of their authority to set immigration policies, States may establish mechanisms to control the entry into and departure from their territory of individuals who are not nationals, provided that these are compatible with the standards of human rights protection established in the American Convention”, the Office of the Under-Secretary has a mandate to continue to inform the competent authorities of any human rights violations that come to its attention so that the relevant investigations can be conducted with a view to protecting the human rights of foreign nationals in Ecuadorian territory.

53. In accordance with the powers set out in article 164 of the Organic Act on Human Mobility and in conformity with article 123 of the Act’s implementing regulations, which provides that “the Ministry of the Interior shall be the lead agency in respect of immigration control. At the national level, immigration control shall be carried out by the responsible department”, and in compliance with the constitutional and legal norms established to safeguard the rights of all migrant workers and members of their families in Ecuadorian territory, the Ministry of the Interior has acted in accordance with the above-mentioned observations issued by the Committee.¹⁷

Follow-up information relating to paragraph 29 of the concluding observations

54. With respect to Manuela Lavinas Picq, the records show that she entered the country on 16 January 2018 and that she obtained a two-year Southern Common Market visa at district coordination office No. 9 of the Ministry of Foreign Affairs and Human Mobility on 17 January 2018. This shows that the Ecuadorian State has taken the necessary steps to ensure that, when applications for entry and residence visas are submitted, the conditions established in the Organic Act on Human Mobility regarding migration categories and regularization, including the Residency Agreement for Nationals of MERCOSUR States Parties and Associated States, are observed.

55. Steps have been taken to facilitate access to services and optimize processing times. In fact, visas can now be obtained in a matter of hours. For example, the Visa Express procedure allows for same-day issuance of temporary or permanent visas, and electronic visas have been launched to facilitate access to the service. A total of 42,906 electronic visas were issued between 28 January 2019, when the process was launched, and 16 September 2019.

Follow-up information relating to paragraph 47 (a) of the concluding observations

56. The Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of Migrants and for Victim Protection, which is chaired by the Ministry of the Interior, was launched on 12 April 2018 in accordance with Inter-Agency Agreement No. 0010 on the rules of procedure of the Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of Migrants and for Victim Protection. The Organic Act on Human Mobility and its implementing regulations empower this Committee to take appropriate measures to ensure that the relevant provisions of the Act are implemented through coordinated inter-agency actions.

57. Under the above-mentioned Agreement, the Inter-Agency Coordinating Committee has three working groups dealing, respectively, with prevention, protection and legal action. Like the Committee, these bodies meet in regular session (three times per year) and in special session when a particular issue needs to be addressed. The working group on protection, which deals with cases of trafficking in persons and migrant smuggling, has a case analysis team that meets whenever such cases are identified in order to provide a coordinated, timely and efficient State response to this type of transnational offence.

¹⁷ More information can be found in the response to the recommendation contained in paragraph 25 on due process guarantees for migrants.

Follow-up information relating to paragraph 47 (b) of the concluding observations

58. With regard to this recommendation, the Inter-Agency Committee, through its member institutions, has carried out the following campaigns:

- The Blue Heart Campaign of the United Nations Office on Drugs and Crime, implemented within the country as #AquiEstoy (“Here I Am”). Between 27 July and 2 August, the institutional campaign against human trafficking #AquiEstoy reached 9,189,555 people, registering 21,384,368 page impressions and 1,478 tweets. On 30 July 2018, #AquiEstoy was the top trending hashtag in the country for eight hours.
- The project “Let’s Prevent Risky Migration” in the education system, which was carried out in conjunction with the Ministry of Education, the Ministry of Foreign Affairs and Human Mobility, the National Council on Equality in Human Mobility, the Ministry of the Interior and the International Organization for Migration.
- A project on the prevention of risky migration aimed at Ecuadorian adolescents nationwide, with the general aim of preventing the negative effects of undocumented or irregular migration. This project, which has been running since 2018, is led by the Ministry of Foreign Affairs and Human Mobility in collaboration with the Ministry of Education and the Ministry of the Interior.

59. In 2018, at 25 citizens’ fairs held in different cities around the country, some 10,000 people were informed of the dangers and risks of undocumented and irregular migration.

Follow-up information relating to paragraph 47 (c) of the concluding observations

60. The country has procedures for proactively identifying cases of human trafficking. Immigration control officers, justice officials and civil servants working in the area of social services have been trained to detect possible cases of trafficking. Immigration control officers have an operating manual for detecting the offence of trafficking in persons that is aimed at migration analysts and supervisors.

