



Convention on the Rights of the Child

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Committee on the Rights of the Child

Seventh periodic report submitted by Ecuador under article 44 of the Convention, due in 2023*, **

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



I. Introduction

1. The Government of Ecuador, in compliance with its international obligations and commitments, hereby submits the seventh periodic report of Ecuador in response to the list of issues (CRC/C/ECU/QPR/7), under the simplified reporting procedure, in accordance with the decision of the Committee on the Rights of the Child adopted at its ninety-second session (January–February 2023). The replies also take into consideration the Committee’s recommendations contained in its concluding observations on the combined fifth and sixth periodic reports of the State party, adopted on 29 September 2017.
2. The Human Rights Information System (SIDERECHOS) was used to collect information for the report. The Ministry of Women and Human Rights was responsible for preparing and validating the report, in coordination with the Ministry of Foreign Affairs and Human Mobility.¹

II. New developments

Reply to the questions raised in paragraph 2 (a)–(c) of the list of issues prior to submission of the report (CRC/C/ECU/QPR/7)

3. Regarding measures that are significant for the implementation of the Convention and the Optional Protocols thereto, the Attorney General’s Office introduced the following public policies: policy guidelines on the prevention of the criminal phenomenon of sexual violence against children and adolescents and on their access to justice (2020); criminal policy on mandatory enrolment of children and adolescents in the victim and witness protection scheme in cases involving offences against sexual integrity (2022); criminal policy for action in suspected cases of offences against sexual integrity in which medical examination and sample collection are required (2022); criminal policy guidelines on the criminal phenomenon of human trafficking (2022); criminal policy for the prevention of gender-based violence – guidelines on the filing of complaints and requests for protective measures in respect of all forms of violence, whether physical, psychological or sexual (2023).²
4. The Ecuadorian Government implemented various measures in relation to the protection of children and adolescents during the coronavirus disease (COVID-19) pandemic. For example, the Council of the Judiciary prepared a report analysing the situation of adolescents in conflict with the law during the pandemic-related state of emergency, that is, from 16 March 2020 until the date on which the courts resumed their regular activities on 5 June 2020.
5. In addition, the plenary of the Council decided not to suspend the work of the courts that hear cases involving arrests in flagrante delicto, such as criminal offences, violence against women and family members, traffic offences and cases involving adolescent offenders. Service desks were set up in flagrante delicto units nationwide to attend to persons under a pre-release regime and comply with alternative measures that require regular in-person attendance.
6. A total of 166 courts were established nationwide to deal with cases of flagrante delicto involving adolescent offenders. During the health emergency, 212 cases of flagrante delicto were registered, of which 48 were resolved through early conclusion of proceedings and 8 were not classified as flagrante delicto cases. Provisional measures were ordered in 145 cases, 38 of which were custodial and 107 non-custodial. In all cases, the principles of juvenile justice were applied with a restorative approach, the main objective of which is to prevent adolescents from having experiences that are detrimental to their physical, social and emotional development.
7. The reason for the difference between the number of custodial and non-custodial measures mentioned in the previous paragraph is that the Council of the Judiciary issued general guidelines for justice officials to apply the doctrine of comprehensive protection

¹ See annex 1 (list of acronyms).

² <https://www.fiscalia.gob.ec/politicas-y-directrices-institucionales/>.

when trying adolescents, in order to ensure and guarantee effective access to justice services for children and adolescents.

8. During the period in question, 286 adolescents were released from centres for adolescent offenders nationwide.³ The Council of the Judiciary adopted other measures in relation to impartial and specialized trials, duty courts to deal with flagrante delicto cases, and interprovincial transfers, among other things.⁴

9. The Attorney General's Office implemented various measures to guarantee continuous services for victims of gender-based violence, with special emphasis on priority groups such as children and adolescents. These measures included the introduction of telecommuting for flagrante delicto units nationwide, with rotating shifts to conduct hearings. In addition, it developed a specific care protocol for victims of violence in the context of the health crisis. Through the National Commission on Access to Justice: Agreement 2030,⁵ whose main objective is to ensure the safety of victims and maintain coordinated support, with a special focus on priority groups, instructions were issued for the online registration of possible cases of gender-based and domestic violence.

10. Through the victim and witness protection scheme and other participants in the Attorney General's Office criminal process, psychological first aid and crisis interventions were provided to victims, in addition to the delivery of food kits, toiletries and other basic protective supplies.

11. The Ministry of the Interior also worked to rescue victims of human trafficking during the health emergency, transferring them to shelters or to the State-run comprehensive care centres.

12. Likewise, the Ministry of Health provided continuous medical care services and adopted various measures, including the drafting, implementation and monitoring of operational guidelines for the vaccination of peoples and nationalities, and the adoption of the interculturally relevant protocol for the prevention and treatment of COVID-19.

13. In terms of vaccination coverage, 47.57 per cent of children aged 3 to 4 years received the first dose, while 25.73 per cent received the full schedule. Among the 5-to-11-year age group, 82.76 per cent received the first dose, while 72.53 per cent received the full schedule.⁶

14. Furthermore, the Ministry of Education created a set of 22 public policy tools to address educational challenges during the pandemic. These tools include the creation of specific plans, guidelines for teachers who offer psychological and emotional support to students in crisis situations, guidelines for the management of communication and information on positive COVID-19 cases, and safety guidelines and protocols for emergency situations. In addition, guidelines were established for a safe return to in-person classes, and pedagogical support was provided based on the arts and recreational strategies, with special attention paid to students with special educational needs and in vulnerable situations.⁷

15. In order to assist people in the context of human mobility, the Ministry of Foreign Affairs and Human Mobility implemented measures to provide virtual assistance through the Gob.ec platform. Online forms were created to enable all persons, including children and adolescents, to request international protection and access to the right to asylum. In addition, a video tutorial was produced to provide guidance, and the issuance of electronic visas was facilitated.

16. Through the Ministry of Telecommunications and the Information Society, measures were implemented to protect the rights of children and adolescents during the pandemic,

³ www.funcionjudicial.gob.ec/www/pdf/Adolescentes%20Infractores.pdf, p. 14.

⁴ See annex 2.

⁵ http://www.funcionjudicial.gob.ec/lotaip/documentosdirecciones/transparencia/9.1_INSTRUCTIVO%20FINAL%20APROBADO%20POR%20LAS%20M%C3%81XIMAS%20AUTORIDADES.pdf.

⁶ Vaccinometer, with information updated until 12 January 2023.

<https://www.salud.gob.ec/vacunometro-incorpora-mas-datos-de-las-vacunas-aplicadas-contra-la-covid-19/>.

⁷ See annex 3.

including the issuance of Ministerial Decisions No. 009-2020⁸ to ensure the quality and stability of Internet service and urge decentralized autonomous governments to facilitate the installation of telecommunications infrastructure in areas with poor connectivity and No. 012-2020⁹ to improve digital inclusion, especially in rural areas, with an emphasis on children and adolescents with disabilities, Indigenous Peoples, Afro-Ecuadorians and migrants. Telecommunications operators were urged to offer free access to educational platforms and Internet in Wi-Fi zones, in compliance with the Organic Code on the Social Economy of Knowledge, Creativity and Innovation.

17. In order to mitigate the devastating effects of the pandemic on students, the Ministry of Education created the National “Learn on Time” Plan¹⁰ in September 2021 as an affirmative action measure aimed at levelling up and recovering communication and maths skills through a process of pedagogical support to educational authorities in institutions with low levels of educational attainment. Currently, the Plan is being implemented in 3,207 educational institutions nationwide, benefiting 1,045,579 children and adolescents.

Reply to the question raised in paragraph 3 of the list of issues

18. The Ecuadorian Government, through the National Planning Secretariat, adopted the 2030 Agenda as public policy in 2018. Accordingly, a methodology was designed to link the goals of the National Development Plan with the goals of the 2030 Agenda. It was determined that 125 of the 133 goals of the National Development Plan are in line with the Agenda, which represents 94 per cent concordance with the 17 Sustainable Development Goals. For example, goal 5 of the National Development Plan corresponds to Goal 8, target 8.7, of the Sustainable Development Goals; goal 6 of the National Development Plan corresponds to Goal 3, targets 3.1 and 3.2, of the Sustainable Development Goals; and goal 6 of the National Development Plan corresponds to Goal 3, target 3.8, of the Sustainable Development Goals.

19. The matrix linking the National Development Plan¹¹ with the Sustainable Development Goals serves as a reference for linking other planning instruments at the sectoral, institutional, territorial and budgetary levels.

III. Rights under the Convention and the Optional Protocols thereto

Legislation

Reply to the questions raised in paragraph 4 (a) and (b) of the list of issues

20. The National Assembly worked on the draft organic code for the comprehensive protection of children and adolescents in coordination with civil society, international cooperation agencies, public institutions and academia, with the aim of gathering contributions based on institutional experience in different areas in order to improve the draft from the perspective of specialized services and actors, providing effective protection to children and adolescents and ensuring that the new code is in line with international standards. The commitment of stakeholders led to the signing in 2020 of a national agreement on the new code for the comprehensive protection of children and adolescents, which promotes broad, diverse and plural consultations.

21. The process of drafting the organic code for the comprehensive protection of children and adolescents includes the consultations with children and adolescents coordinated by the Network of Organizations for the Defence of the Rights of Children and Adolescents and the advisory councils nationwide, which involved regular meetings at which technical assistance

⁸ <https://www.oficial.ec/acuerdo-009-2020-expidense-directrices-provision-acceso-servicios-telecomunicaciones-durante-estado>.

⁹ <https://www.telecomunicaciones.gob.ec/wp-content/uploads/2020/06/ACUERDO-MINISTERIAL-12-signed-1.pdf>.

¹⁰ <https://educacion.gob.ec/aprender-a-tiempo-logros/>.

¹¹ <https://www.odsecuador.ec/productos-del-programa/>.

and support were provided; the results were presented to the Specialized Ad Hoc Committee to Address Issues and Standards on Children and Adolescents at its 77th virtual ordinary meeting, on 20 October 2020.

22. During this process, the National Assembly held 28 specialized workshops with academia, public institutions, the National Assembly, international cooperation agencies and civil society organizations with competencies in prevention, protection, attention, restitution and reparation in relation to children and adolescents. The information obtained made it possible to clarify the role of the institutions and to develop new approaches for the proper application of this proposed code. Likewise, proposals were received from the decentralized autonomous governments, which play a role in the creation, strengthening and maintenance of the Cantonal Councils for the Protection of Rights and the Metropolitan Boards for the Protection of the Rights of Children and Adolescents, as well as in the installation, management and strengthening of most of the special protection and child development services.

23. By resolution RL-2021-2023-014 of July 2021, the plenary of the National Assembly¹² ordered that the observations made in the previous legislative period be collected and collated and that all the contributions collected from the various actors involved in the process – the members of the Specialized Committee and academia and the technical advice provided by the United Nations Children’s Fund (UNICEF) – be incorporated. The process is on hold until the new National Assembly has taken office.

24. Regarding the principle of speciality, the Constitutional Court has issued 29 judgments whose jurisprudential development has focused on the best interests of children and adolescents; the right to health; identity and nationality; sexual and reproductive health education; specialized justice for adolescent offenders; the right to be consulted on matters affecting them; compliance with budget allocations to guarantee the rights of children and adolescents; personal liberty; rights in the context of human mobility; enhanced protection of children and adolescents with disabilities; the rights of children and adolescents in poverty and institutional care; family reunification of migrant children and adolescents; sexual violence in the educational environment; best interests in custody; rights in judicial and administrative proceedings; consent of adolescents in the context of sexual and reproductive rights; enhanced due diligence in criminal investigations into cases of sexual violence against children and adolescents; and the personal integrity of children and adolescents.¹³

Reply to the questions raised in paragraph 5 (a)–(d) of the list of issues¹⁴

25. The Cantonal Councils for the Protection of Rights are made up of an equal number of representatives of civil society, especially rights holders; the public sector, comprising delegates from the decentralized agencies of the national Government that have direct responsibility for guaranteeing, protecting and defending the rights of priority persons and groups; delegates of the respective metropolitan or municipal governments; and delegates from rural parish governments. They are chaired by the head of the executive branch of the metropolitan or municipal governments, or his or her delegate, and their vice-chair is elected from among the representatives of civil society.

26. The National Council for Intergenerational Equality has worked on the creation of the bodies of the Rights Protection System to ensure that, in each canton of the country, there is a corresponding institutional framework and representation so that the rights of priority groups, including children and adolescents, can be guaranteed.

27. The Cantonal Councils for the Protection of Rights are a fundamental part of the Rights Protection System and, according to article 598 of the Organic Code of Territorial Organization, Self-government and Decentralization, each metropolitan and municipal decentralized autonomous government is to organize and finance a Cantonal Council for the

¹² https://leyes.asambleanacional.gob.ec/consultas_de_proyectos_de_ley.

¹³ See annex 4.

¹⁴ Reply to the issue raised in paragraph 8 (a) of the previous concluding observations (CRC/C/ECU/CO/5-6).

Protection of Rights. Territorial management has led to the creation of 214 such councils, which represents 96.8 per cent coverage across the country.

28. Regarding national and local policies, plans and strategies affecting children, the National Planning Secretariat reports on the “Toda una vida” National Development Plan 2017–2021,¹⁵ pillar 1 of which – “Lifelong rights for all” – includes the following efforts and interventions for children: eradicate child labour for children aged 5 to 14 years old; reduce the child mortality rate; decrease the specific rate of live births among adolescent girls between the ages of 15 and 19 by 2021; reduce the prevalence of chronic malnutrition among children under 2 years of age by 2021; reduce the prevalence of chronic malnutrition among children under 5 years of age; and reduce the prevalence of obesity and overweight in children between 5 and 11 years of age.

29. The 2021–2025 National Plan for the Creation of Opportunities¹⁶ was designed in accordance with the 2030 Agenda and is based on the principles of freedom, democracy, rule of law, equal opportunities, solidarity, sustainability and prosperity. The Plan addresses national priorities by defining 16 key objectives, organized into 5 programmatic areas: economic, social, ecological transition, security and institutional.

30. Regarding systemic reforms, the Constitutional Court¹⁷ has issued judgments on changing identity in official documents; the recognition of children of same-sex parents, same-sex marriage; and change of identity in official documents for intersex and trans persons. Similarly, an example of public policy is the Diversity Action Plan 2022–2025,¹⁸ which seeks to balance the historical social debt and challenges faced by LGBTI+ people, towards the construction of a diverse Ecuador.

Reply to the questions raised in paragraph 6 (a)–(c) of the list of issues¹⁹

31. Regarding the incorporation of a child rights-based approach into the State budgeting process, the Ministry of Economic Affairs and Finance has designed an expenditure classifying budget tool²⁰ which, in terms of intergenerational equality policies for children and adolescents, allows for transparency and visibility of the resources that public institutions allocate to guarantee children’s rights. The tool allows information to be disaggregated by programme, project and activity and each is linked to a category and subcategory of the classifier.

