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Violence and Conflicts in the Prisons of Ecuador: Legal Approach and Prevention Measures

Violencia Y Conflictos En Las Cárceles De Ecuador: Enfoque Legal Y Medidas De Prevención

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Abstract

The present research addresses the topic of "Violence and Conflicts in Ecuador's Prisons: Legal Focus and Prevention Measures." This research primarily employs documentary and qualitative investigation as suitable methods for obtaining a comprehensive understanding of the prison issue and proposing legally grounded solutions. Documentary research will allow for an in-depth analysis of prison legislation and regulations, identifying gaps and potential inconsistencies in the laws that may be contributing to violence in prisons. Additionally, governmental reports and official statistics on violent incidents and conflicts will be examined, providing an objective foundation for future reforms. On the other hand, the research emphasizes the study of lawyers, officials, and inmates' families, offering a human perspective that can help identify specific concerns and needs. Through these approaches, it is expected to contribute to the development of effective solutions that enhance the prison situation in Ecuador from a legal perspective.

Keywords: Prison System, Jails, Conflicts.

Resumen

La presente investigación aborda el tema de "Violencia y conflictos en las cárceles de Ecuador: enfoque legal y medidas de prevención". Donde prepondera la investigación documental y cualitativa como propicia y adecuada para obtener una comprensión integral de la problemática carcelaria y proponer soluciones fundamentadas desde el ámbito legal. La investigación documental permitirá analizar en profundidad la legislación y regulaciones penitenciarias, identificando lagunas y posibles inconsistencias en las leyes que puedan estar contribuyendo a la violencia en las cárceles. Asimismo, se examinarán informes gubernamentales y estadísticas oficiales sobre incidentes violentos y conflictos, proporcionando una base objetiva para futuras reformas. Por otro lado, la investigación prepondera al estudio a abogados, funcionarios y familiares de reclusos, brindando una perspectiva humana que permitirá identificar preocupaciones y necesidades específicas. A través de estos enfoques, se espera

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contribuir al desarrollo de soluciones efectivas que mejoren la situación carcelaria en Ecuador desde una perspectiva legal.

Palabras Clave: *Sistema Carcelario, Cárceles, Conflictos.*

Introduction

The research on violence and conflicts in Ecuador's prisons is of utmost importance due to its significant impact on security, human rights, and society as a whole. The country's prison situation has been a matter of concern both nationally and internationally, and it is crucial to thoroughly examine this issue.

Currently, conflicts between gangs and violence in Ecuadorian prisons continue to pose a critical challenge to the country's penitentiary system. Confrontations among inmates have led to loss of lives and high-risk situations for both inmates and prison staff. This issue demands an urgent review of current policies and practices to achieve peaceful and secure coexistence in prisons.

Violence in Ecuadorian prisons has a long history dating back several decades. Factors such as overcrowding, lack of adequate infrastructure, and limited control over the entry of weapons and prohibited items have contributed to the worsening of the situation. Over time, the penitentiary system has faced persistent challenges in ensuring the safety and well-being of inmates. It is necessary to address this issue with comprehensive and effective solutions that provide a safe and humane environment within the country's prisons. (Panszi et al., 2022)

The problem manifests in the confrontation between rival gangs and the existence of organized criminal groups within prisons, creating a high-tension and constantly risky environment. Prison overcrowding has led to forced and conflict-ridden coexistence among inmates, exacerbating tensions and complicating the implementation of effective policies to prevent and control violence.

With this information, the aim is to analyze the current state of violence and conflicts in Ecuadorian prisons in a generalized manner, based on the most up-to-date information available to date. The goal is to identify key factors contributing to prison violence and assess the effectiveness of current legal policies and measures.

Based on this analysis, the work will focus on examining possible practical and effective solutions, based on the current legal framework in Ecuadorian law. Consideration will be given to security and prevention measures, the implementation of rehabilitation and social reintegration programs, as well as interinstitutional collaboration to achieve a safer and more humane prison system that respects the fundamental rights of persons deprived of their liberty (PPL).

General Objective

To systematically and comprehensively analyze the legal foundations of prevention and security implemented in Ecuador's prison system to address gang violence and conflicts, and to improve the rehabilitation and social reintegration of incarcerated individuals.

Specific Objectives

Evaluate the effectiveness of existing public policies and legal measures in Ecuadorian prisons to prevent gang violence and improve security in the penitentiary environment. Investigate the

relationship between overcrowding and the escalation of gang conflicts, analyzing how prison overcrowding affects coexistence and generates tensions.

