



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventy-sixth session

### Summary record of the 2224th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 September 2017, at 10 a.m.

*Chair:* Ms. Winter

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*Combined fifth and sixth periodic reports of Ecuador (continued)*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties** *(continued)*

*Combined fifth and sixth periodic reports of Ecuador (continued) (CRC/C/ECU/5-6; CRC/C/ECU/Q/5-6 and Add.1)*

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **Mr. Saenz** (Ecuador) said that he wished to clarify some misunderstandings which had arisen at the previous meeting. It was untrue that sexual violence was accepted by society; in fact, condemnation of such violence was growing among the general public. Also incorrect was the statement that, to combat substance abuse, schoolchildren were required by law to carry their belongings in transparent bags; education on drug use was the preferred means of prevention, while actual drug control measures were applied by entities outside the education system.
3. In 2016, several hundred thousand families, thousands of teachers and hundreds of educational institutions had participated in the “Education Is a Family Matter” programme, which sought to strengthen family co-responsibility in the area of education. The programme, which included modules addressing drug use, school bullying and sex education, had been implemented through a series of campaigns, workshops and community outreach activities. For its part, the “Growing with Our Children” programme, which provided child-development support to families, involved over 5,000 committees of parents of children aged under 3 years.
4. Access to education had improved significantly for children and adolescents who were part of the Afro-Ecuadorian, indigenous and Montubio communities. Levels of inclusion in the education system had gone from 44.13 per cent to 56.59 per cent for Afro-Ecuadorian youth, from 24.23 per cent to 59.97 per cent for indigenous youth, and from 42 per cent to 57.06 per cent for Montubio youth.
5. The Committee had expressed concern with regard to the merger process which had been applied to a number of educational institutions and which was part of a larger restructuring of the education system. Overall access to education had actually increased as a result of that restructuring, and it was important to emphasize that the purpose of the merger was not the abolishment of smaller schools in favour of larger ones. In fact, the merger had served to ensure that local educational needs were met by linking institutions of all sizes so that services could be shared. For example, without necessarily removing individual schools from their place of origin, the Government aimed to establish a system whereby specialized teachers could, on a rotational basis, be seconded to areas with staffing shortages. Such a system would also enable students from single-teacher schools to study one or two days a week at larger facilities; safe travel to those facilities would take less than a day.
6. Unfortunately, the merger process had entailed significant adaptation problems for rural children coming to urban areas. So as to prevent rural students from being at a disadvantage with respect to urban ones, the Government was working to establish dedicated spaces for intercultural bilingual education at large educational institutions. The merger had also resulted in transport problems in a number of areas; however, those problems had, for the most part, been resolved. Although the educational restructuring process was not without obstacles, consultation with the communities concerned would ultimately make it possible to create synergies within the system.
7. Sex education was part of the national curriculum. The new curriculum had been introduced in 2016 and one of its most important features was its flexibility, since it could be adapted to meet local requirements.
8. Two key avenues within the education system were available to children with disabilities. One was participation in the regular activities of inclusive schools, which contained elements tailored to meet their specific needs. To facilitate the integration of such children, since 2015, several thousand teachers had completed a course designed by the National Council for Persons with Disabilities. The second option was attendance at

specialized centres which served children who were unable to actively participate in the regular system. Although there remained much to do in the area, the Government was committed to ensuring the full integration of children with disabilities.

9. The Government was aware of the problem of the revictimization of children and adolescents who had been subjected to sexual violence in the education system. The protocol for responding to such violence stipulated that, aside from the responsibility for the provision of urgent protective measures, responsibility for cases of sexual violence should be transferred immediately to the judicial system. It was also crucial that the families affected should receive appropriate guidance in order to prevent revictimization.

10. One of the priorities of the Ministry of Education was the strengthening of bilingual intercultural education in order to ensure inclusivity, participation and cultural relevance. It sought to achieve that by focusing on three main areas: quality, education management and rights management. A notable component of the approach was the training given to teachers to improve their language skills. In addition, the National Reading Plan provided for measures to bolster ancestral languages.

11. All government social programmes were, by definition, national in scope. All involved training and specialized staff. The programmes related to education, health and child development all had sufficient staff, and all such programmes were part of the National Development Plan. Moreover, the National Development Plan stemmed from a participatory process which comprised consultation with a wide range of social actors, such as children and adolescents.

12. Work was still needed to standardize the information systems in the country. A good number of health indicators were based on census and survey data, for example, which in some respects made for out-of-date or inaccurate information. Administrative records were a very important source of information, but efforts were needed to increase their use as a source of more reliable information on which to base annual decisions.

