



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-third session

### Summary record of the 1472nd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Monday, 18 January 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 3.10 p.m.*

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

*Fourth periodic report of Ecuador (CRC/C/ECU/4; CRC/C/ECU/Q/4; CRC/C/ECU/Q/4/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Ecuador took places at the Committee table.*
2. **Mr. Sánchez Cobo** (Ecuador) said that his country had been the first in Latin America and the third in the world to have ratified the Convention on the Rights of the Child. Until 2006, however, very few resources had been devoted to the social sector, in particular to children's issues. The country had gone through a severe democratic crisis from 1996 to 2006: there had been seven administrations during that time and political instability had impeded the drafting and implementation of social policies. During the 1990s, inflation rates and the servicing of the external debt had seriously affected quality of life, including that of children and adolescents. Having given free rein to market forces, the State had not endeavoured to promote social equality and had had no clear fiscal policy for the redistribution of wealth. A social movement for the defence of the rights of children and adolescents and for the implementation of the Convention had developed in that context.
3. The current administration had taken the demands of that movement into account, not only in its National Development Plan, but also in the new Constitution, and had established a budget for the implementation of new social protection programmes for children, adolescents and their families.
4. The efforts to implement the Convention had improved the quality of life of children and adolescents. A total of 92 per cent of children were attending school in 2010, as compared to a mere 15 per cent in 1990. The infant mortality rate, which had stood at 30 per cent in 1990, was currently 12 per cent.
5. The implementation of the provisions of the new Children's and Adolescents' Code had made for the creation of institutions, such as special protection centres for children and adolescents, rights protection centres, and shelters for women victims of violence. Defence for Children International had noted in its first investigation into sexual violence that in the 1990s 30 per cent of children in Ecuador had been victims of sexual violence. As a result of measures taken to protect children's rights, that figure had now fallen to 21 per cent.
6. The 2008 Constitution specified the population groups that should be given priority attention, including children and adolescents, and provided for a holistic protection system based on the Children's and Adolescents' Code. That was a unique process in which the Constitution had been drawn up in line with existing laws, and not the other way round.
7. Some of the recommendations made in 2005 by the Committee on the Rights of the Child were yet to be implemented in Ecuador, including those regarding the minimum age of marriage, which was 12 years for girls and 14 for boys.
8. Ecuador encouraged the participation of children and adolescents in public life. In 1990, 186,000 children had participated in the first democratic youth elections, while 900,000 had participated in 2006.
9. In the context of human development policy, the poorest families received conditional cash transfers (their children must be vaccinated and attend school) known as the Human Development Voucher programme, which had enabled 400,000 children to stop working, increasing school attendance by 10 per cent and reducing the number of children suffering from anaemia by 9 per cent, especially in rural areas. The budget allocated for the implementation of that policy amounted to \$540 million per year.

10. Over the previous 20 years Ecuador had witnessed a transformation of its legal framework, as well as a sociological revolution, which called for modification of its development model, and the Government of the Citizens' Revolution intended to base its new model on human rights. The quality of public services had improved considerably, although work was still needed to ensure that all regions, particularly remote areas, benefited from all those services. Evaluation mechanisms had been established to measure progress.

11. The November 2010 national census would enable information to be collected on child labour, ill-treatment and preschool education so that public policies could be developed for the benefit of children. A total of 90 consultative committees had been established within the cantonal children's and youth councils in order to promote the participation of children and adolescents in local policymaking. The authorities continued to promote collaboration between the public and private sectors to facilitate implementation of the System of Comprehensive Protection for Children and Young Persons.

12. The Government was pursuing a programme to eradicate begging, which it hoped to complete by 2013, by which time it also hoped to halve the number of teenage pregnancies and cases of ill-treatment and sexual violence. Over the previous five years public investment in social development had increased fivefold.

13. **Ms. Maurás Pérez** (Country Rapporteur) noted with satisfaction that the State party's report followed the Committee's drafting guidelines for periodic reports. She emphasized three significant changes that the State party had recently undergone, which had impacted on the implementation of the Convention and its Optional Protocols, and consequently, on the situation of children and adolescents. First, Rafael Correa, President of Ecuador, had during the previous three years been committed to institutional reform and the strengthening of economic and social development in Ecuador. Second, despite fluctuations in oil prices and even during the worst periods of crisis, the Government had significantly increased public spending, particularly investment in the social sector. While it was difficult to obtain very precise information on the development of the situation in the country, the data-collection system being inadequately developed, indicators showed that fertility and infant mortality rates were beginning to decline, while rates of primary-school attendance and women's employment were on the rise. Inequality and discrimination, however, persisted. Third, the new Constitution, adopted in 2008, prioritized fundamental rights and the international instruments ratified by Ecuador, and provided for a procedure to bring domestic legislation into line with those instruments. The Constitution specifically recognized the principle of the best interests of the child, as well as the need to ensure that children benefited from clear legal safeguards with regard to criminal matters.

