

# ECUADOR

## General Prison Information

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**The aim of this factsheet is to provide an insight into the conditions of prisons in Ecuador. This factsheet is intended for guidance only, and is not designed to be a comprehensive guide to all prisons in the country. It is mainly focussed on the main prisons in Quito, where the majority of British prisoners are held.**

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### **1 General prison conditions**

There are 33 prisons in Ecuador. The majority of prisoners are housed in the two main cities of Quito (in the mountains) and Guayaquil on the coast. Both prisons are quite large and hold two to three times the capacity of prisoners. Conditions vary widely depending on where in the prison prisoners are housed. What follows is a general description of prison conditions.

In Quito prisoners are first sent to CDP (*Centro de Detención Provisional*) where conditions are extremely basic and overcrowding is extreme. They are then usually transferred to the main prisons – for women *El Inca* and for men usually to *Penal García Moreno* where conditions are a lot better. The information that follows is based on these two prisons although conditions are broadly the same across the country<sup>1</sup>.

<sup>1</sup> The women's prison in Guayaquil is more laid back than *El Inca* and there is more outdoor space. The men's prison in Guayaquil is massive (at the time of writing it houses over 5000 men) and is more dangerous and chaotic than the Quito men's prisons. A very small proportion of foreigners are held in

In the men's prisons around 75% are accused of or sentenced for drugs offences. In the women's prisons, it is about 66%. Sentenced and remand prisoners are not separated. It is estimated that around 40% of prisoners in Ecuador are unsentenced (largely a consequence of the overloaded and under-resourced criminal justice system).

## **2 Living conditions**

Quito is in the mountains. The climate is warm during the day but it is extremely cold in prison at night. There is usually hot water in the women's prison, although this is not so in the men's prison. Water shortages in Quito are quite common, particularly in the women's prison. It is very hot on the coast in Guayaquil. Unlike Quito, it is low-lying and as such there are mosquitoes which can bring malaria. However, Ecuador does not have a large problem with malaria and as such the risk is reasonably low in most regions of the country.

Resources in the prisons are minimal and prisoners (and their families) are expected to provide almost everything: mattress, clothes, medicines etc.. In most prisons, prisoners share a small cell with at least two others. In the men's prison prisoners have a toilet, shower and usually a stove in their room (if there is a stove it is paid for by prisoners). In the women's prison, all prisoners have access to a shared kitchen, toilets and showers. If prisoners cannot pay their monthly fees they can work as a cleaner to pay for use of these facilities. There is a significant population of children resident in the women's prison. There is no special provision for them. They usually stay with their mothers in their cells. This adds to the problem of overcrowding.

In both prisons, people can have stereos, TVs and sometimes computers in their rooms. These are all paid for by the prisoners themselves.

In the men's prison there is a market in cells. This means that unless the prisoner has money to buy their own cells (which range in price from US\$400 to US\$3000) they may have to spend their days outside their cell. The official prison regime is minimal and during the day prisoners are free to walk around and occupy their time as they see fit. Although there are clearly problems with security, prisoners often highlight the relative freedom they have within prison walls to pass time as they wish.

### **2.1 Food**

Three very basic meals a day are provided. Prisoners report that the quality of food can be very poor and occasionally quite toxic: research by FLACSO<sup>2</sup> in 2006 reported that one third of prisoners suffered from parasites, probably due to the food. Food poisoning is a relatively common occurrence among foreigners. In most prisons people have access to a stove and running water, and many foreigners cook for themselves as much as possible. Food, toiletries, cleaning products, candles and basic medicines can be bought in stores in the prison which are run by prisoners.

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small provincial prisons across Ecuador. People report that they're smaller and more peaceful than the large city prisons; however they are very isolated for foreigners.

<sup>2</sup> Facultad Latinoamericana de Ciencias Sociales (Latin America University of Social Sciences), Quito, Ecuador.

## **2.2 Work / training / education**

Prisons in Ecuador are extremely under-resourced. Less than 5% of prisoners have access to rehabilitation, work or training programmes, although both the men's and women's prisons have libraries with English language books (the product of years of donations from visitors). Most prisoners find casual employment working in shops, food kiosks, teaching English, cooking, cleaning or doing other odd jobs around the prison.

## **2.3 Healthcare**

Chronic overcrowding, vermin and lack of preventative healthcare measures mean that disease in prison spreads very quickly. Healthcare provision is minimal and only sufficient for emergencies. For anything that does not require emergency treatment prisoners can usually see a doctor in the prison (although they may have to pay for any medicines they require) or may be escorted to a nearby hospital for treatment. Arranging this can be extremely time-consuming and prisoners usually have to pay for treatment themselves. There is also a small clinic within the main men's prison. Chronically ill or recovering patients may stay there for short periods of time.