13. The Minister of Health headed an inter-agency committee to address the issue of malnutrition. Government measures to remedy the problem included the investment of significant resources in school meal programmes and clean drinking water. In addition, a study on the nutritional value of school meals was currently being finalized.

14. The Ministry of Economic and Social Inclusion was responsible for the social integration of persons with disabilities and their families. The three channels through which it served that sector of the population were: day facilities providing comprehensive care and development services; inclusive referral and reception centres for persons in situations of neglect; and in-home and community-based assistance.

15. The Government had established a series of budgetary categories, including gender, disability, children and adolescents and young adults, to facilitate the differentiation of spending by public institutions working directly with the persons concerned. The Ministry of Economic Affairs and Finance issued spending category guidelines that were used by public bodies when setting budgets aimed at supporting priority population groups.

16. The number of people benefiting from the Human Development Bond Cash Transfer scheme had fallen dramatically owing to the drastic reduction in poverty in Ecuador. The database of recipients had been cleaned up between 2014 and 2016 to ensure that only those who were in need of the cash transfers received them; support had not been removed from people who still required it.

17. Ecuador had far fewer street children than comparable countries in Latin America. The Ministry of Economic and Social Inclusion ran a programme to identify street children and ensure that they attended school. Child labour was prohibited in Ecuador; children were permitted to work from the age of 15 years only in exceptional circumstances.

18. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that he was concerned that of the more than 80,000 children with disabilities identified in the population survey, only 3,000 were receiving support from government-run programmes. Details would be welcome on the human resources allocated to those programmes. He

wished to learn why there had been a steep drop in the number of people being supported through the Joaquín Gallegos Lara voucher scheme.

19. **Mr. Saenz** (Ecuador) said that the Government's policy was to include children with disabilities in mainstream education wherever possible. Almost every school in Ecuador had children with disabilities enrolled at it; the fact that around 3,000 such children were supported by specific programmes ought not to be interpreted as meaning that the remainder were not taken into account.

20. The Joaquín Gallegos Lara voucher scheme, which was intended to provide support for family members caring for persons with disabilities, was to be reviewed with a view to it being strengthened; any undue reduction in the number of recipients of the vouchers would be addressed as part of that process.

21. **Ms. Ayoubi Idrissi** (Country Task Force) said that she would be interested to learn more about the content and implementation of the Government's protocol to address violence, including sexual violence, in schools. She wished to learn whether there were mechanisms in place in schools, care homes and juvenile detention centres to enable children to make confidential complaints of violence. Information would be welcome on the number of psychologists, including child psychologists, in the State party. It would be useful to hear about the impact of any positive parenting programmes that had been implemented.

22. In the area of health, questions remained regarding whether children could access HIV/AIDS screening in the absence of their parents. In the light of the high rate of suicides among adolescents, she would like to hear about the follow-up given to the national mental health plan that had been developed in 2014.

23. With regard to street children, she wished to know whether case-by-case assessments took place before children were returned to their families and whether checks were made to ensure that the children were continuing to attend school. Information would also be appreciated in connection with children whose mothers were serving prison sentences.

24. **Mr. Rodríguez Reyes** (Country Task Force) said that he would welcome details of public policies on family reintegration for children leaving institutions. He would be grateful for clarification of whether the restructuring of the education system had taken into account aspects such as transportation, school meals and sports and cultural activities for students.

25. **Mr. Saenz** (Ecuador) said that details of the Government's plan to address sexual violence in schools would be provided to the Committee in writing.

26. **Ms. Peñafiel** (Ecuador) said that the Government had policies in place to combat all forms of violence and was developing programmes to counter sociocultural patterns of behaviour that condoned the use of violence, particularly against women and girls. In 2017 thus far, more than 6,900 public officials had received training on equality and non-discrimination. The Government also ran training programmes on the prevention of gender-based violence, including specialized modules that were offered to schools. Work was ongoing to develop inter-institutional initiatives to ensure that the rights of victims of violence were protected and restored.

27. The Government was striving to involve families in its efforts to eradicate violence in schools. In August 2017, it had provided training on countering violence and harassment to more than 100 schools. That initiative contained a train-the-trainer component which had enabled it to reach more than 1,000 heads of families.

