



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 1465th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 November 2016, at 3 p.m.

Chair: Mr. Modvig

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

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Seventh periodic report of Ecuador (continued) (CAT/C/ECU/7; CAT/C/ECU/Q/7)

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **Ms. Zúñiga Rocha** (Ecuador), replying to questions raised at the 1462nd meeting, said that there were no obstacles whatsoever preventing the national preventive mechanism from accessing places of custody freely and without prior notice. Moreover, a communication had been sent to all the directors of social rehabilitation centres reminding them that officials of the Office of the Ombudsman did not require authorization to enter the centres and should be given all necessary assistance in the performance of their duties. The reports produced by the national preventive mechanism were published on the Office's website, as well as on the innovative platform Siderechos of the Ministry of Justice, Human Rights and worship, where it was also possible to track progress on the implementation of the relevant recommendations made by the national preventive mechanism. The Office, as a member of the Technical Organization for Social Rehabilitation, was instrumental in ensuring compliance with the recommendations of the national preventive mechanism. Between 2014 and 2016, the Office had had a total budget of over US\$ 45 million, part of which was intended for the national preventive mechanism. Ecuador was meeting its obligations under the Optional Protocol to the Convention and the guidelines on national preventive mechanisms.
3. The Public Defender Service (*Defensoría Pública*) was different from the Office of the Ombudsman (*Defensoría del Pueblo*) and had been established in 2007 to provide legal representation to low-income defendants and thereby ensure that no one was held without judgment. It had come to be considered an essential component of the judicial order and had expanded its services beyond criminal cases to all legal matters, making it the only body of its type in Latin America to be autonomous and have constitutional rank. In 2015, the Public Defender Service had handled 300,000 requests by members of the public for financial support, advice and mediation.
4. Regarding reparation for the victims identified in the report of the Truth Commission, she said that the issue was of such importance for the Government that it had adopted the Act on reparation for victims and the prosecution of serious human rights violations. Pursuant to the Act, the Ombudsman's Office had been made responsible for managing and coordinating non-monetary compensation and had established a dedicated department that had begun to provide assistance to victims in February 2015. Thus far, more than 320 victims had joined the reparation programme. The most common forms of assistance were physical and mental health care, approval of the Human Development Bond Cash Transfer or the housing grant, and help in securing employment. In addition, the Truth Commission's report had been disseminated among nearly 2,800 students, children of victims who had special needs had been integrated into special education units and 40 children of victims had received scholarships. A commemorative wall had been built called the "Cry of Remembrance". Compensation processes were the responsibility of the Ministry of Justice and involved much more than simply putting a price tag on the harm caused by serious rights violations. Settlements were reached with victims through dialogue; thus far, agreements had been reached with 10 victims.
5. So-called de-homosexualization or sexual reorientation clinics were not covered or recognized under regulations on health-care facilities. Activities in that connection were unequivocally prohibited, a number of the clinics had been shut down and one person

involved was on trial. The Ministry of Health regulated the operations of drug rehabilitation centres and oversaw their facilities, hygiene conditions and personnel. Some 290 inspections had been carried out in such centres between 2013 and 2015.

6. Women in Ecuador had every opportunity to obtain decision-making positions. All forms of violence against women were banned, and bodily harm causing incapacity to work of under 3 days was considered an offence carrying a penalty of up to 30 days' imprisonment. In 2007, a national plan on the eradication of gender-based violence had been adopted and an inter-agency body had been created to develop cross-cutting policies to that end. The plan had been updated in 2014 with input from civil society organizations. Shelters were available where women victims could receive counselling from teams consisting of a social worker, a psychologist and a lawyer; assistance could now be obtained at over 40 locations nationwide.

7. In the past decade, the approach to policing had shifted from repression to the promotion of closer ties with the community. While the incarceration rate was relatively low, there were approximately 1,000 more inmates than spaces. The State believed that its response to crime should not be limited to incarcerating offenders; it was equally important that they should be treated with dignity while in prison, which was why new centres were under construction to reduce overcrowding and recidivism. The prison population had already been reduced through the placement of pretrial detainees in separate facilities, which had also enabled convicts to be moved to regional centres closer to their hometowns, and through presidential pardons on humanitarian grounds. Convicts were encouraged to design a life plan and were given the opportunity to study and work, and guards now obtained a diploma in prison security, including a component on human rights, from the Prison Training Academy.

