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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT

Questionnaire on the Declaration on the Protection of All  
Persons from Being Subjected to Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

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ECUADOR

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1. Ever since it became independent 150 years ago, Ecuador has always chosen to respect the dignity of the human person and has prohibited all cruel, inhuman and degrading treatment or punishment; that choice is given concrete form in the whole constitutional process of the Republic, culminating in the Political Charter which came into force on 10 August 1979.
2. Faithful to its traditions, Ecuador signed the major international instruments on human rights, such as the Declaration of Human Rights, Paris, 10 December 1948; the International Covenant on Civil and Political Rights, New York, 19 December 1966; and the Latin American Convention on Human Rights, San José, Costa Rica, 22 November 1969. All these international instruments are laws of the Republic. Furthermore, article 44 of the present Constitution states: "The State guarantees to all individuals, whether men or women, who come under its jurisdiction the free and effective exercise and enjoyment of the civil, political, economic, social and cultural rights specified in the declarations, covenants, conventions and other international instruments now in force."
3. In Title II of the Constitution, "Rights, Duties and Guarantees", there is a Section I "Rights of the Human Person", article 19 of which provides: "Everyone shall enjoy the following guarantees: inviolability of life, integrity of person, and the right to full physical and moral development. Torture and any form of inhuman or degrading treatment shall be prohibited. There shall be no capital punishment. The aim of the penal system shall be to achieve the re-education, rehabilitation and reintegration of the offenders in society."
4. The Supreme Law therefore prohibits not only physical torture but also moral torture, and even torture which is not physical but involves a disregard of human dignity. Moreover, within the legal system, torture is a punishable offence which must be investigated, and those who practice it, connive at it or conceal it are punished.
5. Out of respect for human dignity, illegal detention without due process of law for more than 48 hours is prohibited. To ensure that this rule is respected recourse to Habeas Corpus is provided for in the Constitution. Anyone who believes that he has been illegally deprived of his liberty may invoke this right on his own account or through another person before the Mayor or the President of the Council; the municipal authority immediately orders the appellant to be brought before him and requires the order depriving him of his liberty to be produced; when the antecedents have been investigated and are found to warrant it, he orders the appellant's release (art. 19, para. 16, subpara. j).
6. In the curricula of the Police Training Schools and the Advanced Training Institutes connected with them, special attention is given to the study of the

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provisions of the Constitution and the penal laws relating to human rights and the constitutional guarantees which protect all the inhabitants of the Republic, so as to ensure that they are respected in the fields to which they apply.

7. The prison regulations contain the legal rules prohibiting torture, as does article 65 of the Regulations of the Criminal Investigation Department of the Police, which states: "In accordance with the law, the use of any kind of moral or physical torture as a means of obtaining statements is strictly forbidden; the Provincial Chiefs of Police shall be responsible for ensuring compliance with this provision."

8. Article 141 of the Code of Criminal Procedure strictly prohibits the use of torture, inhuman treatment or the use of drugs or similar measures to obtain the testimony of the accused.

9. In accordance with the Constitution, a Court of Constitutional Guarantees has been established and is in operation; its powers include that of "taking cognizance of complaints of violations of the Constitution made by natural or juridical persons; preparing the case against those responsible and, unless the penal law applies, preparing the National Chamber of Deputies, or, if it is in recess, plenary meetings of the Legislative Committees, either to prosecute them or to order them to be prosecuted, as the case may be."

10. As can be seen, Ecuador's record of respect for and protection of human rights is as white as snow and shows that the line of conduct adopted by both the rulers and the ruled - under just laws - has always lain within the framework of the defence and promotion of the human rights and fundamental freedoms which are enjoyed by everyone without distinction as to race, creed or social status.

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