32. Within the overall State budget there are allocations for care, services and restitution of the rights of children and adolescents, with the help of the integrated information system²¹ of the Ministry of Economic and Social Inclusion, which makes it possible to determine the support beneficiaries receive nationwide. For 2022, the Ministry of Economic and Social Inclusion allocated US\$ 33,553,91.81 for the care of 22,898 children and adolescents in the different modalities and services for the restitution of rights. According to information provided by the Ministry’s integrated information system, of this total, 1,190 children and adolescents are Afro-Ecuadorian, while 3,367 are Indigenous; 658 have disabilities; and 5,982 are in situations of human mobility and vulnerability.

33. Through the Ministry of Economic and Social Inclusion, comprehensive support is provided for child development nationwide, including among peoples and nationalities. Priority is given to families with children from 0 to 3 years of age and pregnant women living in poverty, extreme poverty and situations of vulnerability. Each year, resources are allocated in accordance with the established line items to provide support through family counselling

¹⁵ <https://www.gobiernoelectronico.gob.ec/wp-content/uploads/downloads/2017/09/Plan-Nacional-para-el-Buen-Vivir-2017-2021.pdf>.

¹⁶ https://observatorioplanificacion.cepal.org/sites/default/files/plan/files/Plan-de-Creaci%C3%B3n-de-Oportunidades-2021-2025-Aprobado_compressed.pdf.

¹⁷ See annex 5.

¹⁸ https://www.derechoshumanos.gob.ec/wp-content/uploads/2022/07/Brochure_Plan_de_accion_de_diversidades_sdh_2022.pdf.

¹⁹ Reply to the issues raised in paragraphs 10 (a)–(f) of the previous concluding observations (CRC/C/ECU/CO/5-6).

²⁰ <https://www.finanzas.gob.ec/normativa-de-presupuestos/>.

²¹ <https://siimies.inclusion.gob.ec/SIIMIES/vistas/inicio/inicio.jsf>.

and direct care of children in child development centres, the “Growing with Our Children” programme and the “Care, Recreation and Learning Circles” project.

34. Attention is drawn to the “Ecuador Grows without Malnutrition”²² national strategy, which uses a results-based budgeting methodology and has been allocated \$22,434,949.91. This strategy is intended to provide primary health-care services for children under 2 years of age and pregnant women. In addition, a priority package of goods and services is offered for children and adolescents, including: a complete vaccination schedule, prenatal check-ups, healthy child check-ups, prenatal and neonatal family education, breastmilk processing services in human milk banks, identification and identity cards, access to non-contributory monetary transfers when necessary, and access to and retention in a safe environment for pregnant women and girls in the national education system, in coordination with the health system.

35. In addition, the “Misión Ternura” strategy involves issuing public policies for children under 3 years of age. This strategy promotes the reactivation and/or formation of the 221 intersectoral cantonal technical committees, with the objective of strengthening intersectoral coordination between State entities and local governments to comply with public policy and reduce chronic child malnutrition rates.

36. In 2020, the National Council for Intergenerational Equality focused on the protection of children and adolescents, following the recommendations of international organizations to guarantee their rights during the COVID-19 pandemic. In this connection, follow-up and coordination activities were conducted with implementing entities. In collaboration with national stakeholders from both the public and private sectors, as well as rights holders, a proposal was developed for the Comprehensive Protection Plan for Children and Adolescents to 2030,²³ which seeks to implement intersectoral public policies with the objective of closing inequality gaps, paying special attention to the consequences of the pandemic.

37. In addition, the Council issued guidelines for the application of public policies at the territorial level with a view to promoting intergenerational equality. A logbook containing more than 60 recommendations for children and adolescents was prepared to provide information, resources and guidelines to help them understand their situation during the health emergency.

Data collection

Reply to the questions raised in paragraph 7 (a)–(c) of the list of issues²⁴

38. The Ecuadorian Government, through the Ministry of Women and Human Rights, is responsible for supervising and carrying out the actions of the Comprehensive Protection Services. These services are designed to provide counselling, support, care, special protection and reparations to victims of violence, including victims of sexual exploitation, human trafficking, migrant smuggling and priority groups. To this end, a form called the MIRA Matrix²⁵ has been developed to collect data on the services provided, showing the number of cases nationwide, by area and by different forms of violence.

39. The Ecuadorian Government also operates two major systems in this area. The Single Register of Victims²⁶ is a tool under the responsibility of the Ministry of Women and Human Rights that compiles consolidated national information in order to georeference cases of

²² See annex 6.

²³ <https://www.igualdad.gob.ec/plan-nacional-para-la-proteccion-integral-de-ninas-ninos-y-adolescentes-2030/#:~:text=E1%20Plan%20Nacional%20de%20Protecci%C3%B3n,las%20directrices%20presupuestarias%20para%20su>

²⁴ Reply to the issues raised in paragraph 10 (a)–(f) of the previous concluding observations (CRC/C/ECU/CO/5-6).

²⁵ <https://mail.derechoshumanos.gob.ec/service/extension/drive/link/Q4JFCK2UQLSM5UMBVWICVNEWSU2MO2YNBBEYPSVB>.

²⁶ <https://www.undp.org/es/ecuador/comunicados-de-prensa/registro-unico-de-violencia-ruv-evitara-la-revictimizacion-de-mujeres-frente-casos-de-violencia>.

violence against women and update the information generated to prevent an escalation. The System for Monitoring the Management of Human Trafficking and Migrant Smuggling, which is run by the Ministry of the Interior, is used to monitor the actions established in the Action Plan for the Elimination of Human Trafficking in Ecuador 2019–2030.²⁷ The System includes an Interactive Map of Human Trafficking and Migrant Smuggling,²⁸ which is updated in real time, using the statistical data stored in the System for Registering Cases of Human Trafficking and Migrant Smuggling.

40. The National Council for the Equality of Peoples and Nationalities,²⁹ in collaboration with the National Statistics and Census Institute, has established the Commission of Indigenous, Afro-Ecuadorian and Montubio Peoples and Nationalities, whose purpose is to jointly promote and capitalize on capabilities and strengths, seeking to establish inter-institutional coordination and work with strategic allies in the production, analysis and dissemination of statistical information, which gives visibility to peoples and nationalities.

41. The National Statistics and Census Institute is tasked with producing, analysing and disseminating official statistical and cartographical information for statistical purposes in a timely, reliable and quality manner for public and private decision-making that supports the comprehensive development of society and the economy, as well as coordinating the national statistical system so that it regulates, endorses, integrates, systematizes and evaluates the statistics generated in Ecuador. The Institute is part of the National Planning Secretariat, attached to the Office of the President. No disadvantages or challenges have arisen in the performance of its duties related to the production of statistical information on the rights of children and adolescents.

Dissemination, awareness-raising and training

Reply to the questions raised in paragraph 8 (a) and (b) of the list of issues³⁰

42. Regarding measures taken to increase awareness among children, parents, extended family, caregivers, members of the media and professionals working with and for children of the Convention and the Optional Protocols thereto, the Ministry of Education reports that a total of 1,385 families have received training on the importance of the right to education.³¹

43. The Ministry of Health has issued food-based dietary guidelines³² for children and adolescents, promoting the consumption of local, healthy and culturally appropriate foods to maintain an optimal state of health.

44. The Council of the Judiciary has adopted a guide for the evaluation and determination of the best interests of the child in judicial proceedings,³³ which offers an objective, standardized and flexible mechanism for evaluating and determining the best interests of the child, thus enabling judicial decisions to be taken that guarantee the comprehensive protection of the rights of children and adolescents.

45. When it comes to specialized training for justice officials, the Council has developed a comprehensive training plan for the specialization of judges, prosecutors, public defenders

²⁷ <http://www.trataytrafico.gob.ec/assets/archivos/planes/PACTA%20Resumen%20Ejecutivo.pdf>.

²⁸ <http://www.trataytrafico.gob.ec/estadisticas/mapaecuador>.

²⁹ <https://www.ecuadorencifras.gob.ec/comision-especial-de-estadistica-para-pueblos-y-nacionalidades-indigenas-afroecuatoriano-y-montubio/>.

³⁰ Reply to the issue raised in paragraph 13 of the previous concluding observations (CRC/C/ECU/CO/5-6).

³¹ <https://laeducacionelcamino.org/acerca-delprograma/#:~:text=El%20Programa%20Multianual%20de%20Resiliencia,para%20el%20per%20C3%ADodo%202021%2D2023>.

³² [https://www.quericoes.org/2018/04/04/guias-alimentarias-basadas-en-alimentos-gabas-en-ecuador/#:~:text=Las%20Gu%20C3%ADas%20Alimentarias%20Basadas%20en%20Alimentos%20\(GABAs\)%20son%20la%20expresi%20C3%B3n,factores%20sociales%20C%20econ%20C3%B3micos%20y%20culturales](https://www.quericoes.org/2018/04/04/guias-alimentarias-basadas-en-alimentos-gabas-en-ecuador/#:~:text=Las%20Gu%20C3%ADas%20Alimentarias%20Basadas%20en%20Alimentos%20(GABAs)%20son%20la%20expresi%20C3%B3n,factores%20sociales%20C%20econ%20C3%B3micos%20y%20culturales).

³³ <https://www.funcionjudicial.gob.ec/www/pdf/Gu%20inter%20C3%A9s%20superior%20del%20ni%20C3%B1o%202021.pdf>.

and technical and judicial teams involved in the investigation, prosecution and trial of violent crimes against women, children and adolescents, femicide, and offences against sexual and reproductive integrity.³⁴ With respect to juvenile justice, attention is drawn to the commission in place to design, implement and evaluate the administration of specialized justice for adolescents in conflict with the law and to the guide for the application of the restorative approach.³⁵

46. With regard to training programmes on the State's obligations under the Convention, in the executive branch, the Ministry of the Interior, as the lead agency in the area of human trafficking and migrant smuggling, has trained police officers and public servants annually.

47. The Ministry of Women and Human Rights has implemented training,³⁶ education, awareness-raising and cultural transformation processes for the prevention and eradication of violence, with the fundamental objectives of raising awareness among children, adolescents and caregivers of the exercise of human rights, with special emphasis on sexual and reproductive rights, the right to personal integrity and the right to a life free of violence; and to strengthening and updating the technical skills of professionals who deal with children, with an emphasis on child protection.

48. The Ministry of Health promotes training on the regulations on mother- and child-friendly health facilities³⁷ with a view to helping improve the quality and comprehensiveness of prenatal care, promoting humanized childbirth and adequate newborn care, improving the quality of obstetric and neonatal emergency care, providing guidelines to prevent vertical transmission of HIV and syphilis, and establishing guidelines to promote, support and protect breastfeeding.

49. The Attorney General's Office has held various training events related to human rights issues, juvenile justice and gender-based violence, among other subjects. From 2019 to 2022, 54 training events were carried out nationwide – 10 events on human rights, 5 on restorative juvenile justice and 39 on gender-based violence – reaching 11,859 public servants working as prosecutors or administrative prosecutors.³⁸

Independent monitoring

Reply to the question raised in paragraph 9 of the list of issues

50. In March 2020, the Ecuadorian Government, through the Office of the Ombudsperson, created a mechanism for the promotion and protection of children and adolescents,³⁹ which has played an active role in formulating observations, suggestions and comments concerning various bills and proposals for legal reforms. These include the draft code on the comprehensive protection of children and adolescents; the draft Organic Act on the Protection of Motherhood and Early Childhood; the draft Organic Act on Early Childhood; the bill on intercultural education; proposed amendments to the Comprehensive Organic Criminal Code in relation to the juvenile criminal justice system; and amendments to the regulations of the Organic Act on Identity and Civil Data Management regarding the registration of children and adolescents.

51. In terms of monitoring and follow-up of landmark rulings related to children and adolescents, the Office of the Ombudsperson has prepared technical reports on equality in decision-making on the custody or guardianship of children and coordinated an inter-institutional team to develop regulations governing assisted human reproduction. Furthermore, it has participated in reception processes for Ecuadorian children and adolescents deported from other countries by submitting *amicus curiae* briefs and intervening in hearings on jurisdictional guarantees to advocate for the rights of children. Likewise, the

³⁴ See annex 7.

³⁵ <https://www.funcionjudicial.gob.ec/index.php/es/component/content/article/25-consejo-judicatura/781-adolescentes-infractores.html>.

³⁶ See annex 8.

³⁷ <https://www.salud.gob.ec/capacitaciones-esamyn/>.

³⁸ See annex 9.

³⁹ https://www.dpe.gob.ec/wp-content/dperesoluciones2020/resolucion_009.pdf.

Office of the Ombudsperson has promoted the inclusion of rules for the registration, monitoring, control and follow-up of administrative protection measures in internal regulations, in order to strengthen the institutional role of cantonal councils in granting such measures. Within its areas of competence, it also carries out informal activities and investigations related to children's rights, issuing directives and guidelines to the provincial offices of the Ombudsperson to guide the handling of cases involving children and adolescents.

Children's rights and the business sector

Reply to the question raised in paragraph 10 of the list of issues⁴⁰

52. In relation to the measures taken to establish a clear regulatory framework for companies operating in the oil and mining sectors, the Agency for the Regulation and Control of Energy and Non-Renewable Natural Resources emphasizes that the Ecuadorian Government recognizes its responsibility to protect the environment and to guarantee the rights of citizens. Current legal regulations demonstrate that the principles of prevention, mitigation and remediation of environmental impacts are being effectively implemented and that corresponding sanctions have been put in place for non-compliance with the obligations that promote the sustainable development of activities in these sectors.

53. With regard to mining, child labour is expressly prohibited in article 69 of the Mining Act.⁴¹ Failure to comply with this provision may result in the termination of the concessions granted, in accordance with article 46 (2) of the Constitution of the Republic, which establishes special protection against any form of economic or labour exploitation of children and adolescents.

Non-discrimination

Reply to the questions raised in paragraph 11 (a)–(c) of the list of issues⁴²

54. To address disparities in access to education, health services and a minimum standard of living by children belonging to Indigenous Peoples and nationalities, Montubio children, Afro-Ecuadorian children, children with disabilities and children of families living in poverty, the Secretariat of Bilingual Intercultural Education and Ethno-Education has provided Bilingual Intercultural Community Learning Centres with curricula and teaching materials. The "Implementation of Afro-Ecuadorian Ethno-Education" investment project⁴³ is currently being carried out. Its aim is to strengthen: (a) the incorporation of the knowledge, wisdom and history of the Afro-Ecuadorian people (supplementary materials and training for 6,278 teachers); (b) an educational communication campaign to build intercultural coexistence; and (c) the infrastructure of eight educational units established to safeguard the knowledge of the Afro-Ecuadorian people (Esmeraldas, Carchi, Imbabura, Pichincha and Guayas), benefiting 16,145,913 students.⁴⁴

55. As part of the "Ecuador Free of Child Malnutrition" project,⁴⁵ the Ministry of Health prioritizes the health of pregnant women and children under 2 years of age by implementing intersectoral measures with an emphasis on citizen participation and interculturality. To

⁴⁰ Reply to the issue raised in paragraph 15 of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁴¹ See annex 10.

⁴² Reply to the issue raised in paragraph 16 (a) of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁴³ <https://www.educacionbilingue.gob.ec/se-concreta-el-primer-proyecto-de-inversion-para-la-educacion-del-pueblo-afroecuatoriano/#:~:text=La%20Implementaci%C3%B3n%20de%20la%20Etnoeducaci%C3%B3n,justo%20e%20inclusivo%20que%20queremos.>

⁴⁴ See annex 11.