61. In 2018, 367 immigration control officers across the country received training on indicators for detecting suspected cases of human trafficking, among other subjects.

62. Justice officials, including police officers, prosecutors and judges, have a training manual and reference guide on the investigation and prosecution of the offence of trafficking in persons. It contains comprehensive information on screening profiles and general and specific indicators. Health centre staff have also been trained to deal with trafficking in persons and to implement the technical standards for providing comprehensive care in cases of gender-based violence, published in 2014.

63. In 2018, the Ministry of the Interior and the Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of Migrants and for Victim Protection provided training to civil servants and staff of front-line civil society institutions. Also in 2018, the Ministry held 10 workshops to raise awareness of trafficking in persons at the national level.

Follow-up information relating to paragraph 47 (d) of the concluding observations

64. The Attorney General’s Office, in exercise of its powers and competences under the Constitution and the law, conducts timely and effective preliminary inquiries and criminal investigations, either on its own initiative or at the request of a party, in order to obtain inculpatory and exculpatory evidence with which to determine whether an offence has taken place and whether the alleged perpetrators participated in or are responsible for the offence. Conducting timely and effective investigations includes meeting the deadlines set for the duration of such investigations (up to two years) under the Comprehensive Organic Criminal Code and ensuring the participation of specialized prosecutors, in this case those who specialize in the prosecution of offences of trafficking in persons and related offences.

65. Information provided by the Ministry of the Interior reveals that, between January and December 2018, out of 35 cases being prosecuted (including some launched in previous years), 16 convictions were handed down and 24 persons received custodial sentences, information which is detailed below.

Convictions

<i>Type of offence</i>	<i>Persons convicted</i>
091 Trafficking in persons (second paragraph, subpara. 2) ¹⁸	19
091 Trafficking in persons (second paragraph, subpara. 3) ¹⁹	1
091 Trafficking in persons (second paragraph, subpara. 5) ²⁰	1
091 Trafficking in persons (second paragraph, subpara. 8) ²¹	3
Total	24

Follow-up information relating to paragraph 47 (e) of the concluding observations

66. According to information provided by the Ministry of the Interior, which is the lead entity for combating human trafficking, the total budget allocated by the Government to assistance and protection for victims of trafficking was US\$ 1,436,000 in 2018. This amount corresponds to the funding provided to the five main institutions involved in assisting victims of this offence.

Follow-up information relating to paragraph 47 (f) of the concluding observations

67. The Ecuadorian State provides a variety of services to victims of trafficking in persons through a number of institutions with a mandate to assist and protect them. These services include medical, psychological or psychiatric care; legal advice; reintegration in the education system; reintegration in the workforce; legalization of immigration status for foreign nationals; and measures to meet any other identified need, such as the provision of food or housing.

68. The Ministry of Economic and Social Inclusion offers institutional accommodation in the form of the Casa Linda shelters, which are directly administered and entirely funded by the institution, and accommodation provided under a technical and financial cooperation agreement with the Fundación Alas de Colibrí. In these shelters, specialized services are provided to trafficking victims who have been sexually exploited. The approach is geared to restoring psychological, emotional, individual and family well-being in order to promote the personal and social rehabilitation of victims of rights violations. Each shelter has capacity for 30 adolescents and their children, and all of them admit both Ecuadorian and foreign victims. A technical team, qualified in accordance with the profiles established in the technical regulations on institutional care (annex 10), works with child and adolescent victims of trafficking in the areas of social work, psychology, law and the family environment. Subsequently, the system of comprehensive protection is activated, involving other government departments in the provision of health, education and employment services and establishing links with other social, community and cultural sectors. Protecting and caring for victims of trafficking involves restoring their rights, especially those related to family reintegration. Where victims of trafficking are foreign nationals, the protection and services provided are aimed at returning them to their country of origin, a process

¹⁸ Sexual exploitation of persons including forced prostitution, sex tourism and child pornography (Comprehensive Organic Criminal Code, art. 91).

¹⁹ Labour exploitation, including forced labour, debt bondage and child labour (Comprehensive Organic Criminal Code, art. 91).

²⁰ Illegal adoption of children and adolescents (Comprehensive Organic Criminal Code, art. 91).

²¹ Any other form of exploitation (Comprehensive Organic Criminal Code, art. 91).

which involves examining their history of risk in that country and contacting the different authorities there so that the victims may be reunited with their families.

