



# 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

### List of issues prior to submission of the fourth periodic report of Ecuador\*

#### Section I

##### A. General information

1. Please provide information on existing mechanisms to ensure the participation of civil society organizations, in particular migrants' associations, and other actors working on the rights of migrant workers in relation to migration policies and the implementation of the Convention. Please provide information on interaction with civil society in the preparation of the replies to the present list of issues (para. 23).
2. Please provide detailed information on bilateral and multilateral agreements on migration that the State Party has entered into with countries in the Americas, including agreements with the United States of America on irregular migration. Please also provide information on agreements and other cooperation mechanisms with other States in the region, including Colombia, Mexico and Panama, in respect of Ecuadorian migrants migrating north through the Darién region. Please specify, within these agreements and initiatives, those clauses that provide for the protection of migrants' rights under the Convention and other treaties, particularly in the context of detention and expulsion procedures, as well as measures for the assistance and protection of vulnerable persons in transit and destination countries. Please include details of specific clauses and measures for the protection of children, women, persons of sexual diversity, persons with disabilities, Indigenous persons, older persons and other social groups, based on an intersectional approach.
3. Please provide information on the State Party's policy on human mobility, describing the work of the various entities responsible for the implementation of the Convention, including ministries and government institutions such as the Ministry of Foreign Affairs and Human Mobility, the Ministry of Economic and Social Inclusion, the National Council on Equality in Human Mobility and the Ministry of the Interior. Please provide information on policies and programmes relating to human mobility and the protection of the rights of migrant workers and their families by cantonal and municipal governments. Please provide information on mechanisms for intersectoral coordination at each level of government and between the national, cantonal and municipal levels. Please inform the Committee about available resources, monitoring activities and follow-up procedures in relation to policies that have a direct or indirect impact on how the rights of all migrant workers and their families, regardless of their migration status, are promoted, protected and guaranteed.
4. Please describe the measures taken to comprehensively evaluate the impact of migration control policies and operations, with special emphasis on steps taken to protect the

\* Adopted by the Committee at its fortieth session (7–17 April 2025).



right to life, liberty and physical integrity of migrants in transit through the territory of the State Party. Please provide information on mechanisms designed to safeguard their rights against any type of risk and to investigate and punish abuses and crimes committed against them by State or non-State actors. Please also report on measures taken to provide channels for regular entry, transit and residence and their implementation and results.

5. Please provide information on measures taken by the State Party to establish a centralized, comprehensive and accessible database covering all articles of the Convention and the progress made in building the capacity of public officials in order to improve the collection and analysis of migration data. Please report on inter-institutional and intersectoral cooperation mechanisms for the collection of comprehensive data on migration and the situation of all migrant workers and their families, including those in an irregular migration situation.

## **B. Information relating to the articles of the Convention**

### **1. General principles**

6. Please provide information in relation to the judicial and administrative authorities, including on:

- (a) Judgments and case law in which the Convention has been directly invoked;
- (b) The entities competent to examine and decide on cases concerning labour rights, migration and other rights recognized in the Convention, including in respect of persons in an irregular situation;
- (c) The number of cases examined by such entities since 2017 and their outcomes, disaggregated by sex, nationality, age, occupation and migration status;
- (d) The legal assistance services that are provided to migrant workers and members of their families in the State Party and to Ecuadorian nationals residing abroad, including in the context of migration procedures;
- (e) Measures to ensure, without discrimination, the exercise of due process, including the right to an effective remedy, in the context of entry, stay, visa, asylum and other procedures.

### **2. Part II of the Convention**

#### **Article 7**

7. Please share details of the measures taken to ensure that all migrants and members of their families enjoy the rights protected under the Convention without distinction of any kind, and of actions taken to prevent xenophobia and racism. Please describe the measures taken to prevent the stigmatization and criminalization of migration, especially irregular migration, and to promote a migration narrative based on human rights and intercultural integration. Please provide information on the results of campaigns to combat xenophobia, such as “It Takes a Community” and “Un Solo Rumbo”, and strategies to combat discrimination in provinces with a high concentration of migrants, such as Imbabura and Sucumbíos, including projects carried out with the International Organization for Migration. Please provide information on measures to prevent the use of criminalizing and stigmatizing narratives by authorities and candidates during electoral campaigns.