⁴⁵ https://www.finanzas.gob.ec/wp-content/uploads/downloads/2023/01/Decreto-Ejecutivo-1211_Eradicar-la-desnutricion-cronica-infantil.pdf.

ensure that such measures effectively target vulnerable populations, especially Indigenous Peoples in rural areas, 728 parishes have been identified on the basis of a classification of all parishes as high, medium or low priority, in combination with the vulnerability variables of rurality, Indigenous ethnicity and chronic child malnutrition. In the implementation of public policies, the National Council for the Equality of Peoples and Nationalities mainstreamed the equality perspective in the main pillars of the agenda for decentralized autonomous governments, taking an intersectional approach and considering ethnicity, gender and intergenerational issues.

56. Similarly, the Ministry of Economic and Social Inclusion reports that its Family Support Service provides direct assistance through family support specialists who make home and group visits and work on issues including identity documents, health, child labour, family dynamics, access to education and health. To address disparities in access to education, the Service emphasizes the importance of shared responsibility and provides individuals with information on how to obtain access to and remain in State programmes.

57. To eliminate patriarchal attitudes and gender stereotypes that discriminate against girls in all areas of life, the Ministry of Education, under the project for preventing pregnancy in girls and adolescents in the educational environment,⁴⁶ has provided training to 2,356 professionals from student counselling departments and 8,605 teachers in prioritized cantons on the protocol for dealing with situations involving students who are pregnant or have become mothers or fathers.⁴⁷ The Ministry also received a Global Impact Award in the amount of \$72,304.43, which it used to dub 50 videos on comprehensive sexuality education into Spanish, Shuar and Kichwa. The videos will be broadcast on the educational channel EducaTV and adapted to comic book format.

58. In addition, it launched the toolkit for the prevention of gender-based violence among adolescents, which seeks to reinforce the shift away from the harmful sociocultural patterns that contribute to teenage pregnancy, early motherhood and gender-based violence. Within the framework of the Intersectoral Policy for the Prevention of Pregnancy among Girls and Adolescents 2018–2025,⁴⁸ the following actions have been carried out: on-site information-gathering, implementation of the Prevention Pathway methodology and delivery of teacher training in the “Curricular Opportunities for Comprehensive Sexuality Education” tool.

59. To ensure non-discrimination against children on any grounds and to combat stigma against children of single-parent families, children born to persons deprived of their liberty, children in families composed of same-sex couples, and lesbian, gay, bisexual, transgender and intersex children and adolescents, the Ministry of Education issued the National Policy on Coexistence at School⁴⁹ (Ministerial Decision No. MINEDUC-MINEDUC-2021-00011-A of 12 March 2021). Its objective is to work with all actors of the educational community to foster an atmosphere of peace, harmonious coexistence and safety and security, all of which promote quality learning, prevention of psychosocial risks and the exercise of citizenship. In addition, it delivered the massive open online course “Get informed: education is inclusion” to promote educational spaces free of discrimination and violence, which was completed by 12,574 teachers (2022). In conjunction with the National Council for Gender Equality, it developed technical guidelines for preventing and combating discrimination on the basis of sexual diversity and gender identity.⁵⁰

⁴⁶ https://educacion.gob.ec/wpcontent/uploads/downloads/2023/01/PROYECTO_INVERSIONES_EMBAZAZO_22dic2021.pdf.

⁴⁷ <https://educacion.gob.ec/wp-content/uploads/downloads/2017/12/Protocolo-frente-embarazo.pdf>.

⁴⁸ <https://www.salud.gob.ec/wp-content/uploads/2018/07/POL%C3%8DTICA-INTERSECTORIAL-DE-PREVENCI%C3%93N-DEL-EMBAZAZO-EN-NI%C3%91AS-Y-ADOLESCENTES-para-registro-oficial.pdf>.

⁴⁹ <https://educacion.gob.ec/wp-content/uploads/downloads/2021/04/Politica-Nacional-de-Convivencia-Escolar.pdf>.

⁵⁰ https://www.igualdadgenero.gob.ec/wpcontent/uploads/2019/02/GU%C3%8DADIVERSIDADES_FINAL.pdf.

60. The Ministry of Health issued the National Strategy for Inclusive Health Services⁵¹ to reduce gaps in access, eliminate discrimination in health care and promote respect and interaction among individuals, social groups and diverse forms of knowledge.

61. The Ministry of Economic and Social Inclusion, through the National Plan for the Prevention of Violence against Children and Adolescents and the Promotion of Positive Parenting,⁵² promotes the development of strategies for the prevention of violence in public settings against lesbian, gay, bisexual, transgender and intersex children and adolescents, as well as children and adolescents who have disabilities or belong to different ethnic groups or nationalities.

62. In 2021, 4,450 awareness-raising activities regarding LGBTIQ+ people were carried out, in which 21,605 people took part.

63. Judgment No. 184-18-SEP-CC,⁵³ in which the Constitutional Court found in favour of the “registration of a minor, including her given names and surnames, and recognizing her filiation as the daughter of two persons of the same sex”, constitutes a major milestone for the rights of the lesbian, gay, bisexual, transgender and intersex population and children of same-sex parents. It ensures that the registration of all children is recognized, regardless of whether they come from a household with same-sex parents, and recognizes the right to equality and non-discrimination, the principle of the best interests of the child, effective legal protection and identity, thus protecting children’s integrity.

64. On 12 December 2019, the Attorney General’s Office issued basic guidelines for investigating offences of discrimination and hate crimes. These guidelines, which were provided to prosecutors throughout the country, are applicable to cases of discrimination against children and adolescents. In addition, a protocol for dealing with child and adolescent victims of offences against sexual integrity was issued.

Respect for the views of the child

Reply to the questions raised in paragraph 12 (a)–(d) of the list of issues⁵⁴

65. As part of the rules and procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, the Council of the Judiciary issued the Ecuadorian Protocol for Forensic Interviewing through Specialized Listening to Child and Adolescent Victims of Sexual Violence and a corresponding guide on its application.⁵⁵ It also issued a guide for the evaluation and determination of the best interests of the child in legal proceedings⁵⁶ and a protocol for ensuring that child and adolescent victims of sexual violence in the educational environment are not revictimized by legal authorities,⁵⁷ pursuant to Constitutional Court judgment No. 376-20-JP/21.⁵⁸

66. In its judgment No. 12-19-CN/19 of 12 November 2019,⁵⁹ the Constitutional Court decreed that judges are required to provide adolescents with information about their right to be heard in a non-hostile and pressure-free environment. In judgment No. 42-21-CN/22 of

⁵¹ https://aplicaciones.msp.gob.ec/salud/archivosdigitales/documentosDirecciones/dnn/archivos/AC_0246_2016%2023%20JULY%20PART%202.pdf.

⁵² https://www.inclusion.gob.ec/wp-content/uploads/2018/05/2018.05.10-Plan-Nacional-Violencia-NNA-7_5_2018_CNII_MIES-EDITADO-DIRCOM-09.05.2018-ok.pdf.

⁵³ <https://portal.corteconstitucional.gob.ec/FichaRelatoria.aspx?numdocumento=184-18-SEP-CC>.

⁵⁴ Reply to the issue raised in paragraph 19 of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁵⁵ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2018/116A-2018.pdf>.

⁵⁶ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2021/012-2021.pdf>.

⁵⁷ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2022/078-2022.pdf>.

⁵⁸ http://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcNBlDGE6J3RyYW1pdGUUnLCB1dWlkOiczOGJiNmFhZC11NmNmLTRmMDItOTQyZi1kMjc1YzMwM2U1NTUucGRmJ30=.

⁵⁹ [http://doc.corteconstitucional.gob.ec:8080/alfresco/d/d/workspace/SpacesStore/fab1c90f-d6bf-494d-addc-b8599e797220/12-19-cn-19_\(0012-19-cn\).pdf?guest=true](http://doc.corteconstitucional.gob.ec:8080/alfresco/d/d/workspace/SpacesStore/fab1c90f-d6bf-494d-addc-b8599e797220/12-19-cn-19_(0012-19-cn).pdf?guest=true).

27 January 2022,⁶⁰ it decreed that “judges hearing requests to change the order of the surnames of children or adolescents owing to alleged effects on their psychological integrity must, at least: (i) hear and take into account the views of the child involved, in a manner consistent with the evolving capacities of the child and the best interests of the child”.

67. The Attorney General’s Office has developed several tools, including: Guideline No. FGE-DDHPC-D-006-2020⁶¹ on international standards for the “prevention, punishment and eradication of sexual violence against children and adolescents in the educational environment”; the National Protocol for the Investigation of Femicides and Other Violent Deaths of Women and Girls⁶² (Decision No. 066-FGE-2021); and Decision No. 055-FGE-2018, of 5 October 2018, on the protocol for dealing with child and adolescent victims of offences against sexual integrity,⁶³ point 3.1 of which addresses the receipt of complaints when victims belong to this priority group.

68. With regard to the processing of cases involving children and adolescents, the Ecuadorian Government has implemented specific guarantees in the processing and management of cases involving applications for international protection. The Organic Act on Human Mobility establishes, in article 99 (7), (8) and (9), guarantees for children and adolescents in such cases and provides that they should be given priority. In addition, article 160 of the regulations of the Organic Act on Human Mobility provides that any official who becomes aware of a case in which a separated or unaccompanied child or adolescent is in need of international protection must immediately notify the Public Defender Service so that it can provide representation throughout the procedure and arrange for the necessary protection measures. Ministerial Decision No. 150 of the Ministry of Foreign Affairs and Human Mobility establishes the procedure for children and adolescents who are unaccompanied or separated from their legal representatives. It includes specific guarantees for the refugee status determination process for children and adolescents to ensure respect for the principles of the best interests of the child, non-discrimination, family unity and participation.

69. Among the measures in place to guarantee the right of the child to be heard, in particular with regard to the drafting of legislation impacting children, the State, through the National Assembly, has strengthened the interpretation and application of the principle of the best interests of the child in the new draft organic code for the comprehensive protection of children and adolescents. It provides that the wishes, feelings and views of children and adolescents, and their right to progressively participate in the process of determining their own interests according to their age and level of autonomy, must be taken into account. The draft code includes provisions related to, inter alia, the right to participation, the right to be consulted, the right to participate in decision-making within the education system, the right to be heard, the right to petition and the right to freedom of expression. Likewise, there are regulations concerning the views of children and adolescents in legal proceedings.

70. Regarding training for all relevant professionals, in particular teachers and child rights representatives, on the right of the child to be heard, the Ministry of Education reports that, in 2021, 6,025 teachers were trained in the use of the “Curricular Opportunities for Comprehensive Sexuality Education” tool,⁶⁴ which facilitated the integration of the tool’s objectives with those set out in the existing national curriculum. In 2022, through the investment project for preventing pregnancy in girls and adolescents in the educational environment,⁶⁵ a further 8,605 teachers received training.

71. Concerning efforts to address norms, harmful beliefs and attitudes that discourage children’s active participation in society, the family, school, and social and judicial settings,

⁶⁰ <https://www.funcionjudicial.gob.ec/www/pdf/sentencia%20CC%2042-21-CN22.pdf>.

⁶¹ <https://www.fiscalia.gob.ec/transparencia/2020/septiembre/a3/DIRECTRIZ-NRO-FGE-DDHPC-D-006-2020.pdf>.

⁶² <https://www.fiscalia.gob.ec/wp-content/uploads/2022/02/Protocolo-Nacional-17-02-2022.pdf>.

⁶³ https://www.fiscalia.gob.ec/transparencia/2018/diciembre/a3/literal_a3_regulaciones_y_procedimientos_resolucion_55_fge_2018.pdf.

⁶⁴ <https://educacion.gob.ec/wp-content/uploads/downloads/2021/02/Bachillerato-UNFPA.pdf>.

⁶⁵ https://educacion.gob.ec/wp-content/uploads/downloads/2023/01/PROYECTO_INVERSIONES_EMBARAZO_22dic2021.pdf.

the National Council for Intergenerational Equality, in collaboration with the Inter-American Children's Institute, developed the course "Participation is Learned by Participating" to develop cognitive and practical skills that promote the right to freedom of expression, association and access to information. The Ministry of Education, through Ministerial Decision No. MINEDUC-MINEDUC-2017-00060-A,⁶⁶ has established regulations for the creation of student councils as the student representative bodies in educational institutions. In 2022, the draft Participation Model of the National Education System⁶⁷ was developed. It includes information, freedom of expression, listening, impact and voluntariness as components of participation and non-discrimination, inclusion, intergenerational dialogue, progressive autonomy, the best interests of the child and the learning by doing approach as pillars of participation.

72. In this connection, the National Council for Intergenerational Equality has formed the National Advisory Council for Children and the National Advisory Council for Adolescents. Each National Advisory Council is composed of 48 chief provincial delegates (male, female and/or gender-diverse) and 48 substitute provincial delegates (male, female and/or gender-diverse), who serve for two years. These councils are in charge of, inter alia, mapping organizations throughout the country, inviting organizations and cantonal advisory councils to put forward candidates for the National Advisory Councils, and accrediting child and adolescent participants.

Right to identity and birth registration

Reply to the questions raised in paragraph 13 (a) and (b) of the list of issues⁶⁸

73. To ensure birth registration of children in rural, coastal and border areas in the Provinces of Guayas, Manabí and Esmeraldas, the Directorate General for Civil Registration, Identification and Documentation has created mobile units in each of the zonal coordinators' offices, which attend technical round tables with public institutions, decentralized autonomous governments or other entities in order to coordinate mobile units for this purpose. Data on the number of identity cards produced as a result of the work of these mobile units are shown in the annexed table.⁶⁹

74. To protect the child's right to identity and prevent de facto and/or legal amendment of the identity names of children, in particular as regards the Organic Act on Management of Data and Civil Information, the Directorate General for Civil Registration, Identification and Documentation complies with the provisions of article 31 of the Organic Act on Identity and Civil Data Management regarding birth registration by indicating the names under which newborns will be registered. The right to amend the names of newborns within 90 days remains unaffected.

75. Ecuador has a specific regulation that guarantees protection against the modification of children's names. The procedures for name changes up to and beyond 90 days after birth are established in the procedure for updating and modifying registration information (PRO-GIR-AIR-001)⁷⁰ and can be carried out at any of the civil registry agencies. In the case of name changes within 90 days after birth, both parents must be present, or only one parent in the case of a single-parent family, and an administrative decision will be issued for the registration of the birth certificate showing the new names. After 90 days, any person aged 18 years or over has the right, on a one-off basis, to change his or her names, alter their order, delete one name when there are more than two or add a name when there is only one.

⁶⁶ <https://educacion.gob.ec/wp-content/uploads/downloads/2017/07/MINEDUC-MINEDUC-2017-00060-A.pdf>.

⁶⁷ <https://educacion.gob.ec/wp-content/uploads/downloads/2022/08/Modelo-Educativo-Nacional-2022.pdf>.

⁶⁸ Reply to the issue raised in paragraph 20 (a) and (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁶⁹ See annex 12.

⁷⁰ <https://www.registrocivil.gob.ec/correccion-y-actualizacion-de-datos-registrales-por-resolucion-administrativa-2/>.

Freedom of association and peaceful assembly

Reply to the question raised in paragraph 14 of the list of issues⁷¹

76. Among the measures taken to promote, protect and facilitate children's freedom of association and peaceful assembly, including the withdrawal of laws and regulations that allow for sanctions in connection with the exercise of the right to freedom of association and peaceful assembly, the National Council for Intergenerational Equality prepared a monitoring report⁷² on the protection of children and adolescents in the context of social demonstrations. The report proposes that shelter, care, food, hygiene, health services and social and psychological support should be provided to children, adolescents and the family members of demonstrators through inter-institutional, public and private coordination and in accordance with standards of dignity and safety. It also suggests actions for the protection of the rights of children and adolescents in these circumstances, for which responsibility is shared between the family, society and official procedures.

77. It should be noted that, in accordance with articles 39, 45 and 66 (6) and (13) of the Constitution and articles 62 and 63 of the Organic Code on Children and Adolescents,⁷³ the freedoms of expression, demonstration and association are fully guaranteed. In this vein, when events occur that violate these rights, the National Assembly exercises its supervisory powers through various committees (the specialized standing committees on constitutional guarantees and human rights and on children and adolescents) to summon and follow up with public officials in charge of safeguarding the rights of children and adolescents.

78. The National Police of Ecuador has worked with the National Council for Intergenerational Equality, the National Council for the Equality of Peoples and Nationalities and the institutions that make up the System for the Comprehensive Protection of Children and Adolescents to prepare instructions that address the situation of children and adolescents in the context of demonstrations.

Access to appropriate information

Reply to the questions raised in paragraph 15 (a) and (b) of the list of issues⁷⁴

79. To improve digital inclusion for children, especially those who live in remote and rural areas, children with disabilities, children belonging to Indigenous Peoples and nationalities, Afro-Ecuadorian children, and migrant, refugee and asylum-seeking children, the Ministry of Telecommunications and the Information Society is working to reduce the digital divide in rural and marginal urban areas of the country through the launch and operation of the Meeting Points project,⁷⁵ which provides users with a space equipped with computers and Internet access, thus guaranteeing their access to information and communication technologies. Training has been provided to 80,767 children (2.53 per cent Afro-Ecuadorian, 0.31 per cent white, 7.71 per cent Indigenous, 87.69 per cent mixed European and Indigenous, 0.19 per cent mixed African and European and 0.03 per cent other). In addition, 2,165 children with disabilities and 726 migrant children have received training. Attention is drawn to the following projects: Digital Family⁷⁶ (providing families in rural and marginal urban areas with access to technological devices, connectivity and educational content) and Connectivity for the Amazon (implementation, installation, management and/or

⁷¹ Reply to the issue raised in paragraph 21 (a) of the previous concluding observations ([CRC/C/ECU/CO/5-6](#)).

⁷² https://www.igualdad.gob.ec/wpcontent/uploads/downloads/2021/05/informe_obs_manifestaciones_nna.pdf.

⁷³ <https://biblioteca.defensoria.gob.ec/bitstream/37000/3365/1/C%20c3%b3digo%20de%20la%20Ni%20c3%blz%20y%20Adolescencia%20%2817-01-2022%29.pdf>.

⁷⁴ Reply to the issue raised in paragraph 22 (b) of the previous concluding observations ([CRC/C/ECU/CO/5-6](#)).

⁷⁵ <https://puntosdelencuentro.mintel.gob.ec/que-son-puntos-del-encuentro/>.

⁷⁶ <https://www.telecomunicaciones.gob.ec/wp-content/uploads/2021/06/Familia-Digital-Documento.pdf>.

connectivity of 339 outdoor Wi-Fi points, improving the educational process and the remote schooling system for children and adolescents).

80. To protect children and adolescents from violence and harmful information and products in the digital environment, the Council on the Regulation and Development of Information and Communication has taken various measures to raise awareness and promote transmedia education and training courses.⁷⁷

81. In 2020, the Public Policy on Safe Internet for Children and Adolescents⁷⁸ was published under the coordination of the National Council for Intergenerational Equality, the National Directorate of the Public Data Registry and the Ministry of Telecommunications and the Information Society, together with 22 public and private institutions and international organizations. The objective is to protect the dignity and the physical, psychological, emotional and sexual integrity of children and adolescents. The National Directorate of the Public Data Registry worked on the development and publication of the website <https://internetsegura.gob.ec/>, which includes videos, news stories, games, ideas and specialized content for children, adolescents, families and teachers. This informative space offers play-and-learn tools to teach users about the opportunities and risks of the Internet and how to react to alerts.

Freedom of the child from all forms of violence

Reply to the questions raised in paragraph 16 (a), (b) and (d) of the list of issues⁷⁹

82. To expedite the adoption of the draft organic law for a childhood and adolescence free from physical punishment and degrading treatment and to strengthen efforts to eradicate corporal punishment, priority has been given to the legislative processing of the new organic code for the comprehensive protection of children and adolescents, which is currently under deliberation. The first ad hoc committee for the protection of the rights of children and adolescents was created in the National Assembly, followed by the specialized standing committee on the protection of children's rights. The draft organic code for the comprehensive protection of children and adolescents develops the doctrine of comprehensive protection of children, including against physical and psychological abuse, and establishes sanctions for offences in the educational, family and private spheres. As part of this process, consultations were carried out with children and adolescents in the country. Regarding the prison system for adolescent offenders, a bill to amend several laws to promote institution-building and comprehensive security has been developed. It includes amendments to the Organic Code on Children and Adolescents, which will be published after the National Assembly has studied the objection put forward by the executive branch. The amended law establishes a new institutional structure to oversee the prison system for adolescent offenders and another to oversee their social rehabilitation, which differs from the system applied to adults.

83. To implement the 2018 National Plan for the Prevention of Violence against Children and Adolescents and the Promotion of Positive Parenting, the 2021 National Policy on Coexistence at School and the amended Organic Act on Intercultural Education, the Ministry of Health, Ministry of Education, Ministry of Women and Human Rights and Ministry of Economic and Social Inclusion are implementing the National Policy on Coexistence at School,⁸⁰ approved by Ministerial Decision No. MINEDUC-MINEDUC-2021-00011-A on 12 March 2021, with the objective of working with the educational community to foster an atmosphere of peace, harmonious coexistence and safety and security, all of which promote

⁷⁷ See annex 13.

⁷⁸ https://www.igualdad.gob.ec/wp-content/uploads/downloads/2020/09/pol%C3%ADtica_publica_internet_segura.pdf.

⁷⁹ Reply to the issues raised in paragraphs 13 (a), 19 (a) and 24 (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁸⁰ <https://educacion.gob.ec/wp-content/uploads/downloads/2021/04/Politica-Nacional-de-Convivencia-Escolar.pdf>.

quality learning, prevention of psychosocial risks and the exercise of citizenship. This policy has three dimensions: training, prevention and democratic culture.⁸¹

84. The National Plan for the Prevention of Violence against Children and Adolescents and the Promotion of Positive Parenting⁸² is intended to reduce the prevalence of physical, psychological and sexual violence against children and adolescents, with a particular focus on vulnerable and at-risk individuals, and to promote healthy parental relationships, based on the concept of shared responsibility between the State and civil society.

85. To ensure that child victims of violence have access to effective child-friendly reporting mechanisms, psychological counselling, rehabilitation and health services, including mental health services, and redress and compensation, the Public Defender Service provides free counselling, legal assistance and representation services (criminal, social and for victims) to all persons who do not have anyone to defend them. Priority is given to children and adolescents. The Service has 736 public defenders in 198 service units located throughout the country and has two specialized units for the defence of victims of gender-based violence. It also has 10 psychologists based in the provinces with the highest incidence of violence-related offences. In addition, it takes a multidisciplinary approach to primary legal and psychological assistance in cases of gender-based violence and sexual violence, guaranteeing the rights of children and adolescents, particularly the right to comprehensive protection and the right not to be revictimized. Flagrante delicto units operate in the country 24 hours a day, 7 days a week, in coordination with the Attorney General's Office and the Council of the Judiciary. In addition, an online counselling form⁸³ is available on the web portal www.defensoria.gob.ec to facilitate access to assistance in cases of gender-based violence. There is also a category under the "Frequently asked questions" section of the website on gender-based violence,⁸⁴ including cases involving children and adolescents.

86. In its Circular Memorandum No. FGE-CGAJP-DCJEAF-2021-01795-M of 16 April 2021, the Attorney General's Office instructs provincial prosecutors to coordinate with prosecutors and data-entry officials of the Comprehensive Care Service in order to prioritize and expedite the processing of complaints filed by citizens when the victims are children or adolescents.

Child sexual abuse and gender-based violence

Replies to the questions raised in paragraph 17 (a)–(e) of the list of issues

87. To raise awareness of the harmful effects of child sexual abuse among the public and professionals and to establish mandatory reporting, effective investigation and prosecution of cases of child sexual abuse and exploitation, the Council of the Judiciary (Decision No. 110A-2018 of 27 November 2018)⁸⁵ declared that pretrial and trial proceedings for offences against the sexual and reproductive integrity of children and adolescents were a top priority. The judicial authorities must use all investigative means to establish the facts and obtain truth, justice and reparation for children and adolescents who are victims of offences against sexual and reproductive integrity committed in educational, religious, family and other settings. The Council of the Judiciary also adopted a protocol to prevent the revictimization by the judicial authorities of child and adolescent victims of sexual violence in educational settings,⁸⁶ which must be applied in all such cases.

88. Since 2019, the Attorney General's Office has held various events on human rights, juvenile justice and gender-based violence, among other subjects. These included 54 training events nationwide, including 10 on human rights, 5 on restorative juvenile justice and 39 on gender-based violence. From 2019 to 2022, training was provided to 11,859 prosecutors and

⁸¹ See annex 14.

⁸² https://www.inclusion.gob.ec/wp-content/uploads/2018/05/2018.05.10-Plan-Nacional-Violencia-NNA-7_5_2018_CNII_MIES-EDITADO-DIRCOM-09.05.2018-ok.pdf.

⁸³ https://www.defensoria.gob.ec/?page_id=22769.

⁸⁴ https://www.defensoria.gob.ec/?epkb_post_type_1_category=victimas-y-violencia-de-genero.

⁸⁵ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2018/110A-2018.pdf>.

⁸⁶ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2022/078-2022.pdf>.

administrative prosecutors. During 2022, virtual and in-person training and awareness-raising activities were conducted for the secondary prevention of offences involving gender-based violence, reaching 1,828 beneficiaries in the areas of health, education, justice and women's affairs – mostly female community leaders, but also children from vulnerable and rural areas.

89. In 2019, the Ministry of Education prioritized a project to strengthen measures for comprehensively addressing situations of violence detected or committed in the national education system.⁸⁷ In addition, by Ministerial Decision No. MINEDUC-MINEDUC-2020-00001-A,⁸⁸ it issued a document setting out protocols and procedures for dealing with situations of violence detected or committed in the education system.⁸⁹ In 2022, the Ministry of Economic and Social Inclusion spent \$52,650 to print 27,000 copies of this document for delivery to all of the country's schools. Training on detection and intervention in cases of child sexual abuse has been provided to technical teams working in shelters (Adventist Development and Relief Agency). Since 2020, 268 child and adolescent victims of sexual violence have been admitted to residential care institutions, where they receive treatment, support and legal assistance. Criminal proceedings have been opened in all of these cases.

90. In respect of the adoption of a nationwide strategy to eliminate sexual violence against girls at home and in the education system and ensure that girls have access to information about their sexual and reproductive rights, in 2021 the Ministry of Education trained 6,025 teachers in the use of the "Curricular Opportunities for Comprehensive Sexuality Education" tool. It also published a massive open online course entitled "Recognize: Curricular Opportunities for Comprehensive Sexuality Education",⁹⁰ which has been completed by 10,600 teachers nationwide. The Ministry of Health has a technical standard for the comprehensive care of victims of gender-based violence and serious human rights violations.⁹¹

91. The Attorney General's Office has established, at the provincial level, regional committees on access to justice in order to provide victims with timely access to independent justice services. It has also facilitated the flow of information for the follow-up of cases of gender-based violence in educational settings. On the website www.fiscalia.gob.ec, a form has been made available for victims or third parties to report gender-based violence.⁹² This form is automatically forwarded to the virtual module on violence, created in provincial prosecutors' offices, for the appropriate steps to be taken.

92. To expedite judicial proceedings against alleged perpetrators of sexual violence against girls and ex officio investigations, as agreed by the Ministry of Education and the Office of the Attorney General, concerning sexual violence in school settings, and to gather data disaggregated by age, geographic area and national origin and/or ethnic status, several government bodies participate in an inter-institutional committee for the development of a comprehensive policy for the prevention and eradication of sexual violence in educational settings, in the framework of the reparation measures ordered by the Inter-American Court of Human Rights in the case of *Guzmán Albarracín et al. v. Ecuador* (judgment of 24 June 2020 (Merits, reparations and costs)).⁹³ This committee, led by the Ministry of Women and Human Rights and the Ministry of Education, has held several meetings with other government bodies and the Centro Ecuatoriano para la Promoción y Acción de la Mujer (Ecuadorian Centre for Women's Advancement and Action), representing victims, to develop the draft public policy strategy for the prevention and eradication of sexual violence in educational settings. Regarding data, information has been exchanged on a monthly basis under an inter-institutional cooperation agreement signed by the Attorney General's Office,

⁸⁷ <https://educacion.gob.ec/wp-content/uploads/downloads/2021/07/Fortalecimiento-del-Abordaje-Integral-de-Situaciones-de-Violencia-Detectadas-o-Cometidas-en-el-Sistema-Nacional-de-Educacion.pdf>.

⁸⁸ <https://educacion.gob.ec/wp-content/uploads/downloads/2020/02/MINEDUC-MINEDUC-2020-00001-A.pdf>.

⁸⁹ <https://educacion.gob.ec/rutas-y-protocolos/>.

⁹⁰ <https://mecapacito.educacion.gob.ec/reconoce/>.

⁹¹ <https://www.salud.gob.ec/wp-content/uploads/2021/03/Norma-tecnica-de-VBG-y-GVDH-.pdf>.

⁹² <https://www.fiscalia.gob.ec/denuncia-en-linea-violencia-contra-la-mujer/>.

⁹³ https://www.corteidh.or.cr/docs/casos/articulos/seriec_405_ing.pdf.

the Ministry of Education, the then Ministry of Justice, Human Rights and Religious Affairs and the Council of the Judiciary with a view to establishing an inter-institutional database of sexual offences in educational settings.

93. From January 2014 to December 2022, 17,298 cases of sexual violence were recorded in the sexual violence registration system. In 96.9 per cent of these cases, a complaint has been lodged with the Attorney General's Office; a plan for support and the restitution of rights has been drawn up in 85.4 per cent of the cases. During 2020, 26 legal professionals were hired to conduct outreach and training with the district conflict resolution boards. As a result of this process, 116 district directorates and 464 officials received training.