Propose legal measures for prevention and security that promote the rehabilitation and social reintegration of incarcerated individuals, considering the implementation of rehabilitation programs, education, and job training, and strengthening interinstitutional collaboration.

Methods

Both documentary and qualitative research are essential to obtain a comprehensive, quantified understanding through surveys and evidence-based means of the problem. Documentary research will allow us to examine in detail the Ecuadorian prison laws, regulations, and policies. By reviewing current and past legislation, we can identify regulations related to security, inmate treatment, prison classification, and other aspects relevant to violence prevention. Additionally, we will analyze government reports and official statistics on violent incidents and conflicts in prisons to better understand the magnitude of the issue. This way, we can detect possible gaps or inconsistencies in current laws and public policies that may be contributing to violence and conflicts in prisons.

Population and Sample

The research was based on the application of surveys to three groups: families of inmates, lawyers, and officials from the Ecuadorian prison system. The choice of this population is justified by their close and specific knowledge of the conditions and situations inside the prisons, access to relevant information, and diverse perspectives. Families of inmates can provide internal information, while lawyers and officials are familiar with policies and procedures. The objectives of the study are to understand the causes and factors of prison violence and conflicts, assess the effectiveness of preventive measures, identify the needs and challenges of these groups, and propose legal recommendations to address and reduce violence in Ecuadorian prisons.

Results

Survey on the Causes of Violence and Conflicts in Prisons in Ecuador - Legal Approach

Dear participant, this survey aims to identify the possible causes of violence and conflicts in Ecuadorian prisons from a legal perspective. Your answers will be anonymous and confidential. Your participation is of vital importance in proposing effective prevention measures. Thank you for your cooperation!

1. What is Your Relationship with the Ecuadorian Prison System?

- a) Lawyer or legal professional related to the prison system
- b) Prison officer
- c) Family member of an inmate

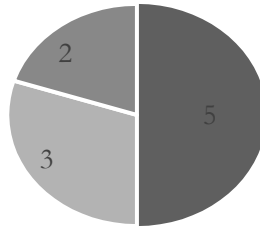


Figure 1: Question N.-1 Source: Macas. J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador.

50% of the respondents have a relationship with the Ecuadorian prison system as lawyers or legal professionals, while 30% are officials or prison staff, and 20% are family members of inmates.

2. Have You Witnessed or Experienced Situations of Violence Within Ecuadorian Prisons?

d) Yes b) No

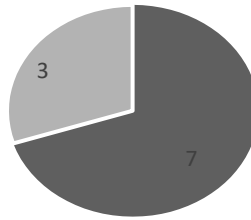


Figure 2: Question N.-2 Source: Macas. J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador.

70% of the respondents have witnessed or experienced situations of violence within Ecuadorian prisons, while 30% have not witnessed or experienced situations of violence within Ecuadorian prisons.

2. From your Perspective, what do you Think are the Main Causes of Violence and Conflicts in Ecuador's Prisons? (You can Select more than One Option)

- 1% a) Problems of classification of inmates and separation of conflictive groups
- b) Prison overpopulation problems
- c) Lack of rehabilitation programs and social reintegration
- d) Drug trafficking and territory control by gangs
- e) Corruption and abuse of power by prison officials
- f) Lack of access to health services and medical care

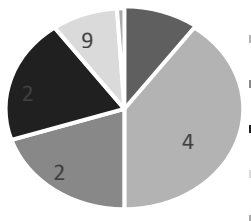


Figure 3: Question N.-3 Source: Macas. J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador

10% of the respondents consider that the causes, conflicts, and problems of violence are due to issues related to the classification of inmates and the separation of conflicting groups, while 40% attribute them to prison overcrowding, 20% to the lack of rehabilitation and social reintegration programs, 20% to drug trafficking and control of territories by gangs, 9% to corruption and abuse of power by prison officials, and 1% to the lack of access to health services and medical care.

3. Do you Consider that the Application and Compliance of Laws within Prisons are Effective in Preventing Violence and Conflicts?

5%

- a) Yes
- b) No
- c) Not sure.

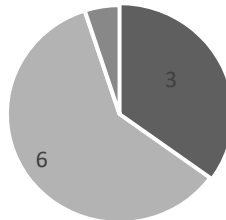


Figure 4: Question N.-4 Source: Macas. J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador.