28. Directives were in place to ensure that professionals, including psychologists and social workers, offered comprehensive support to victims of sexual violence and avoided their revictimization. Training on the content of the directives had been provided at 128 hospitals and more than 1,500 health-care centres. The Ministry of Health had been instrumental in the development of the National Plan to Eradicate Gender-based Violence against Women, Children and Adolescents was involved in the Inter-institutional Forum on Gender, one of the aims of which was to improve the reporting and prosecution of cases of

sexual, physical or psychological violence. The content of new legislation to bring the provision of sexual and reproductive health and mental health services into line with international standards was being discussed in the National Assembly.

29. In 2003, the Ministry of Education, the Attorney General's Office and the Council of the Judiciary had joined forces to publish a guide to gender mainstreaming in education and in 2015 had issued updated protocols on how to address violence in schools, including violence based on sexual orientation and gender identity.

30. The assertion that there were gaps in the provision of specialized services was incorrect; in fact, responsibility for those services had simply been transferred from the Ministry of Economic and Social Inclusion to the Ministry of Justice, Human Rights and Religious Affairs at the beginning of 2017. A network of 40 centres around the country, including in rural areas, worked in partnership with civil society organizations and families and provided support and protection for the most vulnerable sectors of the population, including children and adolescents. The centres had teams of psychologists, social workers and lawyers who worked to protect the rights of young and teenage girls who had been subjected to any form of violence.

31. **Mr. Rodríguez Reyes** said that he wished to know whether hospitals in the State party were working towards certification by the baby-friendly hospital initiative of the United Nations Children's Fund (UNICEF).

32. **Ms. Peñafiel** (Ecuador) said that the authorities had run campaigns to promote breastfeeding in rural and urban parts of the country. All health-care facilities were obligated to promote the Government's policy, which was based on international standards in the area of breastfeeding.

33. **Ms. Ayoubi Idrissi** asked what steps had been taken to ensure that the Ministry of Justice, Human Rights and Religious Affairs had the necessary resources to implement child protection measures successfully.

34. **Mr. Cardona Llorens** asked for further clarification regarding the special protection services available to vulnerable children and adolescents.

35. **Ms. Peñafiel** (Ecuador) said that the Ministry of Justice, Human Rights and Religious Affairs had established some 28 special protection centres nationwide to combat violence against children and adolescents and provide specialized support to child victims of violence during legal proceedings. It also worked closely with cantonal rights protection councils and received direct requests from various local advisory councils to intervene in cases involving child victims who required protection.

36. **Mr. Pedernera Reyna** asked what percentage of the national budget had been allocated to the special protection centres.

37. **Ms. Peñafiel** (Ecuador) said that some US\$ 2 million had been made available to the special protection centres to ensure that they had the appropriate human resources required to offer a high level of protection and support to child and adolescent victims of violence. More detailed information on the breakdown of the budget for each centre would be provided in writing at a later date.

38. **The Chair** asked what steps had been taken to protect children against the damage caused by extractive industries. She also requested further information on the support provided to children whose mothers had been imprisoned and the measures adopted to prevent and tackle cases of torture and abuse of adolescents in prisons. Lastly, she wished to know what efforts had been made to reduce the number of children placed in institutional care facilities.

*The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.*

39. **Ms. Peñafiel** (Ecuador) said that article 314 of the Comprehensive Criminal Code clearly established that, at all stages of the proceedings, children facing trial had the right to be heard and to freely access documents and materials. Around 150 public defenders had received specialized training in measures to support vulnerable children and their families, and technical offices employing specialist doctors, psychologists and social workers had

been established to provide additional support to judges handling cases involving children and adolescents.

40. The Ministry of Economic and Social Inclusion was responsible for providing support to children in institutional care. It made every effort to ensure that children placed in institutional care facilities were located near their families so that they could maintain close links with their extended families and local communities.

41. **Mr. Pedernera Reyna** asked what other types of cases the 150 public defenders handled besides child protection cases. He also requested further information regarding the recent increase in the severity of sanctions handed down to adolescents who had committed certain types of crimes. Lastly, he asked whether reports suggesting that judges did not work on Saturdays, Sundays and public holidays were accurate.

42. **Ms. Peñafiel** (Ecuador) said that the 150 public defenders specialized in cases involving families, children and adolescents. It was inaccurate to state that there had been an increase in the severity of sanctions handed down to adolescents convicted of a crime. Special provisions had been made for minors, particularly vulnerable children and adolescents, and persons under the age of 18 were tried under the Code on Children and Adolescents, and not the Comprehensive Criminal Code. Deprivation of liberty was used in only the most serious cases and, wherever possible, judges opted for alternatives to imprisonment, such as community service or socio-educational measures. The case of torture in a detention centre previously referred to by the Committee had involved adults, and not children. A thorough investigation had been conducted into the allegations and the persons responsible for the acts had been duly prosecuted, convicted and punished in accordance with the law.