94. In respect of the adoption of clear standards for the provision of remedies and redress for girl victims of sexual violence and abuse, including psychosocial redress and counselling, reparations, compensation and guarantees of non-repetition, the Government has drafted a public policy for comprehensive reparation for victims and survivors of violence against women, domestic violence and femicide,⁹⁴ which has 12 pillars.⁹⁵ The policy commits to building the resilience of victims and survivors through the Comprehensive National System for the Prevention and Eradication of Violence against Women⁹⁶ and to reporting on decentralized mechanisms for the full protection of rights and the prevention and eradication of violence against women, considering at all times the expectations of victims and survivors. It envisages specialized rehabilitation services with cultural and territorial relevance, programmes to promote social education for equality and strategies to develop the intangible dimension of comprehensive reparation. As part of comprehensive reparation in the space between justice and memory, the executive branch, the judiciary and the decentralized autonomous governments at all levels will develop specialized programmes to make violence socially unacceptable, including strategies and programmes in the area of social education for equality.

95. In respect of efforts to combat online sexual exploitation and abuse, including production, possession and distribution of child sexual abuse material, the National Council for Gender Equality reports that the specific term "child sexual abuse material" does not appear in Ecuadorian legislation; however, article 170 of the Comprehensive Organic Criminal Code⁹⁷ provides for the offence of sexual abuse and aggravating circumstances when it is committed against a minor under the age of 14 years (in which case it is punishable by 6 to 10 years' imprisonment) or a minor under the age of 6 years (in which case it is punishable by 10 to 13 years' imprisonment). The offence covers sexual abuse that is intentionally recorded or transmitted live by the aggressor, using any digital medium, electronic device or information and communication technology. Under article 168 of the Code, anyone who distributes, sells or supplies pornographic material to children or adolescents will be punished by 1 to 3 years' imprisonment. Article 103 of the Code states that anyone who, using an electronic, physical or any other medium or format, photographs, films, records, produces, transmits or edits visual or audiovisual material containing a visual representation of real or simulated nudity or semi-nudity of children or adolescents in a sexual attitude, even where the material is of foreign or unknown origin, will be punished by 13 to 16 years' imprisonment. Article 104 states that anyone who advertises, buys, possesses, carries, transmits, downloads, stores, imports, exports or sells child pornography, by any means, for personal use or exchange, will be punished by 10 to 13 years' imprisonment.

Harmful practices

Reply to the question raised in paragraph 18 of the list of issues

96. Regarding actions taken to put an end to child marriage, in particular in Indigenous communities where girls who become pregnant due to rape may be forced to marry their

⁹⁴ <https://www.undp.org/es/ecuador/publicaciones/proyecto-de-politica-publica-para-la-reparacion-integral-de-victimas-y-sobrevivientes-de-violencia-contra-las-mujeres-y>.

⁹⁵ See annex 15.

⁹⁶ <https://www.derechoshumanos.gob.ec/wp-content/uploads/2021/03/Modelo-de-Gestion-del-Sistema-Nacional-de-Prevencion-de-la-Violencia-contra-las-Mujeres.pdf>.

⁹⁷ https://www.defensa.gob.ec/wp-content/uploads/downloads/2021/03/COIP_act_feb-2021.pdf.

aggressors, an amendment to article 83 of the Civil Code was published in Official Gazette No. 526, of Friday, 19 June 2015, prohibiting the marriage of persons under the age of 18 years. Likewise, article 222, under title VI on de facto unions, provides that stable and monogamous unions between two unmarried persons must be between persons of legal age.

Children deprived of a family environment and adoption

Reply to the questions raised in paragraph 19 (a) and (b) of the list of issues⁹⁸

97. Regarding the implementation of the technical standard of family support, family custody and foster care of the Special Protection Services Directorate of 2019 in public and private care entities, the Ministry of Economic and Social Inclusion reports that district, zonal and national technical teams are participating in the development and implementation of the standard,⁹⁹ which forms part of the strategy for the deinstitutionalization and family reintegration of children.

98. To promote the deinstitutionalization of children, family-based care and family reintegration of children whenever it is in the best interests of the child, in 2021 the Ministry of Economic and Social Inclusion issued Ministerial Decision No. MIES-2021-035,¹⁰⁰ which sets out actions to be taken for the deinstitutionalization of children and adolescents. This process is underpinned by alternative care arrangements whereby care is provided for 1,912 children and adolescents and their families, thus promoting family and community life in a protective environment. The Ministry is also strengthening family-based care programmes: it has signed 51 agreements on family-based care, family support and family custody and allocated the sum of \$2,155,016.86.

Reply to the questions raised in paragraph 20 (a) and (b) of the list of issues

99. According to the National Council for Persons with Disabilities, the Organic Act on Disabilities is implemented throughout Ecuador. When any of the rights enshrined in the Act is violated, the Office of the Ombudsperson invokes the relevant constitutional guarantees for their restitution.

100. To ensure the access of children and adolescents with disabilities to health, support and protection services and inclusive education, the National Council reports that comprehensive child development services are provided through child development centres, the “Growing with Our Children” programme and the “Care, Recreation and Learning Circles” project. The Special Protection Service undertakes activities in the areas of family-based care, institutional care and the eradication of child labour and begging. The Ministry of Economic and Social Inclusion provides care for 658 children and adolescents with disabilities. Specialized comprehensive rehabilitation centres of the Ministry of Health have provided 472,105 health-care services, including for children and adolescents with disabilities. One aspect of the “Ecuador Free of Child Malnutrition” project launched in 2022 is the taking of anthropometric measurements in children with disabilities.

101. The aim of the Hospital Classrooms programme¹⁰¹ of the Ministry of Education is to ensure access, retention and continued learning in the education system for children and adolescents who are ill, hospitalized, in treatment or on prolonged medical rest; they receive, collectively or individually, comprehensive, high-quality education either in the hospital or at home. Moreover, local inclusion support units¹⁰² provide education services for students with specific needs, which may or may not relate to disability, including psychopedagogical assessment and intervention and advice for the educational community.

⁹⁸ Reply to the issue raised in paragraph 30 (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

⁹⁹ https://www.inclusion.gob.ec/wp-content/uploads/2019/01/norma_tecnica_modalidades_alternativas0314.pdf.

¹⁰⁰ <https://biblioteca.inclusion.gob.ec/bitstream/21000/636/1/MIES-2021-035%20de%2021%20de%20mayo%20de%202021.pdf>.

¹⁰¹ <https://educacion.gob.ec/programa-aulas-hospitalarias/>.

¹⁰² <https://educacion.gob.ec/unidad-de-apoyo-a-la-inclusion-udai/>.

Health and health services

Reply to the questions raised in paragraph 21 (a) and (b) of the list of issues¹⁰³

102. In respect of measures to ensure equal access to essential health services, including universal vaccination coverage, as well as programmes to combat infant, child and maternal mortality, malnutrition and infectious diseases, in particular with regard to children living in marginalized situations, the Ministry of Health has introduced neonatal metabolic screening.

103. In 2019, 231,704 children were screened (81.06 per cent coverage); in 2020, 199,446 children (75.14 per cent); in 2021, 169,056 children (67.32 per cent); and in 2022, 201,323 children (80.17 per cent).

104. The authorities identified 10,107 children under the age of 2 years (14,569 samples) and 3,584 pregnant women (5,892 samples). There are 1,492 breastfeeding support and health promotion groups, which are present in 96.9 per cent of primary health-care facilities. Vaccination coverage is extensive, and a large number of people benefit from micronutrient supplementation.¹⁰⁴

105. To prevent maternal morbidity, the Ministry of Health arranged for the donation of 823 levonorgestrel 52 mg intrauterine devices; trained 242 professionals in the placement of such devices; and trained 48 tutors on the Maternal Alert Strategy. It has also provided training on maternal and neonatal health issues for 25,000 individuals through “citizen participation schools”,¹⁰⁵ the Guardians of Life strategy and local health committees. Comprehensive health networks and micro-networks have been strengthened in order to quickly respond to and deal with obstetric emergencies. In this regard, the Neighbourhood Doctors strategy¹⁰⁶ has been implemented in 138 cantons (December 2018). Fifty-three health facilities have been certified as mother- and child-friendly health establishments;¹⁰⁷ the “Mission: Tenderness” programme¹⁰⁸ has been implemented in 25 priority cantons, providing personalized follow-up for women from the preconception period until two years after birth; and the National Plan to Accelerate the Reduction of Maternal Mortality 2018–2022 has been updated.

106. The Ministry of Health has also produced videos to raise awareness of the consequences of maternal death; strengthened the competencies of certified birth attendants; and disseminated a handbook on obstetric risk classification,¹⁰⁹ a “Code Red” handbook¹¹⁰ and the Score Bebé neonatal health risk assessment tool.

107. The technical secretariat of the “Ecuador Grows without Child Malnutrition” strategy works with the Advisory Council for the Prevention and Reduction of Chronic Child Malnutrition and the Intersectoral Committee for the Prevention and Reduction of Chronic Child Malnutrition to implement the Strategic Intersectoral Plan for the Prevention and Eradication of Chronic Child Malnutrition.¹¹¹ It has carried out the “Childhood with a Future” project¹¹² to coordinate efforts at the local level and rolled out the Unified and Universal Nominal Tracking System for information management purposes. The secretariat has also raised awareness of child malnutrition among health-care professionals.

¹⁰³ Reply to the issues raised in paragraph 33 (c) and (d) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁰⁴ See annex 16.

¹⁰⁵ <http://www.saludzonal.gob.ec/cz1/index.php/sala-de-prensa/512-escuela-de-participacion-ciudadana-fortalece-su-rol-en-el-msp>.

¹⁰⁶ https://www.salud.gob.ec/wp-content/uploads/2018/02/Manual_De_Estrategia_de_Abordaje_Medico_del_Barrio_2018.pdf.

¹⁰⁷ <https://www.salud.gob.ec/establecimientos-de-salud-amigos-de-la-madre-y-del-nino-esamyn/>.

¹⁰⁸ <https://www.infancia.gob.ec/misionternura-objetivos-metas/>.

¹⁰⁹ <https://aplicaciones.msp.gob.ec/salud/archivosdigitales/ANEXO%202%20-%20CLASIFICACION%20DE%20RIESGOS%20OBST%20C3%89TRICOS.pdf>.

¹¹⁰ https://enlace.17d07.mspz9.gob.ec/biblioteca/riesgo/instructivo_codigo_rojo_msp.pdf.

¹¹¹ <https://www.infancia.gob.ec/wp-content/uploads/2021/09/Plan-Intersectorial.pdf>.

¹¹² <https://www.infanciafuturo.info/>.

108. Regarding specific strategies to ensure access to safe water and sanitation for all households, schools and health facilities, the Association of Municipalities of Ecuador reports that the 221 cantonal governments are responsible for providing households, schools and health facilities with drinking water and collecting solid waste. These services are provided through various programmes and administrative models (including public companies), depending on capacities, resources and territorial realities. There are no cantons in Ecuador whose main cities are without potable water.

109. In 2019, the Ministry of Health formally adopted a handbook on the internal management of waste generated by health facilities¹¹³ and regulations on the management of waste generated in the health facilities of the National Health System.¹¹⁴ Virtual training on this subject was given to 45,000 people in 2019 and 46,583 people in 2020.

Adolescent and mental health

Reply to the questions raised in paragraph 22 (a)–(e) of the list of issues¹¹⁵

110. To implement the intersectoral policy for the prevention of pregnancy in girls and adolescents¹¹⁶ and address the high adolescent pregnancy rate while protecting the rights of pregnant teenagers, adolescent mothers and their children, the Ministry of Health launched the National Sexual and Reproductive Health Plan 2017–2021,¹¹⁷ which seeks to strengthen governance, redefine the approach to the comprehensive provision of health services and reduce gaps in the provision of comprehensive sexual and reproductive health services. In 2018, the Ministry launched the intersectoral policy for the prevention of pregnancy in girls and adolescents 2018–2025.¹¹⁸ In this context, the Ministry developed a project for preventing pregnancy in girls and adolescents, for the period 2019–2022, whose main components are strengthening comprehensive adolescent-friendly care and spaces for the participation of adolescents and promoting change in respect of harmful sociocultural patterns. This project had outstanding results in 2022.¹¹⁹

111. The Ministry of Education has applied the Prevention Pathway training methodology, which in 2021 reached 7,235 students, 816 teachers and 156 student counselling professionals. In 2021, teacher training on Curricular Opportunities for Comprehensive Sexuality Education¹²⁰ reached 7,812 teachers nationwide.

112. Regarding measures to ensure that girls who become pregnant as a result of rape have access to voluntary termination of pregnancy, in accordance with Constitutional Court judgment No. 34-19-IN/21 of 28 April 2021, and with full respect for their rights, the Organic Act on the Voluntary Termination of Pregnancy for Girls, Adolescents and Women in Cases of Rape¹²¹ was published in the Official Gazette (Second Supplement No. 53 of 29 April 2022). The Act establishes the right to terminate a pregnancy in such cases, the

¹¹³ <http://www.heg.gob.ec/wp-content/uploads/2022/02/Manual-de-gestion-interna-residuos-desechos-generados-establecimientos-salud.pdf>.

¹¹⁴ https://www.controlsanitario.gob.ec/wp-content/uploads/downloads/2019/04/Acuerdo-Ministerial-323_Reglamento-para-la-gesti%C3%B3n-integral-de-los-residuos-y-desechos-generados-en-los-establecimientos-de-salud.pdf.

¹¹⁵ Reply to the issues raised in paragraphs 34 (b), (e) and (g) and 35 (b), (e) and (f) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹¹⁶ <https://www.salud.gob.ec/wp-content/uploads/2018/07/POL%C3%8DTICA-INTERSECTORIAL-DE-PREVENCI%C3%93N-DEL-EMBARAZO-EN-NI%C3%91AS-Y-ADOLESCENTES-para-registro-oficial.pdf>.

¹¹⁷ <https://ecuador.unfpa.org/sites/default/files/pub-pdf/PLAN%20NACIONAL%20DE%20SS%20Y%20SR%202017-2021.pdf>.

¹¹⁸ <https://www.salud.gob.ec/wp-content/uploads/2018/07/POL%C3%8DTICA-INTERSECTORIAL-DE-PREVENCI%C3%93N-DEL-EMBARAZO-EN-NI%C3%91AS-Y-ADOLESCENTES-para-registro-oficial.pdf>.

¹¹⁹ See annex 17.

¹²⁰ <https://educacion.gob.ec/wp-content/uploads/downloads/2021/02/Bachillerato-UNFPA.pdf>.

¹²¹ <https://vlex.ec/vid/ley-organica-regula-interrupcion-902744239>.

responsibilities of the State and the private sector in relation to the structural (institutional) framework to give effect to the right, and the conditions and requirements for its exercise.

113. In this context, the Ministry of Health, the Attorney General's Office, the criminal investigation police, cantonal rights protection boards and the Office of the Ombudsperson, among others, have established appropriate confidential mechanisms to allow access to voluntary termination of pregnancy in cases of rape and to care for victims before, during and after the procedure. The Act expressly provides that girls and adolescents may directly turn to the competent authorities to report a rape, without hindrance or fear of reprisals and in confidentiality, so that they may have access to voluntary termination of pregnancy and receive medical and psychological assistance without the need for authorization from their legal guardian. Children and adolescents have 12 weeks in which to exercise this right.

