

Plan, as well as the establishment of the Consejo Nacional de la Magistratura; the decision to appoint a new Ombudsman; and the creation of the remedies of *amparo* and *habeas data*, as well as the expansion of the remedy of *habeas corpus*. The Committee also welcomed: the constitutional prohibition on the enactment of amnesty legislation or granting pardons for human rights violations; the stipulation that torture, enforced disappearances and extrajudicial executions have no statute of limitation; the provision that obedience to superior orders cannot be invoked as an extenuating circumstance; the fact that the jurisdiction of the military tribunals has been limited to members of the armed forces in the exercise of their official functions, and the stipulation that these tribunals have no jurisdiction over civilians; the provision that cases of human rights violations by members of the army and the security forces fall under the jurisdiction of civilian courts; and the decision of the Constitutional Court declaring unconstitutional the criminalization of private homosexual relations between consenting adults, as well as the law excluding persons charged under the Narcotics and Psychotropic Substances Act from the application of the new provisions on detention pending trial. The Committee welcomed the development of a series of educational programmes, in collaboration with international institutions, to enable all segments of the population – in particular members of the army, security forces and the police, and members of the judiciary and lawyers – to be better acquainted with international standards for the protection and observance of human rights and human dignity.

The principal subjects of concern identified by the Committee included, *inter alia*: the many instances of violence against women and the very few judicial decisions taken in those cases, stressing that all reported acts of violence against women should be investigated and appropriate judicial proceedings instituted; the very high number of suicides of young females, which appear in part to be related to the prohibition of abortion; the failure to address the resulting problems faced by adolescent girls, in particular rape victims, who suffer the consequences of such acts for the rest of their lives; unreasonably long judicial delays despite the measures taken to amend criminal proceedings to establish oral hearings and to introduce alternative ways of dealing with civil matters; the provision enabling accused persons to be held in detention pending trial for a maximum duration of a third of the possible sentence facing them, and the fact that close to 70 per cent of the prison population is awaiting trial; the severe shortage of public defenders for the poor in Quito and Guayaquil and their total unavailability in many parts of the country, noting that the situation is particularly grave since Ecuadorian law requires mandatory legal assistance in court proceedings.

Concern was also expressed over: the unequal treatment of women, owing in part to the continuation of traditional attitudes and obsolete laws, despite the Plan for

Equal Opportunity 1996–2000 and the constitutional guarantees of the rights of women and laws designed to end discrimination; the exploitation of children in employment, despite the legal requirement of judicial authorization for the employment of children under 14 years of age; the fact that the births of children born in Ecuador to undocumented refugees are frequently not registered due to the parents' fear of deportation and the associated repercussions relative to claims by these children of Ecuadorian nationality; and the impact of oil extraction on the realization by members of indigenous groups of their rights and continuing obstacles to the realization by indigenous peoples of the full use of their traditional lands in a communal way.

The Committee recommended that the government, *inter alia*:

- ♦ adopt all necessary legislative and other measures to assist women and adolescent girls, faced with the problem of unwanted pregnancies, to obtain access to adequate health and education facilities;
- ♦ expedite the process of judicial proceedings in view of the severe backlog in the courts;
- ♦ bring bail legislation into conformity with the provisions of the Covenant and ensure that resort to preventive detention is the exception and not the rule;
- ♦ increase the number of public defenders and extend their presence throughout the whole of the country;
- ♦ implement fully the Plan for Equal Opportunity; abrogate those provisions of the Code of Criminal Procedure which prevent a prostitute from being considered as a suitable witness in trials; provide information in the next report on measures adopted and results achieved under the Plan for Equal Opportunity;
- ♦ provide the necessary means to the Comité Nacional para la Eradicación Progresiva del Trabajo Infantil so that it may carry out its mandate to eliminate the practice of child labour;
- ♦ adopt measures guaranteeing to all children of undocumented refugees born in Ecuador the right to a nationality;
- ♦ take further measures to ensure that members of indigenous groups are protected against the adverse effects of oil exploitation within the country and are enabled to realize fully their rights, particularly with regard to preservation of their cultural identity and traditional livelihood; and
- ♦ institutionalize respect for human rights at all levels of government and provide human rights education in schools.