43. **The Chair** asked whether the institutions offering socio-educational measures to children and adolescents that had committed offences were open or closed facilities.

44. **Ms. Peñafiel** (Ecuador) said that such institutions ran open programmes offering socio-educational measures for children and adolescents.

45. **Mr. Cardona Llorens** said that the Committee had received information indicating that such institutions were closed facilities.

46. **Ms. Peñafiel** (Ecuador) stressed that every effort was made to ensure that adolescents in conflict with the law had access to appropriate socio-educational measures. Deprivation of liberty in cases involving adolescents was used as a last resort. Regarding adoption and the separation of children from their families, significant advances had been made at a national level to promote the deinstitutionalization of children and adolescents and encourage their reintegration into their extended families and local communities. However, more work remained to be done. Adoption or placing children and adolescents in foster care was only used in very exceptional circumstances and measures had been implemented to safeguard the principles of due process for children in the adoption process, including the introduction of a 90-day deadline for judges to rule on children's eligibility for adoption. Additional steps would be taken to improve the adoption procedures further and to prevent the revictimization of vulnerable children and adolescents.

47. **Mr. Pedernera Reyna** asked how many children had been placed in closed institutions providing socio-educational measures. He also wished to know what steps had been taken to combat child trafficking and investigate the alleged cases of girls disappearing from areas near the northern border of Ecuador. Were recent data available on the number of children and adolescent victims of child trafficking, pornography and sex tourism?

48. **Mr. Velasco** (Ecuador) said that the national victim and witness protection and assistance system was aimed at ensuring the physical and psychological integrity of witnesses, victims and other participants in criminal proceedings. It operated nationwide through 24 provincial coordination centres. Any person who was a direct or indirect victim of, or a witness to, a crime could seek protection under the system at any stage of the proceedings, including the pretrial phase. One of the system's main functions was to provide comprehensive, priority assistance to children and adolescents, in line with the relevant regulations. Children involved in domestic violence cases, for example, were

eligible for protection, including before the institution of any judicial proceedings. During the previous three years, over 14,000 people had received protection under the system, including more than 6,000 children and adolescents.

49. With regard to a question posed at the previous meeting regarding bullfights, he said that the National Council for Children and Adolescents had recently issued a resolution approving regulations on children's access to public events, whether organized by public or private establishments. Under those regulations, access to any public event involving violence, including those featuring cruelty to animals, for example bullfights or dog fights, was restricted to persons over 16 years of age, a limit established through a consultation process involving the Consultative Council for Children. Moreover, such events must take place at least 200 metres from any educational or child development centre. His delegation would provide additional information in writing at a later date.

50. In response to a question concerning children's access to sport, he said that, under the Constitution, the right of persons and communities to leisure and the promotion of activities for its enjoyment was guaranteed. The Ministry of Sport, which was one of the bodies responsible for giving effect to that right, had developed recreational and sports programmes for priority groups, including children and adolescents. In that connection, the Ministry had implemented a programme aimed at combating a sedentary lifestyle that, in line with four strategic priorities, focused on, among other things, providing quality services, promoting the inclusion of children in sports, ensuring nationwide coverage and fostering the increased involvement of children in sporting activities as part of prevention efforts. Furthermore, in the area of education, the national curriculum provided for a minimum of one hour of physical exercise per day at all levels of schooling.

51. With respect to public consultations regarding extractive projects, he noted that article 57 of the Constitution and article 81 of the Organic Act on Citizen Participation recognized the right to prior, free and informed consultation, in line with the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). The relevant implementing regulations, in accordance with the Convention, took due account of the need to recognize and protect social, cultural, religious and spiritual values and practices of the peoples consulted. With regard to the level of protection afforded to children, the regulations established various mandatory measures to be implemented during the consultation process and subsequent extractive activities, including social protection measures relating to child development, nutrition, access to education and health care, in particular prenatal and postnatal care. Indigenous communities were actively involved in the consultation process.