35% of the respondents consider that the application and enforcement of laws within prisons are effective in preventing violence and conflicts, while 60% do not consider them effective, and 5% are unsure.

4. From your Perspective, what Legal Reforms do you Consider Necessary to Prevent and Reduce Violence in Ecuadorian Prisons? (You can Select more than One Option)

Improve access to rehabilitation and training programs for inmates.

- a) Strengthen security and control to prevent the entry of weapons and drugs.
- b) Implement measures to reduce overcrowding and improve living conditions in prisons.
- c) Establish complaint mechanisms and protection to prevent corruption and abuse of power.
- d) Increase collaboration with international organizations to improve prison standards.

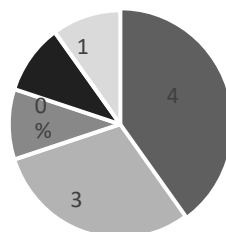
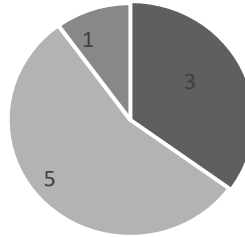


Figure 5: Question N.-5 Source: Macas. J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador.

40% of the respondents consider improving access to rehabilitation and training programs for inmates, while 30% believe in strengthening security and control to prevent the entry of weapons and drugs. 10% suggest implementing measures to reduce overcrowding and improve living conditions in prisons, while another 10% propose establishing reporting and protection mechanisms to prevent corruption and abuse of power. The remaining 10% recommend increasing collaboration with international organizations to enhance prison standards.

6. Do you Think that Collaboration Between the Judicial System, the Police, and Prison Authorities is Effective in Preventing Violence and Conflicts in Prisons?



- a) Yes
- b) No
- c) Not sure.

Figure 6. Question N.-6 Source: Macas, J, Bull. B (2023), Survey: on the Causes of Violence and Conflicts in the Prisons of Ecuador.

35% of the respondents consider that collaboration between the judicial system, police, and penitentiary authorities is effective in preventing violence and conflicts in prisons, while 55% do not consider it effective, and 10% are not sure.

Results

Following the completion of this research, which aims to address the issue of violence and conflicts in Ecuador's prisons through a legal approach and the implementation of preventive measures, a survey was conducted with various stakeholders involved with the Ecuadorian penitentiary system, including lawyers, prison officials, and relatives of inmates.

Through this survey, valuable information was collected regarding the respondents' perceptions and experiences of violence in prisons, as well as their ideas for possible solutions to mitigate this issue. The research identifies the problem in this situation, which the survey reaffirms as a significant issue in the Ecuadorian penitentiary system, with 70% of the respondents admitting to having witnessed or experienced violent situations within the prisons.

This high incidence of violence underscores the urgent need to address the problem to improve the living conditions of inmates and to ensure the safety and well-being of all individuals involved in the prison system.

According to the respondents' perception, the main causes of violence and conflicts in prisons are multifactorial. 40% of them attributed the violence to issues of prison overcrowding, which generates tensions and conflicts among inmates. Additionally, 20% pointed out the lack of rehabilitation and social reintegration programs as a key factor contributing to the perpetuation of the cycle of violence.

Author Diego Jácome, in his article titled "Crisis in Ecuador's Prisons," published on August 15, 2022, points out that one of the main causes of prison riots and conflicts between gangs within prisons is the lack of effective public policies. The author especially highlights the lack of attention to the mental health of inmates, stating that upon entering the social rehabilitation centers, they do not achieve their rehabilitation purpose due to the absence of public policies promoting proper social reintegration. Instead of being rehabilitated, inmates use their free time to learn how to engage in criminal activities, exacerbating the prison crisis in the country. The article emphasizes the need to implement measures and programs to address these issues to achieve real reintegration and reduce conflicts and violence in Ecuadorian prisons.

Drug trafficking and territorial control exercised by criminal gangs were also identified as significant causes of violence in prisons, as mentioned by 20% of the respondents. Additionally, 10% attributed the violence to issues related to inmate classification and the separation of conflicting groups, while 9% reported corruption and abuse of power by prison officials as an additional concern.

The perception of the effectiveness of the application and enforcement of laws within Ecuadorian prisons was divided. 35% of the respondents considered these measures effective in preventing violence and conflicts, while a concerning 60% expressed dissatisfaction and a lack of confidence in these measures.

