



Prison situation, analysis Ecuador year 2022

Situación carcelaria, analisis Ecuador año 2022

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ABSTRACT

The penitentiary system of Ecuador has undergone in recent years changes in form and substance that have altered for better or worse the coexistence and everything that means its social rehabilitation processes in our country, before these last two years there have been a series of events around the Ecuadorian prison system that put it in the center of the news and investigative agenda nationally, in the region and in the world. Crime rates and a bloody coexistence among the actors that make up the rehabilitation and social readaptation system of the country have been increasingly marked by a series of aspects both internal and external to the rehabilitation system itself.

RESUMEN

El sistema penitenciario del Ecuador ha sufrido en los últimos años cambios buscando de forma como de fondo que han alterado para bien o para mal el convivir y todo lo que significa sus procesos de rehabilitación social en nuestro país, ante estos dos últimos años ha existido una serie de hechos alrededor del sistema penitenciario ecuatoriano que lo ponen en el centro de la agenda noticiosa e investigativa a nivel nacional, en la región y en el mundo. Los índices de criminalidad y una sangrienta convivencia entre los

actores que componen el sistema de rehabilitación y readaptación social del país se han visto cada día más marcados por una serie de aspectos tanto del fuero interno y externo al mismo sistema de rehabilitación.

Keywords / Keywords

crisis carcelarias, rehabilitación social, políticas públicas, personas privadas de libertad

prison crisis, prison crisis, social rehabilitation, public policy, prisoners, public policies

Introduction

The criminal swing in which our country finds itself day by day, has been on the media agenda every day, there is not a day or week in which our country does not talk about the war waged by the authorities and the state power against organized crime or common crime, There is undoubtedly something that has captured the attention of all and sundry regarding the criminality of our country, as it has surpassed the limits of human conscience and of course has exceeded the limits of the media agenda of our country, seeing us in the eye of the hurricane of international public opinion and human rights organizations.

Undoubtedly I refer to what happens inside the social rehabilitation centers of Ecuador, for many this may simply be a reflection of what happens outside the cells and it is nothing more than a bomb that exploded for not taking the necessary precautions when they should have been taken, in short there are many hypotheses that experts and non-experts in the subject throw in order to find a reason for the most atrocious massacres that our country has experienced perhaps in its republican history. The present document has as its main and only objective, from a purely technical point of view, to establish, by quantitatively measurable variables, the objective of these massacres that have already claimed the lives of hundreds of Ecuadorians deprived of liberty, and who unfortunately were never able to fulfill their objective of rehabilitation and later reintegration into society once they have served their sentence.

For this we will put these technicians as, the level of overcrowding that in this lapse of years have happened to have the different centers of social rehabilitation with which our country counts and yes also how

much the prison population has grown or has been reduced, how much is the percentage in which it grows or decreases this prison population, But above all, we will focus on the public policies inherent to the rehabilitation and social reinsertion of persons deprived of liberty in our country, as well as their implementation by the competent authorities who are in charge of more than 11,000 people who wait day by day for a new opportunity after serving a sentence. (OBSERVATORY OF RIGHTS AND JUSTICE , 2022)

Materials and Methods

The methods used in this research are qualitative, since a case study was conducted on the prison crisis in the Penitenciaría del Litoral del Guayas of Ecuador, as well as articles, jurisprudence, figures, in order to determine the problem and develop its content and therefore possible causes and solutions. The information for this research was obtained from the National System of Integral Attention to Persons Deprived of Liberty, from press releases issued by the Presidency of Ecuador, the Ministry of the Interior, these sources are the basis to corroborate the existence of the problem investigated.

Results

The discussion within this research is about addressing the Prison Crisis that has occurred in Ecuador, specifically in the Penitentiary of Litoral del Guayas during the years 2021/2022. A thorough study will be carried out to determine the possible causes of this crisis, and will establish solution mechanisms that can be taken by the prisons and the Ecuadorian State, so that it does not continue to impact on a State of rights and dignity, and especially to those who are paying a sentence.