114. Regarding national mental health and suicide prevention policies and programmes and measures to identify, prevent and address suicide risk factors among children and adolescents, the Ministry of Health has published a suicide prevention handbook for community caregivers.¹²² Training has been provided to 144 community caregivers. The Ministry has also worked on the development of the National Mental Health Policy, which will have a suicide prevention component.

115. The Ministry has issued the following documents: guidelines for crisis intervention units;¹²³ guidelines on caring for persons with suicidal intent and dealing with suicide attempts; guidelines on managing grief; guidelines for hospital mental health units; a guide to psychological first aid and psychosocial support in response to SARS-CoV-2/COVID-19; and a suicide prevention handbook for community trainers. A national suicide prevention strategy is under development. The Ministry is also setting up a mental health network with the involvement of primary health-care services to provide basic and intensive outpatient treatment and crisis intervention services in emergency rooms.

116. To address the prevalence of drug use and alcoholism among adolescents, an inter-institutional committee on drugs, composed of 11 institutions, was established pursuant to the Organic Act on the Comprehensive Prevention of the Socioeconomic Issue of Drugs and the Regulation and Monitoring of the Use of Controlled Substances.¹²⁴ It adopted the National Plan for the Comprehensive Prevention and Control of the Socioeconomic Issue of Drugs 2017–2021,¹²⁵ which is currently being updated for 2023–2025.

117. Activities for adolescents carried out between 2019 and the first half of 2022 included training workshops aimed at student counselling departments, student welfare services and parents (17,768 direct beneficiaries); prevention campaigns in schools, reaching 18,636 students at the secondary level; and the training of 9,634 teachers in the comprehensive prevention of drug use.

118. In December 2022, the Ministry of Economic Affairs and Finance prioritized the investment project “Development of a Strategy to Comprehensively Address the Socioeconomic Issue of Drugs and Strengthen Mental Health” for 2023–2025, which has a component on adolescents in school.

119. In terms of tobacco control, 1,985 health facilities and 2,948 public institutions have been declared 100 per cent smoke-free.

120. Regarding programmes providing access to HIV testing for all adolescents, the implementation of HIV/AIDS prevention policies and the protection of children and

¹²² https://www.salud.gob.ec/wp-content/uploads/2021/09/Manual-de-prevencion-del-suicidio_06-09-2021_MSP.pdf.

¹²³ <https://www.salud.gob.ec/wp-content/uploads/2021/09/Lineamiento-de-uinidades-de-intervencion-en-crisis.pdf>.

¹²⁴ https://www.controlsanitario.gob.ec/wp-content/uploads/downloads/2021/01/Ley-Organica-de-Prevencion-Integral-del-Fenomeno-Socio-Economico-de-las-drogas-y-de-regulacion-y-control-del-uso-de-sustancias-catalogadas-sujetas-a-fiscalizacion_Ley-0.pdf.

¹²⁵ <https://www.salud.gob.ec/1-plan-nacional-de-prevencion-integral-y-control-del-fenomeno-socio-economico-de-las-drogas-2017-2021/#:~:text=1,Plan%20Nacional%20De%20Prevenci%C3%B3n%20Integral%20Y%20Control%20Del%20Fen%C3%B3meno%20Socio,individual%2C%20comunitario%20familiar%20y%20social.>

adolescents living with HIV/AIDS, the Ministry of Health reports that it has standards on access to comprehensive HIV care, from diagnosis to treatment and follow-up, for the entire population, including children and adolescents.

121. These standards include the clinical practice guidelines of 2019 on the prevention, diagnosis and treatment of HIV infection in pregnant women, children, adolescents and adults¹²⁶ and the National Multisectoral Strategic Plan on HIV/AIDS and Sexually Transmitted Infections 2018–2022.¹²⁷ The Ministry also provides access to HIV screening and applies various preventive measures.

122. Within the framework of HIV prevention, pre-exposure prophylaxis is offered by six health facilities run by the Ministry of Health and two health facilities operated by civil society; 203 facilities offer post-exposure prophylaxis in the event of sexual violence or unsafe practices.

123. The virtual training course “Human Rights and HIV” was updated to address stigma and discrimination associated with HIV. Virtual training on HIV and relevant standards was delivered to public health professionals, and an HIV diagnostic algorithm, which reduces the diagnosis time, has been introduced.

Impact of climate change on the rights of the child and environmental health

Reply to the question raised in paragraph 23 of the list of issues

124. Regarding the implementation of the nationally determined contribution for 2020–2025 and how the particular needs and views of children and adolescents are being integrated into related policies and programmes, the National Intergenerational Equality Council reports that, in 2021, children and adolescents were consulted on the prevention and eradication of sexual violence in educational settings. This process involved the participation of 217 girls and 167 boys between the ages of 7 and 17 years (384 children and adolescents) who are members of the National Council or of the 73 cantonal advisory councils.

125. In 2022, five consultations were held, both on the powers of the National Intergenerational Equality Council and in coordination with executing institutions and agencies, thus strengthening and ensuring the participatory nature of institutional actions. Depending on the topic, these consultations were held with one or more advisory councils. The National Advisory Council was consulted on the formulation of the National Agenda for Intergenerational Equality 2021–2025. In coordination with the Secretariat for Human Rights, now the Ministry of Women and Human Rights, 46 children and adolescents were consulted on the national strategy for the eradication of sexual violence in educational settings 2021–2025. Together with the National Council for Gender Equality, consultations were organized on the National Agenda for Gender Equality and on a protocol for safe Internet use, in compliance with a Constitutional Court judgment on sexting in educational settings. The National Intergenerational Equality Council and the Ministry of Education also consulted the advisory councils to assess the situation of the educational community in respect of psychosocial risks, as part of the design of the National Plan for the Prevention of Psychosocial Risks in the National Education System.

Standard of living

Reply to the questions raised in paragraph 24 (a) and (b) of the list of issues¹²⁸

126. Regarding public policy in the area of housing for children and adolescents belonging to Indigenous Peoples and nationalities, Afro-Ecuadorian children and Montubio children, the Ministry of Urban Development and Housing reports that the regulations on access to

¹²⁶ <https://enlace.17d07.mspz9.gob.ec/biblioteca/vigi/GUIA%20VIH%202019/PARTE%201.pdf>.

¹²⁷ https://www.salud.gob.ec/wp-content/uploads/2019/05/PENM-VIH-2018-2022_MSP.pdf.

¹²⁸ Reply to the issues raised in paragraph 36 (b) and (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

subsidies and incentives for social and affordable housing¹²⁹ contain provisions on incentives for Indigenous Peoples and nationalities to build homes on community-owned land. The regulations also govern access to an incentive for housing construction, restoration and improvement, so that communities participate in the building of homes adapted to their world view and their environmental and natural surroundings.

127. The Ministry, in coordination with the “Ecuador Grows without Child Malnutrition” technical secretariat, is working to implement two inter-institutional agreements to provide incentives for the delivery of public water, sanitation and environmental services and incentives for housing extensions, where the beneficiaries are children under the age of 24 months and pregnant women. It also implemented the pilot plan for the “Childhood with a Future” programme, with a budget of \$1,353,846.00.

128. In the area of health, the Ministry of Health promotes participation mechanisms such as intersectoral parish committees for the prevention and reduction of chronic child malnutrition. As of December 2022, there were 310 of these committees in 18 provinces, covering 728 priority parishes. These committees are spaces for the participation of key actors; their objective is to build knowledge that is contextualized, practical and tailored to the needs of the community, so that people can play an active role in improving their living conditions and developing their community. The committees also identify health risk factors and analyse their dimensions and causes and effects in the short, medium and long term.¹³⁰

129. Regarding the education of children and adolescents belonging to the different peoples and nationalities of Ecuador, the Secretariat of Bilingual Intercultural Education and Ethno-Education has disseminated the bilingual intercultural education model, whose purpose is to strengthen the bilingual intercultural education of children from these communities from early childhood community education to higher education. One measure to ensure that public policies adequately address the rights of Afro-Ecuadorian children and adolescents was the development of the National Strategic Plan on Afro-Ecuadorian Ethno-Education 2020–2025,¹³¹ which focuses on four main areas and is aimed at ensuring high-quality, culturally relevant education.

130. Regarding targeted consultations on the issue of child poverty, the Ministry of Economic and Social Inclusion has specific family support services that seek to improve families’ quality of life and gradually help them out of poverty.

131. This work focuses on the preparation of an intervention plan, known as a “family achievement plan”, in which the situation is assessed, necessary changes are identified and goals are set for the period during which family support is provided. Economic inclusion is taken into account, so that at least one member of the family will have access to services related to employment promotion or human development loans for entrepreneurship, which are designed to reduce poverty among families, children and adolescents.

132. The Office of the Ombudsperson, as the national human rights institution, has defined the fight against violence and discrimination as a cross-cutting issue in all areas of its activity. Accordingly, it works with civil society organizations and considers situations of rights violations that relate to socioeconomic conditions such as poverty or exclusion.

Reply to the questions raised in paragraph 25 (a)–(f) of the list of issues¹³²

133. To increase secondary school enrolment and access to early childhood development programmes, and encourage the return to school following the school closures that occurred in response to the COVID-19 pandemic, the Ministry of Education implemented the “Let’s

¹²⁹ <https://www.habitatyvivienda.gob.ec/wp-content/uploads/2022/06/MIDUVI-MIDUVI-2022-0011-A-.pdf>, arts. 70–75.

¹³⁰ <https://www.infancia.gob.ec/wp-content/uploads/2021/09/Plan-Intersectorial.pdf>.

¹³¹ <https://recursos.educacion.gob.ec/red/etnoeducacion/#:~:text=El%20Plan%20Estrat%C3%A9gico%20Nacional%20de,distintos%20actores%20de%20organizaciones%20del>.

¹³² Reply to the issues raised in paragraphs 24 (b), 27 (b) and 37 (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

Learn Together at Home” programme, which focused on basic learning in the curriculum and provided practical suggestions for the more comprehensive assessment of students.

134. The special protection services of the Ministry of Economic and Social Inclusion worked with the education system to ensure the participation, retention and academic advancement of children and adolescents. As part of this educational continuity process, 56,023 beneficiaries were enrolled in the Costa (coastal) regime and 23,350 in the Sierra (highlands) regime of the State education system.

135. To address any disproportionate impact on the rights of children in disadvantaged situations, the Secretariat of Bilingual Intercultural Education and Ethno-Education implemented the Multi-Year Resilience Programme with the aim of reintegrating students and reducing discrimination to prevent their dropping out of school. The Programme seeks to overcome economic, cultural and gender barriers that threaten children’s and adolescents’ continuation of their education. In addition, holistic learning is promoted to provide protection for families in situations of human mobility and other children in host communities and vulnerable situations. The Programme incorporates two complementary dimensions of protection: on the one hand, mental health and psychosocial support for caregivers, teachers, children, adolescents and families with children under the age of 5 years, a population group that has grown rapidly in the past two years; and, on the other, economic protection through cash transfers to families in extreme poverty, since economic hardship is the main obstacle to access to education for children from these families. The Programme also focuses on the protection of children and adolescents and the prevention of violence against them, both at home and in the educational environment. Special attention is given to the prevention and eradication of gender-based violence. Pregnant adolescents receive specific support, and emergency assistance is provided to child and adolescent survivors of gender-based violence.

136. To ensure the quality of child development services, the Ministry of Economic and Social Inclusion has issued a technical standard for child development centres,¹³³ which incorporates gender, human mobility, rights and intercultural perspectives, among others. In addition, to promote community inclusion in host cities that receive persons in situations of human mobility, emphasis is placed on “community development and prevention of other violations”,¹³⁴ which includes awareness-raising activities for families in public spaces, recreational workshops for children and adolescents, community gatherings, anti-discrimination strategies and integration into community networks.

137. The Ministry of Education has devised strategies to combat discrimination and xenophobia in schools under the Multi-Year Resilience Programme for Educational Inclusion, which is coordinated with United Nations agencies and civil society and benefits from a \$7.41-million seed fund granted by Education Cannot Wait. The goal of the Programme is to enhance and strengthen educational processes in emergency situations. The Ministry is working with 50 educational institutions in the Provinces of Azuay, Imbabura, Guayas, Manabí and Pichincha to train 1,059 teachers in various inclusion methodologies.

138. The Ministry also implements awareness-raising programmes and activities to tackle violence, abuse, bullying and harassment at school and promotes respect for life and physical integrity. Thus, within the framework of the National Policy on Coexistence at School and among the measures taken in compliance with the Inter-American Court of Human Rights judgment in the case of *Guzmán Albarracín et al. v. Ecuador*, the Government is implementing the Violence Prevention Pathway methodology, so that students can develop skills for establishing dialogues on sexuality and sharing information on the prevention of gender-based violence, sexual violence and teenage pregnancy, generating debate on these issues.

139. The general objective of the investment project “Preventing and Addressing Psychosocial Risks in the Educational Environment”¹³⁵ is to strengthen the prevention of

¹³³ <https://biblioteca.inclusion.gob.ec/handle/21000/509>.

¹³⁴ https://www.inclusion.gob.ec/wp-content/uploads/2023/05/Norma-Tecnica-Servicio-Movilidad-Humana-Extramural_-2021.pdf.

¹³⁵ <https://educacion.gob.ec/wp-content/uploads/downloads/2023/02/Proyecto-Prevencion-y-abordaje-de-Riesgos-psicosociales-en-el-entorno-educativo.pdf>.

psychosocial risks in educational settings so that students have access to and can continue their education in schools free from violence. By 2025, the authorities plan to establish psychosocial risk prevention and management capacities in schools, foster parenting skills and shared family responsibility and consolidate community-school relations in the face of psychosocial risks. The budget set aside for 2023 stands at \$480,398.46; for 2024, \$783,478.45; and for 2025, \$233,491.26.

140. The Government has protocols and procedures¹³⁶ for dealing with situations of violence detected or committed in the education system. In 2022, it spent \$52,650 on printing and distributing the third edition of the document setting out these protocols and procedures.

141. As comprehensive sexuality education is part of the national curriculum, the Ministry of Education developed the “Curricular Opportunities for Comprehensive Sexuality Education” tool to combat sexism and gender discrimination in Ecuadorian society and promote equity between women and men through the education system; 6,025 teachers were trained in the use of the tool. In 2022, a further 8,605 teachers were trained as part of the project for preventing pregnancy in girls and adolescents in the educational environment.

142. Furthermore, the massive open online course “Recognize: Curricular Opportunities for Comprehensive Sexuality Education”,¹³⁷ which has been completed by 10,600 teachers nationwide, was developed and published during the period from November 2021 to December 2022.

143. Admission to careers in State education is governed by the Organic Act on Intercultural Education, article 94.1 of which requires candidates to pass psychological evaluations accredited by the National Health System. Article 95 prohibits persons who have a criminal conviction from becoming teachers in the State education sector.

144. In line with these provisions, the Ministry of Education issued Ministerial Decision No. MINEDUC-MINEDUC-2018-00066-A,¹³⁸ which calls on all teachers and administrators in State educational institutions to take a personality test; and Ministerial Decision No. MINEDUC-MINEDUC-2017-00055-A,¹³⁹ which establishes policies for the recruitment of administrative staff by private and State-subsidized private schools.