8. With regard to the amendments to the Organic Law on Human Mobility adopted by the National Assembly in 2021 and 2023, the State Party is requested to provide detailed information on the following aspects:

- (a) The procedures established in connection with the deportation and expulsion of foreign persons, including measures aimed at ensuring all due process guarantees;
- (b) The criteria for the expulsion and denial of entry of migrants and the grounds for arrest in the context of the denial of entry procedure (art. 138.A), including qualitative and quantitative information on their application.

### 3. Part III of the Convention

9. Please provide information on the decrees establishing a state of emergency in the country that have been adopted in recent years and their impact on the rights of migrant workers and members of their families. Please also provide information on any decisions or actions that may have arbitrarily affected their rights to liberty of person, justice, freedom of movement and physical integrity or violated the right to protection against torture and other cruel, inhuman or degrading treatment. Please explain whether these emergency decrees have conferred migration control powers, in particular the authority to verify the migration status of individuals, on the military and other security forces.

#### Article 22

10. Please provide information on measures taken to ensure that migrant workers and members of their families are only expelled (deported) from the territory of the State Party pursuant to a decision taken by a competent authority and following a procedure established by law and in conformity with the Convention, that such decisions can be reviewed on appeal and that appeals have suspensive effect. Please include statistics on the expulsion of migrants for immigration-related offences, disaggregated by nationality, sex, age and reason for expulsion. In this regard, please give details of all measures taken to comply with the Committee's previous recommendations on the subject of expulsion.<sup>1</sup> Please indicate the grounds for revoking, in mid-2024, the residence visa of the Cuban journalist Alondra Santiago, taking into account the prohibition of arbitrary expulsion, the right to freedom of opinion and other rights enshrined in the Convention.

#### Article 23

11. Please provide detailed information on the policies and practices of the State Party's embassies, consulates and labour attachés, including on:

- (a) The assistance and protection of migrants who are nationals of the State Party and who work abroad, including those in an irregular situation, particularly in cases of abuse, arrest, detention and expulsion;
- (b) The measures taken to ensure that consular and diplomatic staff in States of employment develop policies to address prevention of arbitrary detention and sexual and gender-based violence.

#### Article 24

12. Please provide quantitative and qualitative information on measures taken by the State Party to:

- (a) Promote the employment and socioeconomic integration of migrants and members of their families;
- (b) Develop policies for the inclusion of migrant workers in the formal labour market, promoting their effective integration in Ecuadorian society;
- (c) Mitigate gender, linguistic and ethnic barriers that hinder the full integration of migrants in the labour market, including measures to ensure equal pay, protect against exploitation and promote opportunities for migrant women;
- (d) Develop provisions and measures with an intersectional approach, in all policies aimed at guaranteeing Convention rights, which take account of variables such as gender, sexual orientation, age, disability and belonging to an Indigenous or Afrodescendent community, in the light of the principle of non-discrimination and other criteria.

#### Articles 25–29

13. Please provide information on the equal treatment in the workplace of migrant workers and members of their families, particularly in terms of wages, overtime, holidays,

<sup>1</sup> CMW/C/ECU/CO/3, paras. 21, 25, 27 and 29.

guarantees in the event of termination of contract, severance pay, protection in the event of disability and access without discrimination to all social security rights. Please also provide information on the consistency of laws protecting migrants with the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the ILO Workers with Family Responsibilities Convention, 1981 (No. 156), Executive Decree No. 804 of 2019, the social security system of the Ecuadorian Institute of Social Security and the Ibero-American Multilateral Agreement on Social Security.

### **Article 30**

14. Please provide information on the measures taken to guarantee access to education for all migrant children in Ecuador, in accordance with the Organic Law on Intercultural Education as amended in 2021, the Organic Law on Human Mobility and the Constitution. Please also provide information on:

(a) Measures taken to uphold the principles of universal access to education, non-discrimination and equal opportunities, including non-discrimination on the grounds of the migration status of children or their parents;

(b) Mechanisms to ensure that a lack of migration-related documents is not an obstacle to entering tertiary education and measures to ensure the educational and social inclusion of migrant children and facilitate, in a flexible and accessible manner, the accreditation and recognition of qualifications and academic achievements in their countries of origin;

(c) Strategies to reduce school dropout rates, particularly among migrant adolescent girls, who have additional burdens such as looking after the home and the family;

(d) Measures to prevent any manifestations of xenophobia or discrimination against migrant children or children of migrants in educational settings and to promote social cohesion and intercultural integration through the inclusion of specific programmes and materials in curricula at all educational levels, including in teacher training courses;

(e) Measures taken to prevent sexual violence and exploitation, which, as the Committee on the Rights of the Child has observed,<sup>2</sup> particularly affect migrant girls in educational settings.