8. Deaths in custody had plummeted to less than 5 in 2015. Referring to specific cases raised by the Committee, she said that, according to prison logs, Mr. Idagarra García had not died in prison but had actually been released and that Mr. Cedeño had died of a chronic kidney ailment and not as the result of violence. The prison management system did not provide for the use of isolation as a disciplinary measure. A process was under way to purge the ranks of prison guards; 70 had thus far been dismissed for misconduct and sanctioned where appropriate. The videos of gross abuse at the prison in Cuenca had been verified and found to be genuine and, while the court had determined that the case had been an isolated incident and had absolved the State of any wrongdoing, the official concerned had been punished and a public apology had been made to the inmates and their families.

9. **Mr. Andino** (Ecuador) said that the National Assembly had adopted the Comprehensive Organic Criminal Code, which compiled all criminal offences under a single text, thereby ending confusion and accompanying impunity. Torture was considered as a highly serious crime that could in no way be justified. Anyone, including a public servant, could be held responsible for an act of torture. Moreover, the penalty for torture was more severe when the perpetrator was a State official, when the intent was to modify a person's gender identity or sexual orientation or when torture was perpetuated on a person with disabilities, a minor, a person over 65 years or a pregnant woman. The definition of torture contained in the Code was broader than that in the Convention and encompassed, inter alia, exploitation, trafficking, violence against women and violations of the right to freedom when committed in such a manner as to constitute cruel treatment.

10. A report on the bill on cooperation and coordination between the indigenous and ordinary justice systems had been submitted and was currently before the National Assembly for second reading and adoption. The Council for Public Participation and Oversight was preparing a working draft of the bill on the Ombudsman's Office in preparation for second reading by the National Assembly; the draft would be disseminated across the country for public discussion and videoconferences would be organized for that

purpose with citizens abroad. Such efforts proved that Ecuadorian institutions were fulfilling their human rights obligations under the Constitution and the international instruments to which Ecuador was a party.

11. **Ms. Zúñiga Rocha** (Ecuador) said that there were no political prisoners in the Ecuadorian prison system.

12. **Mr. Bonilla** (Ecuador), with regard to corruption and the judicial system, said that the information available to the Committee did not seem to reflect the reforms introduced in 2013 to strengthen the justice system and eliminate barriers that had hindered access to justice. One such barrier had been the opaque and precarious system under which 70 per cent of judges had been appointed arbitrarily to temporary positions, often without regard for their qualifications. Judges were currently appointed on the basis of merit and to a permanent position; they had to follow a code of ethics and were subject to disciplinary action for any error or abuse; their work and their decisions were reviewed and evaluated; they received specialized initial training as well as undergoing ongoing professional development. The previous judicial procedure based on submission of written arguments, which had caused long delays in the hearing of cases, had been replaced with a more efficient system based on presentation of oral arguments. There were currently 2,013 judges in the country, of whom 1,240 were men and 773 women.

13. The National Council of the Judiciary investigated any allegations of misconduct or corruption and could impose administrative sanctions or transfer the case to the criminal justice system. The Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC), in its Fifth Round Report of 15 September 2016, relating to hiring of public servants, public procurement, protection of persons who reported corruption and the definition of acts of corruption, had noted the positive steps taken, including the appointment of judges, prosecutors and judicial branch personnel based on merit, to permanent positions. The report also identified as a best practice the use of competitive examinations, open to the public, as a means of hiring honest candidates for a position in the judiciary.

14. With regard to the removal of judges on the grounds of an inexcusable error, he said that, pursuant to article 233 of the Constitution, no public servant was exempt from responsibility for his actions or omissions in the performance of his official duties. Judges were no exception; the Code of the Judiciary reiterated that responsibility and set out the sanctions for misconduct. He explained that an inexcusable error, which would be grounds for the dismissal of a judge, was understood to be a lack of understanding of the law, a failure to apply the law, or a decision that could not be reasonably explained, any of which would be a violation of the rights of the parties to a legal proceeding. In the *Apitz Barbera et al. v. Venezuela* case the Inter-American Court of Human Rights had defined an inexcusable error as a decision that could not reasonably be justified in law, constituting a grave fault that would warrant removal of the judge. In the *Quintana Coello et al. v. Ecuador* case the Court had found that judges did not have absolute guarantees of tenure.

15. Ecuador's procedures for the disciplining of judicial error as applied by the National Council of the Judiciary were therefore in keeping with international standards. Any citizen was entitled to register a complaint against a judge. There were in fact few complaints against the judiciary and few that were upheld. In 2015, out of 1,038 complaints, only 24 had been upheld; in 2016 only 12 of 617 complaints had been upheld. In 2015, 33 of Ecuador's 2,602 judges had been removed on the basis of an inexcusable error; in 2016, 12 of 2,016.