These results suggest that there are challenges in the implementation of prison laws and policies, which require a thorough review to strengthen the system and increase its effectiveness. Based on the data collected, the research identifies several possible solutions to address the issue of violence in Ecuador's prisons.

Improving access to rehabilitation and training programs for inmates was one of the most prominent solutions proposed by 40% of the respondents. The implementation of these measures would help reduce recidivism and provide inmates with opportunities to reintegrate into society productively.

As it is well understood, rehabilitation and training programs serve as distractions for incarcerated individuals. In the integration of these programs, inmates can receive training in various skills such as craftsmanship, carpentry, and art. These methods provide an opportunity for incarcerated individuals to have employment and entrepreneurial opportunities when they reintegrate into society (Patiño et al., 2015).

30% of the respondents suggested strengthening security and control to prevent the entry of weapons and drugs into prisons. This measure aims to reduce the influence of criminal groups and decrease the levels of violence associated with drug trafficking and territorial control. Reducing overcrowding and improving living conditions in prisons was also proposed by 10% of the respondents. This measure aims to create a safer and more humane environment for inmates, which could contribute to reducing internal conflicts.

Another solution suggested by 10% of the respondents was to establish reporting and protection mechanisms to prevent corruption and abuse of power by prison officials. Transparency and accountability are crucial to ensure fair and equitable treatment of inmates.

Finally, 10% of the respondents proposed increasing collaboration with international organizations to improve prison standards. This cooperation would allow the sharing of best practices and successful experiences from other countries to address prison issues more effectively.

Regarding the effectiveness of collaboration between the judicial system, the police, and prison authorities, the results were discouraging. Only 35% of the respondents considered this collaboration effective in preventing violence and conflicts in prisons. The majority, 55%, expressed skepticism about the effectiveness of this interinstitutional coordination. This negative perception highlights the need to improve communication and coordination between different institutions to comprehensively address the prison issue.

Finally, the research provided valuable information that can be considered as an initial aid in solving the problem presented: violence and conflicts in Ecuador's prisons. However, it is essential to note that research alone does not directly solve the problem but provides a solid foundation for identifying and understanding the causes and possible solutions.

The research identified the main causes of violence in Ecuadorian prisons, as well as the opinions and perceptions of various stakeholders involved in the prison system. Reform proposals and possible solutions were also obtained, which can contribute to the prevention and reduction of prison violence.

For the research to truly help address the issue at hand, it is essential to take concrete actions based on the findings and recommendations. Therefore, it is proposed to engage in dialogue with stakeholders, as it is essential to involve all stakeholders, including government officials, experts in the prison system, non-governmental organizations, and family members of inmates. This will foster collaboration and allow for the development of more effective and sustainable solutions.

Nevertheless, based on the reform proposals identified in the research, work should be done to create and implement new prison laws and policies. These reforms should specifically address the causes of violence in prisons, such as overcrowding, lack of rehabilitation programs, and drug control. It is also recommended to analyze the United Nations Standard Minimum Rules for the Treatment of Prisoners 'Nelson Mandela,' which precisely addresses the rights of incarcerated individuals and provides various approaches for the control and rehabilitation of incarcerated individuals and better social reintegration (United Nations, 2016).

In this way, the strengthening of the justice system is allowed, ensuring the effectiveness of existing laws, and improving coordination between the judicial system, the police, and prison authorities is essential to prevent and reduce violence in prisons. This can be achieved through training, monitoring, and evaluation of results, and ultimately implementing effective rehabilitation and training programs for inmates, such as education, job training, and psychological support, which will help reduce recidivism and promote the reintegration of inmates into society.

Discussion

The author Jorge Núñez Vega mentions that the prison system as we know it is the quintessential example of failure since it does not fulfill the purpose of social rehabilitation centers. He also asserts that after so many years without rehabilitating incarcerated individuals, it is indicative that there must be a drastic change; otherwise, the public policies imparted and administered by the state are considered an outright failure (Vega, 2006).

The text points out that responses to overcrowding, congestion, violence, riots, and staff strikes are not adequately addressing the reality of the prison system in the country. The

construction of more detention centers and the privatization of the social rehabilitation system are approaches that, according to the information presented, have not been successful in solving the prison crisis in Ecuador.