It is normal to talk about prison crises, when we analyze in detail the daily life inside prisons not only in our country but worldwide, we can say then that no prison worldwide throughout its history has failed to experience crises in its management from the simplest to the most complex, In our country, the prison system has been abandoned for decades and if we analyze in detail each of the prisons we can say that some of them have been abandoned for hundreds of years and have been gradually moving away from their primary objective, which is the

social rehabilitation of those who have broken the law or have committed an act of an unlawful nature.

As an example to better understand what we have just stated, we can take as a reference the old rehabilitation center number 1 for men of Pichincha or also called former prison García Moreno, a rehabilitation center full of history because there also happened episodes that today we know and remember as sadly famous episodes for the political and republican history of Ecuador, This prison that was built in 1879 with a capacity to house only 270 people, was not intervened structurally and in depth ever in its history until the year of its total closure in April 2014 that on that same date of closure came to house up to 1610 people deprived of liberty. (SECRETARY FOR WOMEN AND HUMAN RIGHTS, 2022).

These data that we have just provided as simple background information are very important to remember throughout the study of this document, because these data give us a first image of what we should notice to understand in depth the prison crisis of the rehabilitation center that will be the product of the specific study that we will carry out. The Penitenciaría del Litoral or rehabilitation center number 1 for men Guayas, was built in 1954 by the former president José María Velasco Ibarra, as the most ambitious construction project in terms of social rehabilitation that was made until then not only in Ecuador but at the level of the entire Latin American region.

This rehabilitation center in the 60's, even became a reference for other penitentiaries that were built in countries like Colombia or Peru, the construction was so ambitious that in the year of its inauguration in March 1954, this rehabilitation center had a maximum capacity for 1500 people deprived of liberty, This was undoubtedly one of the largest buildings constructed at that time in Ecuador and of course it was the most imposing building or structure capable of housing people that existed in the country, because even with this capacity the rehabilitation center at that time did not even reach 30% of its maximum capacity.

Almost 60 years passed, and as in the former Garcia Moreno prison, during all this time no structural or fundamental reforms were made to this social rehabilitation center that with the passage of time and gradually lost its north of social rehabilitator to become an assigner of human beings. So far, in 2013, the construction of a new social rehabilitation center was ordered through the now defunct Ministry of

Justice, in order to be able to cancel this outdated and antiquated building, which did not meet the minimum requirements of survival and human rights to which all people are subject by the simple fact of being beings of reason and understanding (VEGA, 2006). (VEGA, 2006)

We can note then that the same sequence of facts is repetitive when we analyze these two social rehabilitation centers, the first as a reference and exemplary object and the second on which we will land our analysis and study for this document, the repetitive data would be that over the years no structural changes were made not only in its buildings but also in the management that these rehabilitation centers gave for the fulfillment of its objectives which were to rehabilitate people who at the time were tried and sentenced to achieve social reintegration mechanisms.

The prison massacres in the penitentiary of the coast or rehabilitation center number 1 for men Guayas, day by day becomes a vox populi and unfortunately in facts every day more repetitive, These events have even made Ecuador look like a failed state that cannot exercise control or the minimum roles of the State within a rehabilitation center of 12 pavilions where the most dangerous criminals of this country are mixed with all kinds of human beings who pay day by day a sentence that many times becomes a martyrdom rather than a process of reintegration and social rehabilitation.

The analyses that are made about the prison crisis in our country in general, without finding separate objectives to try to explain a phenomenon as complex as the one that 8000 human beings live day by day, in this research we will try to give the broad vision to find the true magnitude or scope of the problem that we face as Ecuadorian society, likewise, to highlight the seriousness of the problem that often goes unnoticed by all of us who make up this country.

