



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-third session

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Implementation of the Convention on the Rights of the Child

List of issues to be taken up in connection with the consideration of the fourth periodic report of Ecuador (CRC/C/ECU/4)

Part I

In this section the State party is requested to submit additional, updated information in writing, if possible before 19 November 2009.

1. Please explain to the Committee how the contents of the new Constitution approved in 2008 affect the implementation of the rights of the child set forth in the Convention and provide details about the National Decentralized System of Comprehensive Protection for Children and Adolescents.
2. In particular, please explain to the Committee what role the Equality Councils established under the new Constitution will assume in relation to the National Council for Children and Adolescents (CNNA) and other mechanisms for implementation of the Convention. How will the cantonal councils for children and adolescents and the cantonal rights protection boards function? How will they be coordinated with the executive bodies responsible for implementing social policy, particularly social policy for children? Does the State party plan to continue expanding the coverage provided by the boards? Has the operation of the existing boards been evaluated?
3. Please indicate how the new legislation on respect for the rights of the child is being harmonized with previously existing laws, the timetable for harmonization, and whether the corresponding regulations have been adopted. Please indicate to what extent the Criminal Code and the Children and Adolescents Code have been harmonized.
4. Please inform the Committee whether any review of the 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents has been carried out since it was launched in 2004, whether its objectives have been achieved and what problems have been encountered. Will the Plan be reworked? How?
5. We understand that the Constitution provides for the establishment of the Office of the Ombudsman (*Defensoría del Pueblo*). Has the Ombudsman now been appointed and provided with adequate human and financial resources, as the Committee requested in its concluding observations in 2005 (CRC/C/15/Add.262, para. 19)?

6. Please explain what steps have been taken to eliminate disparities in the distribution of public social and economic expenditure and of budgetary allocations among the provinces and between urban and rural areas, with special emphasis on the rights and needs of children and families forming part of campesino, Afro-Ecuadorian and indigenous communities. In this context, please provide information about the development voucher (*Bono de Desarrollo*) and indicate whether or not it is being used as an affirmative action mechanism on behalf of indigenous and Afro-Ecuadorian families.
7. Is the considerable level of social investment that the State party has been making in recent years (including such elements as the development voucher) sustainable despite the instability of the international economic situation and its adverse effects on the Ecuadorian economy? Please give details on the relevant fiscal and budgetary measures that have been adopted.
8. Please provide specific information on measures and programmes relating to the Convention on the Rights of the Child which are aligned with the principles set forth in the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and which the State party has undertaken in response to the request made by the Committee in its concluding observations (CRC/C/15/Add.262, para. 30). How have the programmes succeeded in reducing disparities between indigenous children and Spanish-speaking children in terms of access to and quality of education, nutrition, neonatal mortality, maternal mortality and other such parameters?
9. Kindly indicate whether or not the minimum age for marriage with parental consent continues to be 12 for girls and 14 for boys. Please state whether there are plans to eliminate this differential and to raise the legal minimum age, as was previously recommended by the Committee.
10. Please indicate whether the principle of the best interests of the child has been expressly incorporated into new or revised national legislation relating to children.
11. Please detail how respect for the views of children is put into practice in the home, in the community, in schools, and in relevant judicial and administrative institutions and procedures. Since citizen participation is a cornerstone of the new Constitution, please comment on how the right of the child to be heard is reflected, taking into account the Committee's general comment No. 12.
12. Please inform the Committee what measures have been adopted to reduce and eliminate cases of violence, abuse and neglect involving children, including legal proceedings (an issue already addressed in the 2005 concluding observations). How are the perpetrators of such acts prosecuted and punished? How are victims protected and supported in terms of redress and services?
13. Information is requested on legislation relating to the prohibition of corporal punishment and other forms of violence in different settings, such as the home, schools, residential institutions, the community and the workplace, and on the enforcement of such legislation.
14. With regard to the juvenile justice system, please specify what steps have been taken to establish mediation mechanisms and other alternative informal approaches that place priority on educational measures and guarantee due process.
15. In view of the large number of children living in institutions after being abandoned by their parents for reasons connected with migration, displacement or other factors, kindly explain what measures have been adopted to ensure that basic standards are maintained in terms of services in and oversight of private residential facilities for children.

16. Please indicate what issues relating to children the State party considers to be high priorities requiring the most urgent attention with regard to the implementation of the Convention.

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:

- New bills or laws, and their respective regulations;
- New institutions or institutional reforms;
- Recently introduced policies and the budgetary allocations required for their implementation;
- Recent action plans, programmes and projects, and their scope or impact.

Part III

Statistical and other information, if available.

1. In the light of article 4 of the Convention, please furnish up-to-date information on 2007, 2008 and 2009 budgetary allocations (including an analysis of fluctuations in those allocations) for implementation of the Convention.
2. Please provide up-to-date information for 2006, 2007 and 2008 on the number of persons below 18 years of age held in custody. Also please inform the Committee how many cases there have been of abuse or ill-treatment of children in the course of their arrest and/or detention and what follow-up action has been taken in such cases.
3. Please supply up-to-date information for 2006, 2007 and 2008 on the number of children who have been economically exploited, including children employed to perform domestic work or other high-risk tasks.
4. Please provide up-to-date information for 2006, 2007 and 2008 on the number of children who have been deprived of their family environment and on the type of care they receive (foster homes, institutions or other).

Part IV

The following is a preliminary list of major issues not already covered in part I that the Committee may take up during its dialogue with the State party. They do not require written answers. This list is not exhaustive, as other issues may be raised in the course of the dialogue.

1. Harmonization of national legislation with the Convention.
2. Protection from discrimination, particularly in the case of indigenous children, children with disabilities, children who have been deprived of their family environment, children in conflict with the law and, in general, children living in poverty, as well as advocacy activities in this connection.
3. Plans for placing children who work in school and integrating them into a protective family environment, the prosecution and punishment of persons employing children under the legally established age or in high-risk conditions.

4. Migrant children and the children left behind by parents who have emigrated.
 5. Child refugees and internally displaced children, including those in the northern part of the country bordering Colombia, which is a high-risk area for both refugee and local adolescents.
 6. Health and well-being, including access to health promotion and protection services, adolescent health, health care in cases of early or unwanted pregnancy, care for children with disabilities and mental health.
 7. Alcohol, drug abuse and other harmful practices, especially among adolescents.
 8. Juvenile justice administration, including conditions in detention centres where children are held, the pretrial detention of children and their separation from adults.
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