16. There were currently 12 cases involving torture before the criminal justice system, two of which, in the province of Sucumbíos, had been cited by the Committee; the first was

still under investigation while the prosecutor had recommended that the second should be dismissed.

17. The Judiciary Council was preparing a protocol for the treatment of offenders remanded in custody which would ensure respect for constitutional guarantees of their rights, including a medical examination, preparation of a report on the admission of the individual and transmission of the report to a prosecutor. More information in that regard would be provided to the Committee.

18. As for the removal of the judges of the Supreme Court, he confirmed that in December 2004 the former Gutiérrez Government had convened an extraordinary session of the National Assembly which had ordered the removal of the judges of the Supreme Court and appointed new judges, including four of the previous judges, one of whom had refused the reappointment. The former members of the Supreme Court had appealed to the Inter-American Court of Human Rights, in the *Quintana Coello v. Ecuador* case. The Court had found violations of the Inter-American Convention on Human Rights because the judges had been removed by a body which had no authority to take such action, they had not had a hearing at which they could defend themselves, and they had had no right of appeal.

19. In response to concerns raised about repression of the opposition, he said that there were no political prisoners in Ecuador. There were mechanisms to complain of any abuses. With regard to Manuel Trujillo and Manuela Pacheco, two human rights defenders before the courts in Bolívar Province, he said that the cases had been dismissed for lack of evidence; all precautionary and interim measures had been lifted. As for allegations of special courts for the police, he said that article 188 of the Constitution provided for members of the armed forces and the police to be tried by the regular justice system. Administrative or disciplinary offences were reviewed and sanctioned in accordance with the relevant procedures.

20. Pursuant to article 171 of the Constitution, indigenous communities had the right to apply their own traditional system of law internally, with guarantees for the participation of women, so long as that system was not contrary to the Constitution and international human rights instruments. Both justice systems thus coexisted.

21. **Ms. Zúñiga Rocha** (Ecuador) said that her Government had implemented the decision of the Inter-American Court of Human Rights in the *Quintana Coello* case relating to the dismissal of the Supreme Court and had prosecuted those responsible for that grave attack on the country's institutions.

22. **Mr. Terán Andrade** (Ecuador) said that a new management model had been adopted by the police force in 2011, based on the three pillars of prevention, intelligence and investigation; the police cooperated with other ministries, for example the Ministries of Health and of Justice, as well as the Prosecutor General's Office, in order to protect the security of the population. There were no secret investigation units. There were however specialized units, for example for the prevention of crimes against life, disappearance, extortion and kidnapping, which had helped reduce the number of killings to 1 per 6,000 inhabitants.

23. The 2008 Constitution recognized security as a fundamental right of citizens. The police force was considered to be a specialized, professional, armed, civilian, disciplined and hierarchical institution responsible for implementing that right and maintaining public order. Human rights were a cross-cutting priority for the police in all aspects of their initial and in-service training and promotion; they received training on the provisions of the Convention and other international instruments, the appropriate use of force, the rights of detainees and LGBTI rights. Successful candidates were eligible for a diploma or degree in police sciences. In 2015, 96 per cent of police officers had received some sort of training;

there were 95 instructors accredited inter alia by the International Committee of the Red Cross (ICRC), comprising 51 men, 31 women and 13 persons with disabilities. Since 2012 a total of 277 police instructors had been trained; there were currently 257 trainers of trainers.

24. Some training was provided in coordination with civil society organizations; that was the case for example for training in dealing with transgender persons. A manual had been provided guaranteeing human rights in the context of gender identity and sexual diversity. Ecuador had become a model for police training in Central and South America and had provided training to 139 trainers and 49 instructors from such countries as Bolivia, Chile, Mexico, Paraguay, Peru and Venezuela, since 2010. In August 2016 an international seminar on human rights for police commanders had been organized in cooperation with ICRC, which also provided training to the armed forces.

25. Police received training in dissuasion and conciliation as alternatives to the use of force; a protocol based on the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials had been adopted. In 2010 a protocol on respect for international human rights standards when dealing with detainees had been adopted. In 2014 a human rights handbook for police had been drafted. Those measures were aimed at making the police true guardians of freedom and human rights. In 2015 a unit for the investigation of human rights and gender-based offences had been established within the police force. Sanctions in case of a human rights violation by a police officer could be either administrative or criminal. As a result of such reforms, no special jurisdictions or courts for the police or military had existed since 2008.