69. The Secretariat for Human Rights, through shelters that deal with different types of gender-based violence and through the 46 establishments managed by the Special Protection Service, provides care and follow-up for child, adolescent and adult victims of trafficking in persons.

70. Adult victims who take part in the Programme of Protection and Assistance for Victims, Witnesses and Other Participants in Criminal Proceedings receive social and psychological assistance and emotional support in the form of crisis intervention, short-term psychotherapy and psychological support.

71. In cases of international trafficking, the Ministry of Foreign Affairs and Human Mobility provides emergency assistance to Ecuadorian victims abroad and helps them to return to the country by paying for their travel by air or ground transport. Subsequently, the competent institutions in the country, which include the Attorney General's Office, the Ministry of Public Health, the Ministry of Education, the Ministry of Economic and Social Inclusion and the Ministry of Economic Affairs and Finance, take steps to follow up on and support victims for a period of one year.

Follow-up information relating to paragraph 47 (g) of the concluding observations

72. The Ministry of the Interior and the Ministry of Foreign Affairs and Human Mobility fulfil a number of international undertakings with countries such as Chile, Colombia and Peru with a view to preventing abuse, promoting rights, protecting individuals against human trafficking, investigating that offence and taking legal action against perpetrators by taking the measures described below.

73. In February 2019, the fifth binational meeting between Colombia and Ecuador was held on the theme "Strengths and challenges in the fight against trafficking in persons". The purpose of the meeting was to continue the dialogue on the commitments assumed by the two countries under their memorandum of understanding on the prevention and investigation of the offence of trafficking in persons and on victim assistance and protection. In 2018, various activities were carried out, including virtual training for tour operators on the prevention of sexual exploitation in travel and tourism. In addition, agreement was reached on a proposal to establish a standing bureau of prosecutors and related personnel (criminal investigation police) to carry out investigations into human trafficking at the Ipiales-Tulcán border. A semi-annual videoconference was held to analyse cases of human trafficking, and the third binational Ecuador-Colombia fair was held, at which approximately 1,000 people were informed about the issue.

74. The second tripartite videoconference between Colombia, Ecuador and Peru was held in order to continue the exchange of information and experiences among the three countries. Agreement was reached with Peru on a road map for the implementation of the binational agreement in 2018 and 2019, which includes various activities related to this issue.

75. Finally, agreement has been reached with Chile on a road map to continue the implementation of the memorandum of understanding between the two countries on combating trafficking in persons.

Follow-up information relating to paragraph 47 (h) of the concluding observations

76. Since 2016, the Ministry of Foreign Affairs and Human Mobility has been conducting a prevention and awareness-raising campaign on xenophobia and other forms of discrimination, with the aim of generating effective processes of information sharing, awareness-raising and prevention in efforts to combat xenophobia and other forms of discrimination in educational establishments. This project is implemented throughout the country through the district coordination offices.

Follow-up information relating to paragraph 47 (i) of the concluding observations

77. Article 104 of the implementing regulations of the Organic Act on Human Mobility, which concerns arrangements for allowing victims of trafficking in persons to remain in Ecuador, stipulates that the Office of the Deputy Minister of Human Mobility, at the request of the Ministry of the Interior, will grant foreign victims of trafficking in persons or migrant smuggling a temporary residence visa, on an exceptional basis, in accordance with the Organic Act on Human Mobility and its implementing regulations. At the first regular meeting of the Inter-Agency Committee's working group on protection, held on 11 July 2019, the Ministry of the Interior and the Ministry of Foreign Affairs and Human Mobility agreed to establish a mechanism for inter-agency action to grant visas on an exceptional basis to foreign victims of trafficking in Ecuador.

78. The mechanism is headed by the Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling, which is part of the Ministry of the Interior. Also participating in the mechanism is the Directorate for Visas and Naturalization, under the coordination of the Directorate for the Assistance and Protection of Ecuadorians Living Abroad of the Ministry of Foreign Affairs and Human Mobility. At the first regular meeting of the Inter-Agency Committee's working group on protection, it was agreed to stop charging a fee for the visa application form, given that the imposition of such a fee on victims of trafficking in persons is contradictory, both because their human rights have been violated and because the Ecuadorian State has a binding obligation to protect them and provide reparation for the damage they have suffered. The Office of the Under-Secretary for Migration and Consular Services of the Ministry of Foreign Affairs and Human Mobility is considering the possibility of changing the value of tariff item No. 13.1, relating to the visa and transfer application form, under heading 13, relating to the granting of visas, in order to comply with article 104 of the implementing regulations of the Organic Act on Human Mobility.