52. **Mr. Tamayo** (Ecuador) said that a national plan had been developed to combat all forms of trafficking in persons, including for labour and sexual exploitation, forced marriage, illegal adoption and organ removal. Under the recently issued implementing regulations of the Human Mobility Act, the Inter-Institutional Committee to Combat Trafficking in Persons, which included representatives from agencies responsible for such areas as health and education, was tasked with coordinating efforts with a view to preventing and investigating cases of trafficking and ensuring protection and redress for victims. Two specialized care centres had been established for adolescent victims of trafficking for the purpose of sexual exploitation, while the Ministry of Economic and Social Inclusion operated a network of care centres that also provided support for victims of human trafficking. The Ministry of Justice, Human Rights and Religious Affairs was in the process of creating additional support centres for victims. Trafficking victims also had access to the witness protection programme.

53. The Government coordinated with civil society, non-governmental organizations and United Nations agencies to guarantee the rights of victims of human trafficking. In that connection, it had carried out information campaigns for more than 80,000 persons in order to raise awareness of how to prevent and report trafficking offences. Training workshops had also been organized for 4,500 staff members of agencies that were part of the Inter-Institutional Committee to Combat Trafficking in Persons. Similarly, training had been provided to persons working with refugee children and adolescents and to justice system officials on such issues as trafficking, international refugee law, gender-based violence and protection for priority groups. With support from the Office of the United Nations High

Commissioner for Refugees (UNHCR), over 300 staff members of agencies involved in migration control had received capacity-building training on refugee rights, international protection and other related areas over the past year.

54. The Human Mobility Act provided for a special asylum-determination procedure for children, including procedural guarantees for unaccompanied minors and the requirement for coordination with the Ombudsman's Office in the appointment of a guardian or legal representative responsible for protecting the interests of the child. The Government also acknowledged the need to integrate refugee children into society and to ensure their access to health care and to education. To that end, a ministerial agreement had been signed that established and regulated access to education for refugees.

55. The Government, aware of the particular problems affecting children on the northern border of Ecuador, worked in collaboration with UNHCR and various specialized non-governmental organizations to provide comprehensive assistance, including psychological support, to child victims of illegal armed groups.

56. **Mr. Cardona Llorens** said that a number of questions remained unanswered. With regard to early childhood, he wished to know what body was responsible for coordination in that field following the ending of the "Full Childhood" programme. He asked what steps, other than educational measures, were being taken to prevent early pregnancy, in particular among girls aged from 10 to 14 years, and whether, in the event of pregnancy, any provision existed for abortion in certain circumstances. What policies existed to combat social discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) children?

57. **Mr. Rodriguez Reyes** asked what measures the Government was taking to prevent the recruitment of children by paramilitary groups, for example in the north of the country.

58. **Mr. Saenz** (Ecuador) said that, in the field of early childhood care, the Ministry of Economic and Social Inclusion, which was responsible for child development, coordinated with the Ministry of Education with regard to children's services at the various administrative levels.

59. His Government shared the Committee's concerns regarding early pregnancy. The Ministry of Health had recently resumed responsibility for tackling the problem and was working with other bodies in order to improve coordination in that area.

60. While measures had been taken to protect the rights of LGBTI persons in general, no explicit policy existed on LGBTI children. The authorities recognized the need to address that situation.

61. The Government was working with UNHCR on the issue of child recruitment by armed groups. Although the situation had improved since the peace agreement had been signed in Colombia, the Government remained engaged with the issue. Further details would be provided to the Committee in writing.

62. The Government was also working with the Ministry of Justice, Human Rights and Religious Affairs to protect children whose mothers were deprived of their liberty, and specific public policies existed in relation to those children.

63. In conclusion, he said that Ecuador had a broad and coordinated institutional framework relating to children's rights. Domestic laws and regulations were in compliance with the Constitution and consistent among themselves. The Government had developed and implemented public policies that focused on children and adolescents and were reflected in a range of plans and programmes. It recognized that a number of shortcomings and challenges remained in the field of children's rights, but was committed to overcoming those challenges in a systematic and coordinated manner. Lastly, he wished to reiterate his Government's commitment to children and adolescents and to the United Nations system in respect of all related issues.

64. **Ms. Ayoubi Idrissi** (Country Task Force) said that she welcomed the constructive dialogue with the State party, which had provided the Committee with a better understanding of the situation with regard to children's rights in Ecuador. While certain issues had been clarified, the Committee encouraged the State party to bear in mind the



concerns expressed by the Committee and to provide specific, detailed responses to its questions, including those on issues such as coordination, violence against children and early pregnancy. She encouraged the State party to take the Committee's concerns into account when drafting policies and amending existing legislation.

*The meeting rose at 12.50 p.m.*