The bulletin aims to account for the nature of the prison crisis in the country and promote a deeper discussion of the issue. Based on the research "Prison in Ecuador: daily life, power relations, and public policies" developed by the City Studies Program - FLACSO Ecuador, the bulletin is organized into three areas of analysis: organization and composition, administrative and financial management, and the situation of the incarcerated population.

The research's guiding threads point out that prison overcrowding and congestion are the results of the penal and prison policies adopted by Ecuador. Additionally, it emphasizes the misallocation of resources allocated to the prison system and the systematic violation of the human rights of incarcerated individuals in the country (Patiño et al., 2015). From a legal perspective, the prison crisis in Ecuador poses significant challenges in terms of respecting and protecting the human rights of inmates. The systematic violation of these rights, as a result of precarious conditions and the lack of effective measures to address overcrowding and congestion, represents a serious problem that the state must urgently confront.

The construction of more detention centers and the privatization of the prison system may not be effective solutions since they do not address the root causes of the crisis and could worsen the situation if not implemented properly. Instead, it is necessary to adopt a comprehensive approach that involves a thorough review of penal and prison policies, proper resource allocation, and a greater emphasis on respecting the human rights of incarcerated individuals.

Nevertheless, according to the research by author Ava Lausch, "Causes, manifestations, and some recommendations," it has revealed a complicated situation with multiple stakeholders involved. The ineffectiveness in managing the crisis by recent governments has worsened the situation. The main causes of the crisis are related to changes in the prison system that have led to overcrowding and imbalances in prisons, resulting in violent uprisings and other problems (Lausch, 2022).

From a legal perspective, the prison crisis raises concerns about the violation of the human rights of inmates, including the lack of access to basic needs and rehabilitation programs. Additionally, focusing on security and violence control rather than addressing the root causes can generate more problems inside and outside of prisons.

Solutions are proposed, such as changes in public policy, investment in inmates, and crime prevention. The importance of restoring aspects of the prison model to improve living conditions in prisons is also emphasized.

It is essential to monitor the development of the new public policy and evaluate its consequences to ensure compliance with legal obligations and respect for the human rights of inmates. The research emphasizes the need for a comprehensive and sustainable approach to improve the prison crisis in Ecuador and ensure dignified and respectful treatment of incarcerated individuals.

In this regard, the present research also incurs similarities regarding possible solutions to the violence and conflicts in Ecuadorian prisons. However, it is essential to have a clear understanding of the changes and events that have occurred to date. These can lead to new perceptions, new causes, and possible consequences. As a final contrast, author Diego Jácome

in his article titled "Prison Crisis in Ecuador", recommends emphasizing mental health and public policies for incarcerated individuals. Similarly, thanks to these psychological analyses, incarcerated individuals could be classified not by the crime they commit but rather by the degree of dangerousness they pose. This theory is maintained based on interviews conducted in several maximum-security social rehabilitation centers known for various uprisings and for being of maximum security (Jácome Salinas & Jordán Naranjo, 2022).

After the research and thorough and enriching analysis of the prison problem in the country, combining documentary and qualitative research, a comprehensive understanding of the underlying causes of violence in Ecuadorian prisons was achieved, and potential solutions to address this pressing issue were identified.

The findings revealed that prison overcrowding, the lack of rehabilitation programs, drug trafficking, corruption, and the lack of interinstitutional coordination are significant factors contributing to violence and conflicts in the prison system.

Improvement proposals, such as improving access to rehabilitation programs, strengthening security and control, implementing reporting mechanisms, and collaborating with international organizations, provide valuable guidance for designing and implementing effective legal and policy reforms that promote a safer and more humane environment within Ecuadorian prisons.

The results of this research must translate into concrete actions, involving all stakeholders, to bring about significant change in the prison system and ultimately ensure the well-being of inmates and society at large.

Conclusions

In conclusion, the research has provided a profound and holistic insight into the problem of violence and conflicts in Ecuadorian prisons. Through the analysis of prison legislation and regulations, as well as the exploration of the experiences and perceptions of lawyers, prison officials, and inmates' families, the main causes of violence have been identified, and well-founded solutions have been proposed.

The high incidence of violence in Ecuadorian prisons underscores the urgent need to take measures to improve the living conditions of inmates and ensure their safety. Strengthening the justice system, implementing effective rehabilitation programs, and enhancing coordination between institutions are key pillars in preventing and reducing violence within the prison system.

For this research to have a significant impact, the recommendations must be implemented through constructive dialogue with all stakeholders, working together to build a more humane, just, and secure prison system for all.

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