26. Both the police and the military provided human rights training to personnel deployed along the northern border. A second course on the appropriate use of force had been organized for 35 members of the military, who would themselves train other members of the armed forces. Two handbooks on the protection of the human rights of persons in transit through the northern border zone had been prepared for military units in that area. In 2015 three courses on human rights in peacekeeping and public order operations had been organized in cooperation with ICRC. Human rights had been introduced as a cross-cutting issue in military training and operations; those efforts were monitored by the Ombudsman's Office. More than 15,000 members of the military had received human rights training.

27. **Ms. Espinosa** (Ecuador) said that the rights of freedom of expression and association were guaranteed by the Constitution and by specific legislation. The Communication Act democratized access to and control and monitoring of the media, ensuring that such control was distributed equitably by means of public competition. The Act sought to guarantee, inter alia, the right to freedom of expression and opinion, the prohibition of prior censorship and the right of reply. Since the adoption of the constitutional framework of 2008, the right of communication had been extended to include public, private and community spaces and the exercise of that right was directly related to the question of political participation.

28. The right to freedom of association was regulated by the Act on Citizen Participation, the Democracy Code and the Labour Code. The unified system of information on civil society organizations, which had enabled a database containing information on the management of civil society organizations to be created, safeguarded and encouraged freedom of association. Executive Decree No. 739 complied with the Constitution and human rights treaties and did not contain any provisions that might restrict the freedom of association. In fact, it enabled organizations to take legal action in the event that it proved necessary to protect their right to that freedom.

29. **Ms. Zúñiga Rocha** (Ecuador) said that the Government had complied with the judgment of the Inter-American Court of Human Rights in the *Tibi v. Ecuador* case. The

public apologies that the judgment required had been made and compensation had been paid to the victims. A Prison Training Academy had been established and training was being provided to administrative staff employed by the system. Furthermore, the Prosecutor General's Office had initiated the investigation process that was also required by the judgment.

30. The number of persons in custody had risen between 2014 and 2015 because the reform of the judicial system had led to a rise in the conviction rate for homicide and a subsequent fall in the number of violent deaths.

31. **Mr. Jaramillo Paz y Miño** (Ecuador) said that, in 2012, the Prosecutor General's Office had established a specialist unit responsible for carrying out criminal investigations into the complaints detailed in the final report of the Truth Commission. In May 2013, the first case of torture as a serious violation of human rights had been brought before an Ecuadorian court and, in October 2013, a crime against humanity had been prosecuted for the first time in Ecuador. In order to facilitate the investigation of serious violations of human rights, a group of public prosecutors had been selected and trained intensively for over a year. The successful prosecution of several cases, including that of José Luis Lema, in which a custodial sentence had been handed down to six former police officers, demonstrated that international human rights law could be applied in Ecuador. Also worthy of mention was the case of Michael Arce, in which the crime of racial discrimination had been prosecuted for the first time and a custodial sentence had been handed down to a member of the armed forces.

32. In the *Paola Guzmán v. Ecuador* case, which had been mentioned by the Committee the previous day, the Inter-American Commission on Human Rights claimed that it had summoned the Government of Ecuador to attend a hearing on the case. However, the Government had not received the notification in question and no notification had been sent to the Permanent Mission of Ecuador to the Organization of American States.

33. The system for the protection and support of victims and witnesses and other participants in criminal trials, which was managed by the Prosecutor General's Office, operated in the 24 provinces and employed interdisciplinary teams of psychologists, social workers, lawyers and police officers. Fifty-five per cent of the 1,994 cases addressed by the system concerned crimes of physical, sexual and psychological violence; sexual abuse and harassment; trafficking in persons; femicide; and sexual exploitation.

34. **Mr. Heller Rouassant** said that the Committee's earlier question about the definition of torture concerned not so much the content of the definition as the way in which it was presented. It was important to make clear that the State, which had a monopoly on power, had the primary responsibility for preventing torture.

35. He was concerned to note that, according to representatives of the national mechanism for the prevention of torture, inspectors had been denied access to social rehabilitation centres by the directors of those centres on the grounds that the inspections had not been authorized by the Government.

36. Secondary legislation, such as the draft organic law on the Office of the Ombudsman, should be adopted to ensure stability, visibility and legal protection for the national preventive mechanism.

37. With regard to judicial errors, he would welcome further, detailed information on the number of complaints filed and the number of cases in which an inexcusable error had been committed. Further information on cases involving the Inter-American Court of Human Rights would also be appreciated.