Follow-up information relating to paragraph 47 (j) of the concluding observations

79. In accordance with article 9 of the Constitution, victims of human trafficking are provided with comprehensive assistance and protection regardless of whether they are nationals or foreigners. Foreign victims of trafficking receive the same services for the protection and restoration of their rights, which include medical, psychological or psychiatric care; legal advice; reintegration in the education system; reintegration in the workforce; legalization of immigration status for foreign nationals; and measures to meet any other identified need, such as the provision of food or housing.

80. Victims of human trafficking are attended to in a number of specialized State centres or in institutions whose work relates to this area. Two centres – Fundación Alas de Colibrí and Casa Linda – specialize in assisting girls and female adolescents who are trafficked for the purpose of sexual exploitation.

81. Services for sexually trafficked adults are channelled through the Secretariat for Human Rights, provided that the victims concerned so agree. However, all trafficking victims, irrespective of gender or of the purpose for which they were exploited, can be duly protected in coordination with the Secretariat. Adult victims who take part in the Programme of Protection and Assistance for Victims, Witnesses and Other Participants in Criminal Proceedings of the Attorney General's Office receive social and psychological assistance and emotional support in the form of crisis intervention, short-term psychotherapy and psychological support.²²

²² Additional information can be found in the follow-up information relating to paragraph 47 (f) of the concluding observations.

Follow-up information relating to paragraph 47 (k) of the concluding observations

82. In accordance with article 120 of the Organic Act on Human Mobility, steps have been taken to draft a new plan against trafficking in persons that is tailored to the characteristics of the phenomenon today and establishes effective actions to prevent and combat that phenomenon and protect victims. Under the plan, strategies and actions will be implemented to address all the purposes for which persons are exploited through trafficking, as identified in article 91 of the Comprehensive Organic Criminal Code.

83. This instrument is currently at the technical enhancement stage, before it is submitted for adoption. The Ministry of the Interior, with the support of the International Organization for Migration, has initiated a technical assistance process to strengthen the formulation of the action plan, focusing on mainstreaming the human rights approach in the instrument, strengthening strategic planning and establishing an effective management model for the implementation of public policy. The new plan is being formulated through an inclusive and decentralized process. Consequently, all the institutions members of the Inter-Agency Committee at the central and local levels and the NGOs whose work relates to trafficking in persons have participated in the different stages of producing the instrument.

Follow-up information relating to paragraph 47 (l) of the concluding observations

84. The measures taken to prevent trafficking in persons for the purpose of labour exploitation and to punish the perpetrators include the following:

- In 2018, two compacts were signed: a compact for the prevention of sexual exploitation and abuse of children and adolescents in industries that exploit non-renewable resources²³ and a national government compact with children and adolescents to combat sex tourism involving children and adolescents²⁴
- Labour inspections were conducted to detect labour irregularities involving migrants; a total of 910 inspections were carried out in Quito, Guayaquil, Cuenca, Ambato, Loja, Portoviejo and Ibarra, resulting in 78 sanctions for anomalies such as failure to produce employment contracts, failure to register with the Ecuadorian Social Security Institute and failure to comply with employers' obligations
- Tourist accommodations were inspected by the Ministry of Tourism, in accordance with the tenth clause of the regulations on tourist accommodations, in order to verify compliance with provisions such as the prohibition of the entry of children or adolescents for the purposes of sexual or labour exploitation, trafficking in persons or migrant smuggling
- Operations to inspect places where trafficking in persons for sexual or labour exploitation tends to take place are being prepared; these operations can involve the Ministry of Labour, provincial police authorities, executive authorities at the provincial and cantonal levels, the National Police, the Ministry of Public Health, immigration authorities, the Attorney General's Office and the Ministry of Tourism, as well as institutions that support and protect victims, such as the Ministry of Economic and Social Inclusion and the Secretariat for Human Rights

²³ <https://www.inclusion.gob.ec/wp-content/uploads/2018/05/2018.05.10-6.-Pacto-explotaci%C3%B3n-de-recursos-no-renovables.pdf>.

²⁴ https://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/6_pacto_contra_turismo_sexual.pdf.

Follow-up information relating to paragraph 47 (m) of the concluding observations

85. The Ministry of Economic and Social Inclusion and the Secretariat for Human Rights are currently formulating a management model for shelters for victims of trafficking. This proposal will be developed at the national level, taking into account the recommendations of various State institutions and civil society.