Let's take this last data and compare it with the one we gave at the beginning of this introductory part, let's remember that we mentioned that the penitentiary of the coast in its construction in 1954 had a maximum capacity for 1500 persons deprived of freedom, today it has 12 pavilions and registers an average of 700 to 800 persons deprived of freedom, Unfortunately, in order to demonstrate the problem, until the writing of this document, there is no exact number of persons deprived of their liberty in the penitentiary of the littoral, since for the first time in the history of this country, a prison census is being carried

out in order to have exact figures and make decisions based on them. (IACHR, 2022)

Criminal Disputes and their Incidence in the Criminal Sphere

Until the year 2020 there were hegemonic groups in Ecuador, they spoke a lot of territory the criminal activities they developed, prisons had become for these criminal structures in supply centers and monetary provisioning, The control of prisons gives these hegemonic groups a certain increased power to the one they already had in the streets or in the largest cities of the country, controlling the prison system would then become for the members of criminal groups a very favorable wild card if they were judged and had to serve a prison sentence in any of these. (AMNESTY INTERNATIONAL, 2022)

As we have already explained in the background, the penitentiary of the littoral, being the largest social rehabilitation penitentiary in this country, will undoubtedly coexist within the same space several members of various gangs or organized criminal groups in the country, In this penitentiary center of which our study is mainly concerned, there is no differentiation of the prison population based on their dangerousness or the criminal types that have led them to be sentenced, but rather there is a type of differentiation by their related gang or to which they are members, because according to the prison system of Ecuador this generates greater security for people as long as they are grouped among equals.

In the year 2020 a hinge effect occurs within the criminal game of our country, there is a brutal rupture of criminal groups that at the beginning were allies and now have great differences and disputes over territory for criminal activities, within these disputes it was inevitable that the prison system that they controlled as a single group in the past was left out, It is important to repeat that the control of the penitentiary systems has become a wild card for these criminal structures, and within the penitentiary centers there is a kind of very broad market of various legal and illegal products that generate great profits for these structures.

Within the penitentiary centers, among other things, there is a growing consumption of controlled substances, and only the criminal structures that control the different penitentiary centers and the pavilions specifically are the ones that can distribute this type of products to the other inmates, Taking as a reference the figures that

we measured above for the number of consumers that exist within the pavilions of the male penitentiary center number 1 Guayas, we can get a clear idea of how much money daily or monthly moves within these pavilions and then we will know why it is so important not to lose control of them for the criminal structures.

Therefore, we can say that the control of the largest penitentiary center in the country, beyond any other circumstance, becomes a center of dispute translated more towards the monetary than the territorial, which added to other aspects that we will develop later will help us to better understand the problem that we are trying to elucidate and understand in a better way.

The abandonment of public prison policies.

During 2013 the project for the construction of the Guayas regional prison number 1 was presented, with this project it was intended to build a modern social rehabilitation center that with infrastructure according to current prison security standards fulfills its role of being a rehabilitation center suitable to keep the prison population and the civilian population in general safe, the project had a cost of 78 million dollars, with this new infrastructure it was also intended to cancel the so sadly famous penitentiary of the littoral. (SNAI, 2013)

During the first months of construction of this new social rehabilitation center, major changes were noted in terms of health and safety both inside and outside the social rehabilitation center, the prison population had a new center that provided them with security, tranquility and the necessary means to meet the objective of the sentence, that after serving it, they could be reintegrated into social life and work with equal opportunities.

Once the construction of this regional social rehabilitation center was completed, it was thought that the migration of inmates from one prison to another would be progressive, and once this process was completed, the penitentiary on the coast would close its doors for good, but this was not achieved due to a simple planning and calculation error at the time of projecting the capacity of this center that would house not only the prison population of the penitentiary on the coast but also many others.

The penitentiary of the coast had in 2015 a prison population close to 3500 people, the construction project of the regional prison of Guayas had a projection to house 3412 people, being forced then to make

changes and a last minute expansion to reach 4500 places. (SNAI, 2013) (FLACSO, 2016)

We can realize then that the project that was intended to cancel the sadly famous penitentiary of the coast rehabilitation center number 1 for men Guayas, began erroneously and taking into consideration the data mentioned above we can say then that it was even improvised, with these data we can also conclude this point by saying that the main objective of building this new rehabilitation center which was to reduce overcrowding was never fulfilled and even worsened, taking into account that today are in full operation and with overcrowding both social rehabilitation centers.