38. Lastly, he wished to point out that the information just provided by the delegation on cases investigated by the Truth Commission should have been included in the periodic report.

39. **The Chair** asked the delegation to confirm that 96 per cent of police officers had received training in the provisions of the Convention. It was still not clear what steps were being taken to prevent the ill-treatment of trainee police officers and to identify the institutions in which such treatment was taking place.

40. Noting the delegation's claim that the prison population had increased because justice was being enforced more effectively, he asked whether the homicide rate was expected to fall even further if yet more people were incarcerated. He requested more information on reports that prisoners had difficulty accessing medical services in remote prisons and that visitors to prisons were frequently subjected to body cavity searches. Noting that the delegation had provided information on the number of homicides in prisons in recent years, he pointed out that the Committee had requested information, not just on homicides, but on all deaths that had taken place in custody. Information on the procedures undertaken to investigate such deaths would also be welcome.

41. It was still not clear how many of the 165 victims of torture identified in the Truth Commission report were eligible for the witness protection programme. The Committee had not received a reply to its request for information on mechanisms that would enable victims of torture and ill-treatment to file complaints safely and without fear of reprisals.

42. With regard to the awarding of compensation in cases of human rights violations, he asked the delegation to confirm whether reparation had been granted in only 1 of the 102 cases submitted by the Ombudsman's Office to the Ministry of Justice for final approval.

43. He asked whether plans were in place to appoint an independent body to monitor video footage taken at detention centres in order to prevent violations of human rights from taking place.

44. Lastly, he enquired what steps had been taken to provide reparation to the victim and her daughter in the *Glas Viejó* case.

45. **Ms. Belmir** asked whether the state of emergency was still in place and, if so, whether the conditions set out in article 4 of the International Covenant on Civil and Political Rights were being met.

46. Given that the executive exerted influence over the judiciary, that the power of the police was far-reaching, and that only a part of the judiciary had security of tenure, she asked what steps were being taken to ensure that the judiciary was genuinely able to carry out its duty to investigate violations of human rights.

47. **Ms. Gaer** asked the delegation whether any steps had been taken to prevent reprisals from being taken against the victim and members of the victim's family in the *Glas Viejó* case. She invited it to comment on reports that the trial in that case had constituted a form of revictimization and wished to know what steps were being taken to ensure that such revictimization did not take place in cases of sexual violence.

48. She asked why the Government had not taken part in the hearing held by the Inter-American Commission on Human Rights in the *Paola Guzmán v. Ecuador* case.

49. Lastly, she asked whether any statistics were available on the practice of mob justice among indigenous communities and whether any steps had been taken to bring the perpetrators of that practice to justice.

50. **Mr. Hani** said that he was concerned at the broad legal definition of perpetrators of torture. The criminalization of torture committed by private individuals was a welcome step

but it was important not to dilute the central notion of torture as an act perpetrated by public officials. Perhaps the two aspects could be defined in separate articles of the Comprehensive Criminal Code. The fact that citizens could file complaints against judges was a form of democratic control over the justice system, particularly in cases of inexcusable judicial error. However, he was struck by the fact that 50 per cent of the judiciary had been the subject of complaints in 2015 and 30 per cent already in 2016. Was there not a risk of judges feeling intimidated and exposed to complaints from individuals wishing to destabilize the justice system?

51. He would appreciate more information about the financing available for the Office of the Ombudsman and about a possible timeline for the definitive adoption of a law securing the role of the Office as the national mechanism for the prevention of torture. He had received no answer to his question about the use of corporal punishment at detention centres for minors in conflict with the law.

52. He welcomed the news that the Government considered “de-homosexualization” centres to be unlawful and wished to know how many such centres had been closed down, how many continued to operate clandestinely and whether the authorities had publicly condemned the practice of “de-homosexualization”. The highest authorities of State should take the opportunity of 26 June, United Nations International Day in Support of Victims of Torture, to publicly proclaim the Government’s rejection of torture in all circumstances.

53. **Ms. Racu** asked the delegation to comment on her ongoing concern that the Comprehensive Criminal Code prescribed serious punishments for women who had abortions, including women who had been victims of sexual violence. Were there any initiatives to amend the law in that regard?

The meeting was suspended at 5.20 p.m. and resumed at 5.35 p.m.