As a measure to enhance security, the authorities have been using the sexual violence registration system to check whether professionals and staff have a history of sexual violence before they are admitted to careers in the education system.

Reply to the question raised in paragraph 26 of the list of issues¹⁴⁰

145. The State, through the Ministry of Culture and Heritage, regularly takes measures to ensure the right of children and adolescents to rest, leisure, play, recreational activities, culture and the arts. Through activities, projects and programmes, efforts are made to uphold these rights in a range of cultural contexts. Additionally, inter-institutional partnerships have been established to improve access to museums across the country, rendering them inclusive thanks to educational interventions and the ongoing recreational, cultural and artistic activities organized by the National Institute of Cultural Heritage that actively involve children and adolescents.¹⁴¹

146. During the COVID-19 pandemic, the Ministry of Education developed worksheets featuring recreational activities designed to be undertaken at any time of the day or week, preferably as a family, in order to develop effective communication and teamwork skills, promote reflection on the importance of being together and help families discover strategies

¹³⁶ <https://educacion.gob.ec/rutas-y-protocolos/>.

¹³⁷ <https://mecapacito.educacion.gob.ec/reconoce/>.

¹³⁸ <https://educacion.gob.ec/wp-content/uploads/downloads/2018/07/MINEDUC-2018-00066-A-Normativa-prueba-de-personalidad-a-docentes-y-directivos-de-la-IE.pdf>.

¹³⁹ https://educacion.gob.ec/wp-content/uploads/downloads/2017/07/MINEDUC-MINEDUC-2017-00055-A-_Politiclas_para_la_contratacion_personal_docente_directivo_administrativo.pdf.

¹⁴⁰ Reply to the issue raised in paragraph 38 (b) and (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁴¹ See annex 18.

for more harmonious living. From an educational standpoint, they encourage the development of motor skills, the effective use of free time and physical activity. Furthermore, a number of competitions that tested scientific, cultural and social skills were organized for children and adolescents in order to ensure those rights.¹⁴²

147. The Ministry of Sports implemented the “Active Sports Sessions for Development 2022–2025” project, under which action is taken to create recreational spaces, encourage the effective use of free time, increase social cohesion and promote the economic and social development of vulnerable groups. The project has been declared a flagship project and therefore has a budget of \$10 million.

Asylum-seeking, refugee and migrant children

Reply to the questions raised in paragraph 27 (a)–(e) of the list of issues¹⁴³

148. With regard to procedures for the assistance of children and adolescents in contexts of human mobility, in October 2018 the Ministry of Education signed a framework agreement for inter-institutional cooperation with the Ministry of Foreign Affairs and Human Mobility, the Ministry of the Interior and the Ministry of Economic and Social Inclusion to ensure the proper management of migration flows, with a particular focus on the human rights of foreign nationals and of children and adolescents entering Ecuador.

149. The Ministry of Economic and Social Inclusion provides a range of services for migrants, particularly persons in vulnerable situations, with an emphasis on children, adolescents and their families. These services include guidance, information, humanitarian assistance, psychosocial care, legal advice and prevention of further rights violations. Similarly, the Ministry helps to protect and guarantee their rights through inter-institutional and intersectoral coordination. In 2022, 23 care units were established across the country, each staffed by a technical team comprising a coordinator, a psychologist, a social worker, a lawyer and a social outreach worker, totalling 138 persons. From 2021 to 2022, investment amounting to \$3,649,029.74 was earmarked for these purposes.

150. The Ministry of Foreign Affairs and Human Mobility has implemented various measures to prevent the refusal of entry of unaccompanied children at the border and detention of asylum-seeking children. For instance, Inter-ministerial Agreement No. 0001 of 20 October 2022 establishes a protocol for the comprehensive care of foreign migrant children and adolescents. The protocol is followed at all migration control points nationwide and is intended to provide guidelines to ensure comprehensive care, restore rights and ensure effective access to rights for migrant children and adolescents seeking to enter or leave, transiting through or remaining in Ecuador.

151. Additionally, specific guarantees have been established in the area of care and case management for asylum-seekers; under the Organic Act on Human Mobility and its implementing regulations, priority is given to children and adolescents in general, and to those who are unaccompanied or separated from their families in particular. The procedure in these cases is regulated by Ministerial Decision No. 150, which guarantees principles such as the best interests of the child, non-discrimination, family unity and participation and requires the Public Defender Service to be notified of such cases immediately so that it can provide representation throughout the procedure and arrange for the necessary protection measures.

152. Records for the period 2018–2022 show that the number of applications for international protection was 17,036 in 2018, 20,971 in 2019, 6,294 in 2020, 11,573 in 2021 and 10,305 in 2022.

153. The Ministry of the Interior has issued instructions for the referral of cases of human trafficking and migrant smuggling with the aim of strengthening the identification and

¹⁴² See annex 19.

¹⁴³ Reply to the issue raised in paragraph 20 (b) of the previous concluding observations (CRC/C/ECU/CO/5-6).

referral of such cases, with particular emphasis on cases involving children and adolescents, including unaccompanied minors.

154. Through the Directorate General for Civil Registration, Identification and Documentation, the State ensures the civil registration and identification of refugee children and adolescents. Once a refugee child or adolescent has obtained an identity card order from the competent authority, he or she may access the identity card service without the need for an appointment.

155. Furthermore, if refugee children have Ecuadorian ancestry, they can acquire Ecuadorian nationality through birth registration or recognition of their nationality in accordance with articles 15 and 83 of the implementing regulations of the Organic Act on Identity and Civil Data Management.

156. The National Council on Equality in Human Mobility has drawn up the National Agenda for Equality in Human Mobility 2021–2025 to combat discrimination against migrants and ensure that their lives are free from violence. The actions proposed under the Agenda include educational and communication activities to promote and disseminate rights, reduce violence and eliminate discriminatory practices, while highlighting the contribution of migration to development. Additionally, training was provided to media professionals and public officials in social communication units and directorates as a means of combating discrimination and xenophobia. In line with these activities, two awareness-raising and reflection campaigns have been carried out on the protection of rights and human mobility in the creation of communication products.¹⁴⁴

157. The Ministry of Education has undertaken 116 awareness-raising and information campaigns on the protection mechanisms available to children and adolescents in the education sector.¹⁴⁵

158. Moreover, one component of the services provided to vulnerable foreign migrants by the Ministry of Economic and Social Inclusion involves community outreach and efforts to prevent further rights violations, including awareness-raising activities for families that are run in public spaces by assistance units, play and recreational workshops for children and adolescents, community meetings and strategies to respond to discrimination and promote integration into community networks. All these activities are aimed at promoting community inclusion in host cities.

159. Decree No. 436¹⁴⁶ of 1 June 2022 established the first phase of migration regularization. In this context, the Ministry of Economic and Social Inclusion has developed a procedure for regularizing the migration status of unaccompanied and separated children and adolescents. The procedure was adopted by means of Ministerial Decision No. 046 of 15 September 2022¹⁴⁷ and seeks to facilitate the regularization of the status of children and adolescents of any nationality who transit through or intend to remain in the country. Unlike the exceptional migration regularization process, the procedure under the protocol for the comprehensive care of foreign migrant children and adolescents is open-ended. Its aim is to regularize the migration status of all persons involved in family reunification processes, not only at the border, but in any part of the country.

¹⁴⁴ https://drive.google.com/drive/folders/1npZ4iUwuxpoRKOPOygn7ul0hYr1F0_ce?usp=share_link. Five podcasts focusing on rights and human mobility.

¹⁴⁵ See annex 20.

¹⁴⁶ https://www.gob.ec/sites/default/files/regulations/202209/decreto_ejecutivo_no._436_20220503163733_20220503163738%20%281%29.pdf.

¹⁴⁷ http://www.edicioneslegales-informacionadicional.com/webmaster/directorio/RO199_2022.pdf.

Economic exploitation, including child labour

Reply to the question raised in paragraph 28 of the list of issues¹⁴⁸

160. The Ministry of Labour continues to implement the public policy for the eradication of child labour. Between 2018 and 2021, checks were carried out or support was provided by labour inspectors on 6,363 occasions in various economic sectors.¹⁴⁹ To date, 18,992 public officials, representatives of economic sectors and officials of municipal authorities have received training to raise their awareness of the issue of child labour and hazardous adolescent labour.

161. Additionally, technical assistance was provided to municipal decentralized autonomous governments and cantonal rights protection councils on 617 occasions to help them implement public policies, ordinances, administrative decisions and road maps for protection, prevention and eradication efforts in the area of child labour, taking the human mobility factor into account. As a result of these efforts, 188 of the 221 municipalities have taken action to combat the problem.

162. Ongoing measures are being taken to apply the Child Labour Risk Identification Model in Ecuador and its 24 provinces, in cooperation with the Latin America and the Caribbean Free of Child Labour Regional Initiative of the International Labour Organization and the Economic Commission for Latin America and the Caribbean. The Model's main objective is to identify the areas of Ecuador where children are most vulnerable to child labour and to evaluate the influence of various associated factors, thereby enabling the authorities to devise more effective multisectoral actions adapted to the characteristics of each area, thus halting the spread of child labour.

163. Significant effort has been made in this area, as evidenced by a technical workshop to present the results of the Child Labour Risk Identification Model, held in November 2022 with the participation of all the State ministries with competence in this area. It is hoped that the information collected so far will be consolidated in order to design a mechanism for the implementation of public policy at the local level.

Administration of child justice

Reply to the questions raised in paragraph 29 (a)–(d) of the list of issues¹⁵⁰

164. The law sets the minimum age for the application of measures for deprivation of liberty to adolescent offenders at 14 years. The aim is to apply restorative and rights-based justice that fully protects the rights of juvenile offenders, avoiding harm to their interpersonal relationships and promoting their sense of dignity and worth, in line with article 40 of the Convention. The draft organic code for the comprehensive protection of children and adolescents, which is currently being developed, does not make changes to the minimum age for prosecuting an adolescent in conflict with the law.

165. Measures to ensure appropriate legal support for children in conflict with the law include Decision No. 152-2019 of the Council of the Judiciary approving the implementing regulations for Constitutional Court judgment No. 9-17-CN/19, which provides for a specialized juvenile justice system. Judges specializing in issues pertaining to the family, women, children and adolescents are responsible for ensuring impartial and specialized trials. There are currently 52 specialized judicial units and 120 multipurpose judicial units in the juvenile justice system, with a total of 569 judges.

166. The Inter-Institutional Commission was created in 2020 by means of Decision No. 050-2020 of the Council of the Judiciary.¹⁵¹ Its purpose is to design, execute and evaluate

¹⁴⁸ Reply to the issue raised in paragraph 42 of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁴⁹ See annex 21.

¹⁵⁰ Reply to the issues raised in paragraphs 43 (d) and 44 (c) and (g) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁵¹ <https://www.funcionjudicial.gob.ec/www/pdf/resoluciones/2020/050-2020.pdf>.

an implementation plan for the administration of specialized juvenile justice. It seeks to promote and guarantee rights using a restorative approach, addressing adolescents in conflict with the law, victims and persons who have not yet had contact with the system.

167. Additionally, through Decision No. 005-2021, the Judicial Training College adopted a comprehensive training plan for the specialization of judges, prosecutors, public defenders and technical and court teams. This rigorous 610-hour training programme is intended to strengthen the capacities of 2,288 justice officials and their technical teams in matters relating to juvenile justice to enable them to obtain specialist accreditation.

168. In response to the request for information on measures to review the normative framework related to administrative procedures involving adolescents in conflict with the law and reform the system requiring the serving of 60 per cent of the term under deprivation of liberty, the National Assembly notes that the Code on Children and Adolescents requires the inclusion of tailored programmes and a comprehensive care model in socioeducational measures.

169. These programmes target five areas: self-esteem and autonomy, education, comprehensive health, employment, and family and emotional relationships. Work in each area is aimed at encouraging adolescents to take responsibility for their lives and for the offence that they have committed, supporting them in planning for their future and steering them away from situations that may lead them to reoffend.

170. The Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders is responsible for administering the rule requiring adolescents to serve 60 per cent of their sentences and for applying sentence reductions in accordance with the relevant legislation, that is, the Code on Children and Adolescents and the Comprehensive Organic Criminal Code. Respect for the right to due process is guaranteed, and if 60 per cent of the socioeducational measure is completed, detainees may be moved from closed institutional facilities to semi-open facilities or allowed to serve their sentences at weekends.

171. The draft organic code for the comprehensive protection of children and adolescents provides for closed, semi-open and open detention regimes, each with its own conditions and requirements in relation to the socioeducational measures imposed by specialized judges, according to the seriousness of the offence. Based on the principle of restorative justice, the prison system is administered by the Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders, which is in charge of enforcing socioeducational measures.

172. With regard to completion of sentences in order to access or switch to a particular regime, specialized judges are responsible for supervising the execution of socioeducational measures. Moreover, they have the power to order protective measures for persons who have completed half the socioeducational measure imposed upon them, provided that they have served at least six months. Once this period has elapsed, the specialized judge will order the closure of the case. The draft organic code lowers the threshold for accessing an alternative regime to 50 per cent of the duration of a socioeducational measure, with the sole condition that at least six months must be served.

173. Regarding appropriate and periodic monitoring of rehabilitation centres in which adolescents are deprived of their liberty and the establishment of independent child-sensitive complaint mechanisms in such centres, the Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders conducts periodic on-site technical visits to assess adolescents' progress. Statistical reports on the supervision of the centres are produced on a weekly basis and a monitor is appointed to provide technical support and supervision of the centres.

174. Work is under way to draft regulations governing requests, complaints and suggestions in facilities for adolescents and local comprehensive development units, with the aim of establishing appropriate technical guidelines for the submission and processing of adolescents' requests, complaints and suggestions, as well as requests, complaints and suggestions made by their relatives, other loved ones or civil society organizations in relation to the conditions in which precautionary measures, socioeducational measures (either custodial or non-custodial) and/or socioeducational programmes are implemented.

Reply to the questions raised in paragraph 30 (a) and (b) of the list of issues¹⁵²

175. Regarding measures to combat the sale of children and adolescents, including by establishing early warning systems and search mechanisms for missing children, in particular girls, the Ministry of the Interior coordinates with all institutions that participate in the Inter-Institutional Coordinating Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and for Victim Protection.¹⁵³ Under the Care Protocol for Victims of Trafficking in Persons,¹⁵⁴ the Ministry of Economic and Social Inclusion arranges for child and adolescent victims of trafficking to have access to institutional care on the order of a competent judge; to that end, it has two specialized care units where victims receive, among other things, shelter, psychological care, assistance from social workers, legal advice and medical care. Between 2020 and 2022, the National Police undertook 68 operations to combat trafficking in persons, rescued 89 victims, arrested 72 individuals and executed 362 warrants.

176. Through Decision No. 2022-014, the Ministry of Tourism issued a code of conduct for preventing the sexual exploitation of children and adolescents in tourist accommodation¹⁵⁵ that establishes general standards of responsible behaviour for tourist accommodation service providers and their workers and the obligations incumbent upon those establishments to prevent and eradicate the sexual exploitation of children and adolescents.