On the other hand, in 2018 the Ministry of Justice, Human Rights and Worship was eliminated, an entity whose objective among others was to articulate the mechanisms and public policies of social rehabilitation and social reintegration of persons deprived of liberty, i.e. the National Service of attention to persons deprived of liberty (SNAI) at that time, depended directly on the guidelines dictated by this extinct ministry, which after its elimination by Executive Decree number 491 of former President Lenin Moreno Garcés, depending since then on different ministries, thus leaving in the air the articulation of the different public policies applicable to the social rehabilitation of persons deprived of liberty and the social rehabilitation system in general. (PRESIDENCIADELECUADOR, 2018)..

When we try to observe whether a certain criminal activity has grown or not during a certain period of time, it is generally complicated since these are clandestine movements and because of this clandestinity, it is not so easy to quantify, but it is possible to unveil certain factors where the analyst can realize if there was an upward or downward inflection in the data of criminal activity, An example of such data can be the number of seizures of illicit substances that are made during a certain period of time, thus, in our country according to official figures of the Ministry of the Interior closes a record year in seizures of controlled substances, reaching 200 tons seized (Ministry of Interior, 2022). (MINISTRY OF THE INTERIOR, 2022)which means a new record in seizures.

This data shows what is currently happening with the penitentiary system in our country, but rather one of the many reactions to the new record of seizures of illicit organizations, which means that their

income and their market, which they generally used to finance their illicit activities and sell them subject to control, is reduced, The new record of seizures of illicit organizations, which has led to a reduction in their income and their market, which they generally use to finance their illegal activities and to sell these controlled substances, is reduced, as they try to fight for the minimum territory and opportunity they have to exploit and make their power prevail over other criminal organizations and even prevail over the public forces and the coercive power of the State, which in one way or another tries to hit these illegal structures financially.

Complementing what we mentioned in the previous paragraph, we must add certain aspects that are preponderant in saying that what is currently happening with the prison system is the result of the struggle that exists between the organizations outside the law and the power of the State, if the prison system is splashed by these struggles is because there is some permissiveness or possibility that these permeate within the prison system of our country. (VELASCO, 2022)

As mentioned earlier in this document, the elimination of the Ministry of Justice as an entity that coerced public policies towards the penitentiary system and other systems that indirectly influence it has caused a brake on the financing of initiatives for social rehabilitation and security within social rehabilitation centers.

Finally, another factor that has a preponderant influence on the social rehabilitation system being affected by these struggles that occur or originate outside these, is due to structural issues that are the ultimate consequence of all the causes that we have analyzed in this document, we are talking about the level of overcrowding that had had an exceptional rise for many years, We are talking about the level of overcrowding that had had an exceptional rise for many years, and of which we did not even have real and accurate data on how serious it was until December 2022, which is that we can deprive of liberty, when if we add the capacities of all the centers of deprivation of liberty in our country and for the number of persons deprived of liberty that were designed at the beginning gives us as a result a level of overcrowding of more less than 8% currently when according to the same data of SNAI at the beginning of that same year the overcrowding was 31%. (SNAI, 2013)

Conclusions

Based on the data analyzed and inferences we have made within this paper we can conclude that:

The crises in our country's penitentiary system are the product of both external and internal factors that allow them to form a kind of breeding ground where it is very easy for any change, no matter how small, in social rehabilitation to produce outbursts so strong that they claim dozens of human lives in the most chilling and inhumane ways known in the history of our country.

The abandonment of public policies for many years that served to treat and manage the social rehabilitation system in our country in a comprehensive manner contributes in an overdimensioned way to the fact that the State has lost control of the penitentiary centers for a long time and these obey the instructions given by the criminal structures that are inserted in one way or another within our country and that among them have power struggles.

The high levels of overcrowding in the penitentiary system of our country until a few months ago was a triggering factor at the time of any type of crisis, large or small, within the social rehabilitation centers, since having a large number of people overcrowded in infrastructures and conditions that were not suitable for the number of people held there, made the control of these situations and of the centers in general increasingly complicated as the prison population in our country grew in an unquantified manner.

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