54. **Ms. Zúñiga Rocha** (Ecuador) said that information provided by the Office of the Ombudsman showed that the national preventive mechanism had received a budget of US\$ 183,000 in 2014, US\$ 174,000 in 2015 and US\$ 200,080 in 2016. Medical care was available for persons in custody and was regulated by the Ministry of Health. Prisons had clinics offering a range of general medical services. Some were even equipped to carry out minor surgical operations. Twenty-four “de-homosexualization” clinics had been definitively closed and criminal charges had been brought in a number of cases.

55. Six judgments of the Inter-American Court of Human Rights — all relating to cases that predated the tenure of the current Government — had been implemented. Others were in the process of being implemented. The Comprehensive Criminal Code also made provision for non-custodial measures applicable to minors in conflict with the law. She was not aware of any complaints relating to the detention centres mentioned by Mr. Hani, in Ambato, Cuenca, Machala and Quito.

56. **Mr. Andino** (Ecuador) said that the Office of the Ombudsman was regulated by an existing law. The bill currently before parliament concerned a new law that reflected the provisions of the 2008 Constitution. It was difficult to say exactly when the bill would be passed but he hoped some progress would be made before the end of the current Government’s mandate in 2017. Currently, parliament was giving priority to other important legislation.

57. **Mr. Bonilla** (Ecuador) said that the right of citizens to submit complaints against the justice system could not be exercised indiscriminately. The complaints had to be justified and very few actually led to the removal of a judge. A mechanism was in place to ensure due process and to test the admissibility of complaints, which were first examined at the provincial level then, if the complainant was dissatisfied with the outcome, by a plenary session of the National Council of the Judiciary, which was the highest-ranking disciplinary

body of the justice system. The number of complaints did not necessarily reflect the number of judges affected as complaints were often directed against tribunals as a whole. In 2016, 12 judges had been dismissed as a result of complaints.

58. **Mr. Jaramillo Paz y Miño** (Ecuador) said that the Government had not received a summons to attend hearings in the *Paola Guzmán v. Ecuador* case before the Inter-American Commission on Human Rights, either by official e-mail or via notification to the Permanent Mission of Ecuador to the Organization of American States. Ecuador had never failed to attend a hearing about which it had received prior notification. Of the 165 victims of torture identified in the report of the Truth Commission, eight were in the witness protection programme. It was important to note that entry to the programme was voluntary and that it only catered for persons facing risks proved to be linked to their participation in a criminal trial.

59. **Ms. Espinosa Cordero** (Ecuador) said that the President had constitutional authority to declare a state of emergency in a number of different circumstances. The exercise of that authority had to conform to the provisions of the International Covenant on Civil and Political Rights and was monitored by the Constitutional Court. States of emergency were generally declared in the event of natural disasters. They were not used for political ends. Currently there was just one state of emergency in the country, due to a recent earthquake.

60. The plurinational and intercultural nature of Ecuador, as enshrined in its Constitution, was upheld through, inter alia, bilingual education in State-run schools, the integration of traditional medicine into the public health system and affirmative action in access to public-sector employment. Thanks in particular to the work of national equality councils, much progress had been made in that area, to the benefit of all Ecuadorians including those of African descent, who represented 7 per cent of the population. The Roma community in Ecuador was very small, although no official statistics were available concerning them. The Ministry of Foreign Affairs and Human Mobility had established direct dialogue with the community, and its representatives had declared that they considered Ecuador to be a safe and welcoming country.

61. **Ms. Bowen Manzur** (Ecuador) said that the Comprehensive Criminal Code included 43 different measures to protect and support victims of sexual violence, including closed court hearings and an obligation for prosecutors to pursue cases. Sentences handed down in such cases included provisions to grant the victim redress and compensation. Any initiative to amend the law on abortion would have to be examined in the light of the Constitution, which protected life from the moment of conception.

62. **Ms. Zúñiga Rocha** (Ecuador) said that all persons entering a place of custody underwent a medical examination in a public health facility. If signs were discovered suggesting the person had been tortured, the examining physician was required to inform the competent authorities.

63. On the basis of its 2008 Constitution, Ecuador was undergoing a period of profound structural change to become a more inclusive, just, equal and democratic society. It had made great progress in fulfilling its obligations under the international treaties to which it was a party. The Government of Ecuador remained committed to the protection of all human rights, in particular, the prevention of torture and other cruel, inhuman or degrading treatment, also through a properly functioning national preventive mechanism. It would continue to work with civil society to defend and reinforce human rights.

64. **The Chair** thanked the delegation for its comprehensive replies and welcomed the emphasis placed on cooperation between government and civil society.

The meeting rose at 6.05 p.m.