177. With regard to the search for missing children, article 268 of the Organic Code on Children and Adolescents regulates investigations by the National Police and the Technical Office for Children and Adolescents to locate children and adolescents deprived of their family environment, presumed lost, disappeared or kidnapped. Article 15 of the Organic Act on Searches, Investigations and Tracing in respect of Missing or Disappeared Persons provides that the specialized unit of the National Police will participate in the national system to search for disappeared and missing persons and respond to indirect victims. Chapter V of the Organic Act on Action in Cases of Disappeared and Missing Persons grants competence to the National Directorate for the Investigation of Offences against Human Life, Violent Deaths, Disappearances, Kidnappings and Extortion, as a specialized unit of the National Police, to investigate the disappearance and loss of children and adolescents. Within this framework, the National Police created the National Child Protection and Investigation Administration to implement preventive measures and undertake specialized investigations into offences related to children and adolescents. The National Directorate for the Investigation of Offences against Human Life, Violent Deaths, Disappearances, Kidnappings and Extortion launches investigations to locate missing persons using the protocol for the “Emilia alert” programme.¹⁵⁶ If a disappearance is preceded by a rights violation, it will refer the investigation to the National Directorate of Special Police for Children and Adolescents so that the appropriate procedure can be followed.

178. In order to establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol, the Ministry of the Interior, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR), has developed a methodology for the initial assessment of the trafficking and recruitment of children and adolescents by criminal groups and transnational criminal organizations. Additionally, with the support of the Office of the Ombudsman of Colombia, the International Committee of the Red Cross and the Inter-Institutional Coordinating Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and for Victim Protection, it has provided comprehensive care to victims of these crimes, including their rescue, transfer and admission to shelters and the subsequent investigation.

¹⁵² Reply to the issues raised in paragraphs 45 (b) and (c) and 46 (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁵³ <http://www.trataytrafico.gob.ec/comite>.

¹⁵⁴ <http://www.trataytrafico.gob.ec/assets/archivos/biblioteca/publicaciones/PROTOCOLO%20DE%20ACTUACION%20INTERINSTITUCIONAL%20PARA%20LA%20ATENCION%20Y%20PROTECCION%20INTEGRAL%20A%20VICTIMAS%20DE%20TRATA%20DE%20PERSONAS.pdf>.

¹⁵⁵ <https://www.turismo.gob.ec/wp-content/uploads/2022/06/ACUERDO-MINISTERIAL-No.-2022-014-Expedir-el-Codigo-para-la-conducta-de-la-Explotacion-sexual.pdf>.

¹⁵⁶ <http://www.desaparecidossecuador.gob.ec/alerta-emilia-presentacion>.

179. The Attorney General's Office has issued specialized decisions and guidelines relating to children and adolescents, including Decision No. 055-FGE-2018, which defines a treatment protocol for child and adolescent victims of offences against sexual integrity,¹⁵⁷ and Circular Memorandum No. FGE-GPP-2019-01007-M of 9 May 2019, which instructs provincial prosecutors to issue the relevant instructions to allow coordinating prosecutors and data-entry officials of the Comprehensive Care Service to prioritize complaints in which the victims are children or adolescents. Furthermore, according to the Integrated System of Prosecutorial Actions, between 2017 and 2019 the Attorney General's Office did not receive any reports of the offence of recruiting children or adolescents in time of armed conflict (art. 127 of the Comprehensive Organic Criminal Code).

Reply to the question raised in paragraph 31 of the list of issues¹⁵⁸

180. Through the Ministry of the Interior, with the support of UNHCR, work is being done to create a methodology for the initial assessment of the trafficking and recruitment of children and adolescents by criminal groups and transnational criminal organizations. The methodology is intended to establish a course of action to address challenges and needs arising from the increase in the recruitment and involvement of children and adolescents in transnational organized crime.

181. Records show that no child soldiers have been identified in Ecuador. The authorities have, however, coordinated and participated in the care and rescue of two young Ecuadorian nationals, aged 18 and 14, who were recruited by armed groups in Colombia under false pretences and the promise of work.

IV. Statistical information and data

Reply to the question raised in paragraph 34 of the list of issues

182. In terms of information on budget lines regarding children, information is being provided on the amounts allocated to children and adolescents between 2019 and 2022 in the areas of education, social welfare, health, safety and the eradication of child labour.¹⁵⁹

Reply to the questions raised in paragraph 35 (a) and (b) of the list of issues

183. Regarding the requested data on cases of discrimination¹⁶⁰ and deaths of children caused by abuse, neglect, violence, substance abuse and suicide, the Attorney General's Office reports that, in compliance with article 430 of the Comprehensive Organic Criminal Code, the following data are collected: names; surnames; home address or identifier of complainant's court or electronic pigeonhole; a clear and precise account of the offence containing, where possible, the place, date and time of its commission; data such as names and surnames of perpetrators and accomplices, if known, and of persons who witnessed the offence or may have knowledge of it; names and surnames of victims; determination of the harm caused; and any other details or circumstances that may help to substantiate the allegations.

184. For the purposes of the present report, the Attorney General's Office and the Ministry of Education validated variables relating to age, sex, geographic location and disability by cross-checking information from the Attorney General's Office database against that from the National Council for Persons with Disabilities database.¹⁶¹

¹⁵⁷ <https://biblio.flacsoandes.edu.ec/libros/digital/55498.pdf>.

¹⁵⁸ Reply to the issue raised in paragraph 46 (b) and (c) of the previous concluding observations (CRC/C/ECU/CO/5-6).

¹⁵⁹ See annex 22.

¹⁶⁰ See annex 23.

¹⁶¹ See annex 24.

Reply to the question raised in paragraph 36 of the list of issues

185. The Directorate General for Civil Registration, Identification and Documentation reports that 796,794 births were registered between January 2019 and December 2022; of the children thus registered, 51.10 per cent were male and 48.90 per cent were female. Moreover, 89.95 per cent of registrations at the national level were of persons self-identifying as being of mestizo ethnicity, and 25.89 per cent took place in the Province of Guayas. Data on children and adolescents who were registered as having disabilities are also provided.¹⁶²

Reply to the questions raised in paragraph 37 (a)–(d) of the list of issues

186. With regard to children who have been victims of violence and neglect, the Ministry of Education reports that, between January 2014 and December 2022, 17,298 cases of sexual violence were recorded in the sexual violence registration system. In 96.7 per cent of these cases, a complaint has been lodged with the Attorney General's Office.¹⁶³

187. Regarding children and adolescents who have received protective measures and multidisciplinary remedies, administrative records of the Ministry of Education from January to September 2022 show that 3,691 cases involving support plans were registered, 29.97 per cent of which relate to psychosocial risks.

188. Child marriages are not recorded, since they are prohibited under the Constitution and laws.

189. According to the Ministry of the Interior, from 2020 to 2022 there were 1,105 cases of missing children, of whom 1,060 remain missing, 44 have been found and 1 has died. Of the 1,060 missing children, 511 are boys and 549 are girls. In terms of nationality, 995 of the 1,060 missing children are from Ecuador, 45 are from Venezuela, 6 are from Colombia, 4 are from Peru, 3 are from Argentina and 2 are from China. No information on nationality is available for the remaining 5 children.

Reply to the questions raised in paragraph 38 (a) and (b) of the list of issues

190. The Ministry of Economic and Social Inclusion reports that as of December 2022 there were 1,941 children and adolescents in residential care, of whom 40.5 per cent were male and 59.5 per cent were female.¹⁶⁴

191. Regarding children and adolescents in family-based and community-based care, as of November 2022, the integrated information system of the Ministry of Economic and Social Inclusion reported a total of 1,912 children and adolescents in alternative supportive care and family-based care nationwide.

Reply to the questions raised in paragraph 39 (a)–(c), (e) and (f) of the list of issues

192. Regarding children and adolescents with disabilities who have received support, the Ministry of Economic and Social Inclusion reports that between 2019 and 2022, 228 children and adolescents with disabilities received family support, family care or family-based care, including 7 with hearing impairments, 80 with physical disabilities, 106 with intellectual disabilities, 4 with disabilities relating to language, 4 with mental disabilities, 2 with psychological disabilities, 9 with psychosocial disabilities and 16 with visual impairments.

193. Concerning the question on how many children and adolescents with disabilities are or have been living with their families, the Ministry of Economic and Social Inclusion reports that 671 boys and 987 girls are in this situation.¹⁶⁵

194. The Ministry also reports that, as of December 2022, there were 1,658 children and adolescents living in family-based care.¹⁶⁶

¹⁶² See annex 25.

¹⁶³ See annex 26.

¹⁶⁴ See annex 27.

¹⁶⁵ See annex 28.

¹⁶⁶ See annex 28.

195. According to the Ministry of Education, there are 56,370 children and adolescents with disabilities in the education system, of whom 46,189 attend regular schools and 10,181 attend specialized schools.¹⁶⁷

196. Regarding reports of violence and abuse against children and adolescents with disabilities,¹⁶⁸ the Attorney General's Office reports that between 2019 and 2022, there were 1,642 victims of offences such as sexual abuse and harassment, electronic contact and offering for sexual purposes, child pornography and rape.

Reply to the questions raised in paragraph 40 (a)–(e) of the list of issues

197. The Ministry of Health reports that the mortality rate for infants and children under 5 was 12.4 per cent in 2019, 9.7 per cent in 2020 and 9.5 per cent in 2021.¹⁶⁹

198. The regular vaccination schedule follows the recommendations of the Pan American Health Organization. In 2022, coverage among persons under the age of 15 was below 95 per cent, with the exception of the first dose of the human papillomavirus (HPV) vaccine. For the period from January to March 2023, coverage was expected to reach 17 per cent. In 2022, yellow fever vaccination coverage was 65 per cent and chickenpox vaccination coverage was 63 per cent.¹⁷⁰

199. The Ministry of Health reports that, in 2021, 1,843 live births to adolescents between the ages of 10 and 14 were registered, for a rate of 2.2 live births per 1,000 girls in that age range. Among adolescents between the ages of 15 and 19, 39,486 live births were recorded, for a rate of 49.4 live births per 1,000 adolescent girls in that age range. With regard to the maternal mortality rate among children and adolescents, in 2021, 2 maternal deaths were reported among girls aged 10 to 14 and 10 among adolescents aged 15 to 19.

200. In terms of the sexual and reproductive health services available to adolescents, the Ministry of Health has 1,515 primary health-care facilities that provide comprehensive adolescent-friendly care.

201. The Ministry of Health has 132 hospitals nationwide, of which 82 are basic hospitals, 32 are general hospitals, 12 are specialist hospitals, 3 are specialized hospitals and 1 is an outpatient hospital that provides paediatric and psychological care services.¹⁷¹

Reply to the questions raised in paragraph 41 (a)–(c) of the list of issues

202. With regard to data on children and adolescents who are not attending or who have not attended primary and secondary school, the Ministry of Education, based on population projections, reports that the percentage of children and adolescents who are not in the education system is 51 per cent for early childhood education, 8.35 per cent for basic general education and 12.41 per cent for secondary education.

203. Regarding the school dropout rate, the Ministry of Education reports a rate of 2.11 per cent at the national level for the 2021/22 academic year.¹⁷²

204. Additionally, regarding cases of bullying, violence, suicide, sexual abuse and harassment in schools, from January 2014 to December 2022 a total of 17,298 cases of sexual violence were recorded in the sexual violence registration system.

205. The administrative records of the Ministry of Education for January to September 2022 show 1,406 cases of physical violence, 406 cases of bullying, 27 cases of suicide and 776 cases of attempted self-harm. Support plans were implemented in 3,691 cases, that is, in 29.97 per cent of the 12,316 recorded cases involving psychosocial risks.

¹⁶⁷ See annex 30.

¹⁶⁸ See annex 31.

¹⁶⁹ See annex 32.

¹⁷⁰ See annex 33.

¹⁷¹ See annex 34.

¹⁷² See annex 35.

Reply to the questions raised in paragraph 42 (a) and (b) of the list of issues

206. The Ministry of Foreign Affairs and Human Mobility reports that between 2018 and 2022 there were 36,338 asylum-seeking children and adolescents and 14,968 refugee children and adolescents.¹⁷³

207. In terms of asylum-seeking, refugee and migrant children and adolescents who have been in detention, the Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders reports that no information on asylum-seeker, refugee or migrant status has been recorded that has necessitated the adoption of guidelines or mechanisms. There are, however, numerical data on nationality for children held in juvenile offenders' centres, which currently house 2 Colombian nationals and 20 Venezuelan nationals.¹⁷⁴

Reply to the questions raised in paragraph 43 (b) and (c) of the list of issues

208. The Ecuadorian State, through the Attorney General's Office, investigates cases of child labour, forced labour and other forms of labour exploitation, hazardous work and trafficking in persons for the purpose of sexual exploitation of children and adolescents, and has reported on the progress made between 2019 and 2022.¹⁷⁵

209. In 2022, the Ministry of Economic and Social Inclusion, through the Child Labour Eradication Services, assisted 11,960 children and adolescents engaged in child labour, of whom 3,588, or 30 per cent, were removed from those situations.

Reply to the questions raised in paragraph 44 (a)–(c) of the list of issues

210. With respect to adolescents who are or who have been in detention, the Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders reports that in 2023 there were 382 adolescents nationwide who were in detention under custodial socioeducational measures in juvenile offender centres, including 371 males and 15 females.¹⁷⁶

211. Regarding adolescents who have been referred to non-custodial sentencing options, the Council of the Judiciary reports a total of 233 such cases, of which 207 concern males and 26 concern females.¹⁷⁷

212. Regarding access to rehabilitation and reintegration services, the Comprehensive Care Service for Adults Deprived of Liberty and Juvenile Offenders reports that individual psychosocial care was provided to 327 adolescents being held in juvenile offender centres under precautionary measures (pretrial detention) and custodial socioeducational measures. Furthermore, 332 such adolescents received medical care, 252 received access to education, 332 received family relationship services and 324 received employment services.¹⁷⁸

Optional Protocol on the involvement of children in armed conflict**Reply to the question raised in paragraph 46 (a) of the list of issues**

213. According to the records of the International Protection Directorate of the Ministry of Foreign Affairs and Human Mobility, between 2018 and 2022 there were 7,574 child and adolescent applicants for international protection in Ecuador who had come from areas where they had been at risk of recruitment. Of those, 5,010 were between the ages of 0 and 11 and 2,564 were between the ages of 12 and 17. Of the total number of applicants, 3,699 self-identified as female, 3,873 self-identified as male and 2 did not self-identify as either gender. Moreover, 4,260 self-identified as mestizo, 2,381 as Afro-Colombian, 20 as Awa, 21 as Afro-Venezuelan and 34 as other ethnicities, while 858 did not specify an ethnicity. Most of the children and adolescents seeking international protection who had been

¹⁷³ See annex 36.

¹⁷⁴ See annex 37.

¹⁷⁵ See annex 38.

¹⁷⁶ See annex 39.

¹⁷⁷ See annex 40.

¹⁷⁸ See annex 41.

at risk of recruitment came from Colombia (6,553 applicants), followed by Venezuela (1,021 applicants). Among the children and adolescents seeking international protection, 17 had disabilities and 15 were unaccompanied or separated.
