

ADVANCE QUESTIONS TO ECUADOR

CANADA

- The prison situation is of concern, with prisons currently at more than double overcapacity, and poor conditions. Further, delays in the legal system are a concern. What measures is the government taking to address these concerns?
- Ecuador has been generous in accommodating Colombian refugees and dealing with spillover consequences from Colombia's internal conflict, but Ecuadorian capacity to absorb this may be reaching its limit. How will the government address this problem?
- Reports suggest aboriginal groups may have poorer access to education, and instances may have occurred where aboriginal territory has been violated to access natural resource wealth. What measures are being taken to ensure the full enjoyment of all human rights and fundamental freedoms without discrimination by indigenous people, including access to education and property rights?

DENMARK

- The Committee on the Elimination of Racial Discrimination has pointed out that discrimination against indigenous peoples is still ongoing in Ecuador despite constitutional guarantees. What steps does the Ecuadorian Government intend to take to improve the situation for indigenous peoples in Ecuador and improve the security situation of human rights defenders working to defend the rights of indigenous peoples?
- What measures does the Ecuadorian Government intend to take to improve the situation of women in Ecuador, including the protection of their right to take free and responsible decisions on sexual life and on reproductive health issues ?

FINLAND

- We acknowledge that the Government of Ecuador has made commitments to protect children from violence, including by implementing the Childhood and Adolescence Code (2003) which, inter alia, prohibits the use of corporal punishment in schools and in the penal system¹.
- With regard to the United Nations study on violence against children², which states that "no violence against children is justifiable; all violence against children is preventable", we would appreciate to receive further information on legislative,

¹ The concluding observations adopted by the Committee on the Rights of the Child (CRC/C/15/Add.262, paragraphs 4, 12, 37, 47 and 71) and the national report for the universal periodic review submitted by the Government of Ecuador, paragraph 101.

² Report of the independent expert for the United Nations study on violence against children (A/61/299).

administrative and other measures taken to implement the Study's overarching and setting-specific recommendations in Ecuador. In particular, we would greatly appreciate if the Government of Ecuador could share with us good practices to prevent and respond to violence against children.

GERMANY

- What measures does the GoE undertake in order to rapidly improve the alarming prison conditions – characterized by overcrowding, lack of medical care, scarce food and physical assaults – in accordance with the UN-Standard Minimum Rules for the Treatment of detainees?
- How does the GoE intend to act against the social discrimination of Afro-Ecuadorians who live up to 70% in poverty and who are largely excluded from the labor market?
- What action does the GoE take in order to ensure full respect of the rights of the child, in particular with regard to abolishing the persisting problems of child labor, malnutrition of children and their sexual exploitation?
- What measures does the GoE envisage in order to implement the recommendations of the UN-Committee against Torture regarding a) excessive use of violence by security forces and mistreatment of detainees by police officers, b) the definition of psychological torture, and c) the prosecution of torture by independent and impartial courts?

IRELAND

- What measures have been taken to ensure full enjoyment of the freedoms of expression, assembly and association, with particular regard to the right to protest?
- What measures have been taken to promote the role of human rights defenders, through education and inclusion in decision-making, in particular amongst national authorities, law enforcement officials and security officers?
- What measures have been put in place to support the work of human rights defenders?

NETHERLANDS

- What can be said about the human rights situation of detainees in Ecuador? What is Ecuador's strategy to prevent violence acts against and extortion of prisoners by prison personal and/or other prisoners?

- Which measures are being taken by Ecuador to end impunity in cases where civilians are being mistreated by police and/or the armed forces?
- Could you elaborate on the freedom of speech, especially with regard criticism on state institutions?

SWEDEN

- In its 2006 report from its last consideration of Ecuador, the Committee Against Torture listed a number of recommendations to the government of Ecuador toward the aim of ensuring full compliance with the Convention Against Torture. Civil society organisations have reported several recent cases of alleged abuse of detainees, while poor conditions in prisons and other places of detentions have threatened the health and physical safety of detainees. What measures has the government of Ecuador taken to ensure the well-being of prisoners and detainees in compliance with the Convention Against Torture and other international standards?
- Civilian courts have jurisdiction over members of the police and armed forces in Ecuador. Legal amendments have been made stipulating that police officers should be tried in civilian courts. Nonetheless, separate police and military courts are often charged in Ecuador with handling court cases against members of the police and armed forces respectively. Given that sessions of such courts can be closed and that the persons indicted are from the same professional corps as the courts, concerns have been raised as to the lack of impartiality of such courts. What measures has the government of Ecuador taken to ensure a lack of impunity for offenses committed by members of the police and armed forces?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the extent to which civil society in Ecuador was involved in the preparation of your national report for this process?
- What mechanisms exist for ensuring that adopted human rights legislation and treaty body recommendations are enforced?
- How is the independence of the judiciary upheld?
- Ecuador's 1998 Constitution recognises many of the rights included in the 2007 Declaration on the Rights of Indigenous Peoples and the International Labour Organisation's Convention 169. How will the Government of Ecuador ensure that these guarantees remain intact as it rewrites its Constitution, and ensure that the rights of minority groups, including women, are universally respected?
- How will the Government of Ecuador ensure that its plans to eradicate child labour will be implemented, rigorously enforced and evaluated?

- There have been worrying reports that the security forces have on occasion acted with excessive force. What training do your officers receive to ensure that they consistently operate within international humanitarian law?
- Could you please elaborate further on the existence and status of a National Human Rights Institution in your country, and whether it complies fully with the Paris Principles?