## **4. Part IV of the Convention**

### **Article 44**

15. Please provide information on the protection of the rights of migrant children and adolescents who are unaccompanied or separated from their parents, including on:

(a) Measures adopted to effectively and comprehensively implement the protocol for the special protection of children and adolescents in the context of human mobility;

(b) Measures to assess the protection needs of unaccompanied or separated migrant children in the framework of procedures for determining their best interests;

(c) Mechanisms to ensure the regular entry of unaccompanied or separated migrant children, guaranteeing the principle of non-refoulement and ensuring that the best interests of the child take precedence;

(d) Measures to strengthen the work of cantonal boards for the protection of the rights of children and adolescents with the aim of guaranteeing the rights of all children in the context of migration, on the basis of the Constitution, the treaties ratified by the State Party, the Code on Children and Adolescents and the standards set in joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017);

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<sup>2</sup> [CRC/C/ECU/CO/7](#), paras. 26 and 52.

(e) Measures to guarantee the rights to migrate, to family reunification and to priority care of children in the context of human mobility in accordance with Constitutional Court judgment No. 212-20-EP/24;

(f) Cooperation mechanisms established with the child protection authorities of other countries in order to facilitate the assessment of the best interests of the child and the effective application of protection measures in each case;

(g) Measures to ensure the implementation by the immigration authorities of protection decisions taken by the competent child protection authorities, guaranteeing the principle of the best interests of the child;

(h) Training programmes for public servants in charge of migration control and the protection of migrant children.

16. Please provide quantitative and qualitative information on measures adopted by the State Party to protect the right to family unity of Ecuadorian migrants, including measures to prevent countries of destination from adopting decisions that could arbitrarily violate this right. Please also report on policies for the adoption and application of an effective, accessible and affordable procedure to facilitate the right of migrants residing in Ecuador to be reunited with their families, on the basis of article 4 of the Convention and other laws in force in the State Party.

17. Please provide information on the follow-up given to Constitutional Court judgment No. 2120-19-JP/21, measures for the protection of the right to family reunification and mechanisms for the training of public servants in charge of migration control.

#### **Article 67**

18. Please describe the measures taken to ensure that Indigenous, Afrodescendent and Montubio migrants who return to the country receive comprehensive, culturally appropriate support in line with the Constitution, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other applicable standards. Please provide information on programmes for the social, economic and labour reintegration of returning migrant workers and members of their families, ensuring access to resources and services.

19. Please describe the specific measures that are in place to protect migrant women, especially in relation to:

(a) Resources to increase the number of State-run shelters for migrant women who fall victim to gender-based violence;

(b) Follow-up on the implementation of general recommendation No. 32 (2014) of the Committee on the Elimination of Discrimination against Women, in relation to measures and initiatives to support social inclusion and gender equality for migrant women and girls;<sup>3</sup>

(c) Detailed information on migrant women and girls, including refugees and asylum-seekers, considering the intersecting forms of discrimination faced by Indigenous women, Ecuadorian women of African descent and Montubio women, women living in poverty and women with disabilities, as identified by the Committee on the Elimination of Discrimination against Women;<sup>4</sup>

(d) Action taken to remedy pre-existing gender inequalities, placing women and girls at the centre of recovery strategies in line with the 2030 Agenda for Sustainable Development;

(e) Women migrant workers, including those in an irregular situation and sex workers, in the event that they experience gender-based discrimination or violence, including physical, psychological, sexual, economic, property-related, symbolic, political or gynaecological-obstetric violence.

<sup>3</sup> See [CEDAW/C/ECU/CO/10](#).

<sup>4</sup> *Ibid.*, para. 13 (b).

## **5. Part V of the Convention**

### **Article 68**

20. Please provide information on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, the Comprehensive Criminal Code, the Organic Law on Trafficking in Persons and Smuggling of Migrants and the Action Plan against Trafficking in Persons 2019–2030.