## **2.4 Drugs and rehabilitation**

Both of the main prisons have a thriving informal economy which revolves around drugs and debt. Foreigners appear to be particularly vulnerable to drugs, the most common of which is a crack cocaine-like drug known as *base* which is extremely cheap and available.

For men there is a drugs rehabilitation clinic away from the main prison. It is clean and considerably calmer than the main prisons (although extremely small and overcrowded). There is a long waiting list for the clinic. For women there is a small area set aside for drug rehabilitation. Both clinics appear to have varying success rates.

## **2.5 Safety of foreigners in prison**

The safety of foreign prisoners in prison in Ecuador varies widely according to the prison and person imprisoned. In most prisons there is a strong perception that prisoners from developed countries (particularly Europe and North America) have a lot of cash. As such, foreigners are particularly likely to be subject to (sometimes insistent) requests from other prisoners for money or cigarettes. Keeping a low profile, avoiding public displays of wealth and learning Spanish does much to help British prisoners integrate.

## **3 Criminal justice/legal representation**

The criminal justice system in Ecuador is under-resourced and over-stretched.

### **3.1 Lawyers**

Foreigners and Ecuadorians can ask for a free public lawyer or can privately hire legal representation. Although some foreigners felt they were well represented, most reported that there are many unscrupulous lawyers who ask for vast sums of money to conduct an investigation and then disappear. Because of language difficulties, foreigners are particularly vulnerable to this kind of fraud. Most public lawyers do not speak English and are poorly paid; however, reports were equally mixed for private lawyers.

### **3.2 Translation**

Provision of translation of official documents and court translation can be extremely unreliable. Bilingual prisoners may sometimes be called upon to interpret. Some defendants have had to pay for their own interpreter at trial.

### **3.3 Sentences**

Current sentences for drug trafficking are eight to 12 years. At the time of writing reductions in sentence are only given for judicial holidays (about a month a year).

### **3.4 Pardons**

A law introduced in early 2008 allows prisoners to apply for a pardon. Only those caught with less than 2 kilos of a drug, have served at least 18 months, and who have no prior offences are eligible to apply. It remains to be seen [in January 2008] how this law will operate in practice.

### **3.5 Parole / Pre libertad**

*Pre libertad* (parole) was introduced in 2006 to address the overcrowding which resulted from the withdrawal of a system where prisoners were automatically released halfway through their sentence. In early 2008 that requirement was changed so that now prisoners are required to have served just 40% of their sentence.

At the time of writing the system for parole is still relatively new, but some foreigners had been approved for early release. They are moved from the main prison to a half-way house (*casa de confianza*) and are initially released to work one day a week. Time outside increases a day for every month they are on parole. This system seems to be working well although some prisoners have escaped and there were many rumours that parole for foreign nationals may be revoked. There has been a recent change in government which may affect the provision of parole.

It is extremely difficult for most foreign nationals to get approval for parole. The applicant needs to have a variety of court papers showing that they have no outstanding cases pending, a contract of work, a place to stay and a guarantor. Most foreigners have few contacts or family outside the prison to help them apply or provide the necessary guarantees.

## **4 Families**

### **4.1 Sending money**

At the time of writing there was a missionary group working with prisoners in the women's prison in Quito *El Inca* but no equivalent in the men's prison. Money can be sent through the British Foreign & Commonwealth Office. See the Prisoners Abroad factsheet "[How to send money to prisoners via the Foreign and Commonwealth Office](#)" for more information.

### **4.2 Keeping in contact**

Most prisoners keep in contact with home by phone. There are public telephones in both the main prisons. Many prisoners have their own mobile phones, which can be reasonably cost-effective for calling home. Having a mobile phone in prison is not allowed but this rule is only loosely applied. Phones can be bought from other

prisoners. The cheapest way to call Ecuador is through international calling cards that are sold at many newsagents in the UK.

#### **4.3 Sending letters and parcels to prisoners**

Sending money by post to prisoners is NOT secure. Although prisoners can technically receive parcels, the guards may expect bribes. It is more secure to send parcels through the Embassy, who can deliver them on their visits British prisoners.

#### **4.4 Visits**

Prisoners have all-day visits three days a week (weekends and Wednesdays). In the men's prisons, women can stay over every second Saturday night. If visitors are coming from far away, particularly if they are family, prisoners can apply for special permission for their relatives to come and visit the prison on weekdays. The British Consulate should be able to help with this.

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