21. Please describe the efforts made in implementing legislation to combat trafficking in persons, in particular in relation to:

(a) Measures taken by the State Party to investigate and prosecute cases of trafficking in persons;

(b) Convictions of perpetrators and the redress awarded to victims;

(c) The regular and specialized training provided to the competent officials, including prosecutors, judges, inspectors and providers of public services, in order to identify victims of trafficking;

(d) Measures to strengthen the multisectoral commission against trafficking in persons and smuggling of migrants, including the allocation of human, technical and financial resources;

(e) Measures to provide assistance to victims of trafficking and support their physical, psychological and social recovery, and the availability of such assistance throughout the State Party's territory;

(f) Measures taken to improve the collection of disaggregated data on victims of trafficking, with a differentiated and intersectional approach;

(g) International, regional and bilateral cooperation with countries of origin, transit and destination to prevent and combat trafficking in persons, especially women and children, and address its root causes, and the human, technical and financial resources allocated for such cooperation;

(h) Policies and programmes to guarantee the rights of migrant children and their families and ensure their comprehensive development and social and educational integration on equal terms with nationals;

(i) Measures to guarantee the rights of children born in Ecuador to migrant parents, in particular the rights to birth registration, to a name and to a nationality and the rights to education, health and social protection, without any discrimination on the basis of their parents' nationality or migration status.

### **Article 69**

22. The State Party is requested to provide detailed information on the following issues related to visas:

(a) Measures taken to ensure that the revocation of visas does not affect the freedom of movement of persons and takes place in conformity with international standards, the Constitution, the Organic Law on Human Mobility and other laws in force in the State Party;

(b) Procedures to ensure transparency and non-discrimination in decision-making related to the revocation of visas, including access to relevant information for affected persons and their legal representatives.

23. In the light of the visa requirement imposed on nationals of the Bolivarian Republic of Venezuela by Decree No. 826 of 2019, please provide information on the impact of this measure on efforts to facilitate orderly and regular entry. Please indicate whether the statistics on irregular entry of Venezuelan migrants, and on the detection of migrant smuggling and human trafficking networks, have changed since this measure was adopted. Please provide statistics or estimates on regular and irregular entry and stay since the introduction of the aforementioned visa.

24. Please provide information on the comprehensive policy to promote and facilitate the regularization of the status of migrant workers and their families residing in the State Party. Please also provide information on temporary and permanent channels for the regularization of migration status and their specific impact on Venezuelan and Haitian nationals. Please include information on the reasons for the adoption of Executive Decree No. 560 of 11 March 2025, whereby the regularization of migration status under Decree No. 370 of 23 August 2024 was suspended. Please provide detailed information on the impact of these measures, including statistics on or estimates of the number of people in an irregular situation and the length of time for which they have had this status. Please share information on the impact of regularization on policies aimed at ensuring the full integration of migrants.

25. Please provide information on the mechanisms adopted by the State Party for the formal processing of migrant workers of all backgrounds who lack identification and documentation, in accordance with the Organic Law on Human Mobility and the Constitution, especially with a view to their obtaining long-term residence and access to documentation, taking account of the Committee's recommendations in this regard.<sup>5</sup>

26. Please provide detailed information on the fines and administrative penalties that are imposed for migration-related offences under Ministerial Decision No. 907 of 16 February 2018. In particular, please provide information on exceptions for citizens of countries of the region and victims of trafficking in persons or migrant smuggling, and on other measures to ensure that such penalties do not block access to regularization or prevent the continuity of a regular migration situation.

27. Please provide information on the follow-up given to judgment No. 14-19-IN/23, in particular in respect of administrative and other measures to ensure the right to migrate.

## Section II

28. The Committee invites the State party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their respective regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, programmes and action plans covering migration and their scope and financing;
- (d) Recent ratifications of human rights instruments and other relevant instruments;
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## Section III

### Data, official estimates, statistics and other information

29. Please provide:

- (a) Information on identified cases of racism, xenophobia, discrimination, ill-treatment and violence against migrants and their families in the State Party;
- (b) Quantitative and qualitative information on the types of cases of discrimination, xenophobia or racism identified in the State Party and the measures taken to mitigate them at the local and national levels.

30. Please provide statistical data and qualitative information covering the past three years, disaggregated by sex, age, nationality, disability, migration status and field of occupation, where applicable, on the following:

<sup>5</sup> [CMW/C/ECU/CO/3](#), para. 43.

- (a) The volume and nature of migratory movements to and from the State Party since the Convention entered into force, including irregular migration;
  - (b) Migrant workers in detention in the State Party and migrant workers who are nationals of the State Party and are detained abroad in States of employment, and whether such detention is immigration-related;
  - (c) Migrant workers and members of their families who have been expelled from the State Party;
  - (d) Unaccompanied migrant children or migrant children separated from their families in the State Party.
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