14. Noting with concern that the reforms under way ran the risk of reducing the visibility of certain child issues and putting an end to special protection systems, she wished to know the consequences of integrating the System of Comprehensive Protection for Children and Young Persons into the National System of Social Inclusion and Equity, and the measures the State party intended to take to guarantee the principle of specific protection for children and adolescents and to ensure the establishment, at all levels, of institutions specializing in child and youth issues. She also wished to know whether the autonomous and decentralized authorities provided by the Organic Code on Territory, Autonomies and Decentralization would be responsible for coordinating the activities of the different bodies and institutions in respect of the protection of children's and adolescents' rights.

15. The Constitution did not mention the cantonal children's and youth councils or the cantonal rights protection boards; it would be interesting to know how those bodies were integrated into the new system and how their activities would be financed.

16. Unfortunately, the draft Code on Criminal Guarantees, due to have been submitted to the National Assembly at the end of 2009, seemed to be moving away from the provisions of the Convention and the Constitution in respect of the establishment of an appropriate juvenile justice system, although she welcomed the proposal to increase the age of criminal responsibility to 14 years. She would like further information on the penalties and rules that applied to minors as well as on the specific competences required for establishing a separate juvenile criminal system.

17. She would like information on the measures the State party intended to take to strengthen the system for collecting data disaggregated by region, age group, sex, ethnicity and income. She would also like additional information on budget-setting methodology and the analysis and monitoring indicators established by the Ministry of Finance in collaboration with the National Secretariat of Planning and Development (SENPLADES) and the United Nations Children's Fund (UNICEF).

18. It would be useful to know how the State party intended to guarantee the implementation of the programme on the rights of indigenous children and adolescents in Ecuador, whether it was part of a broader programme for the implementation of children's and adolescents' rights in general and whether the findings of the study on investment in bilingual intercultural education were known.

19. She would like the delegation to explain why Ecuador had not followed up on the Committee's recommendations on the minimum age for marriage, which remained different for girls and boys. The delegation might also say whether the distinction between "children", aged under 12, and "adolescents", aged 12–18, meant that there were different guarantees specific to each of those age groups.

20. **Ms. Khattab** asked whether, given that strong economic growth had enabled Ecuador to increase spending on education, health care and social protection, the Government had disaggregated data on such spending at its disposal, which would show what proportion had been devoted to children. She would also like specific information on the budget monitoring system established. The slowdown of population growth, in conjunction with increased State revenue, should enable the State to spend more per child. The problems of child labour and street children persisted, however, as well as disparities among the various ethnic groups.

21. Ecuador had taken steps to guarantee the child's right to be heard. The exercise of that right within the family, at school, and in legal and administrative proceedings, however, remained problematic. Could the delegation please comment?

22. **Mr. Koompraphant** requested details on the measures taken under policies 7, 15 and 21 of the 10-year National Comprehensive Child and Youth Protection Plan, mentioned in paragraph 28 of the State party's report, and information on the measures taken to end domestic violence.

23. **Mr. Filali** said that the State party had not acted on the Committee's previous recommendations regarding its justice system. He would like information on interaction between the traditional indigenous justice system and the national justice system.

24. He wondered how far civil society was involved in juvenile justice reform, what stage the process of bringing domestic legislation into line with the Convention had reached, and whether the Commission for Public Coordination of Human Rights and NGOs were participating in the process. He wished to know whether Ecuadorian judges put the Convention or other relevant international instruments into practice. Further details on the *amparo* procedure would be appreciated. He would like to know whether children and adolescents had recourse to that procedure and how it was enforced.

25. He feared that categorizing children by age group, 0–5, 6–11 and 12–18, could undermine the protection of children aged 12–18, and would like the delegation to comment. The delegation might also inform the Committee of the measures taken to combat discrimination against indigenous people, Afro-Ecuadorians and other groups, since such discrimination had a direct effect on children.

26. **Mr. Krappmann** asked whether the Government supported the establishment of children's associations and asked for details about existing associations. He wished to know whether there were any associations of Afro-Ecuadorian children.

27. In its report the State party had mentioned the dissemination of information by radio, television and the printed press. He would like to know what other sources of information were available and whether the whole country had access to public libraries and the Internet. Noting that radio stations and television channels tended to broadcast programmes suitable for all ages until 9 p.m. in order to protect children against harmful content, he wondered whether children were likely to watch or listen to programmes after 9 p.m. and whether there were special regulations on broadcasts at the weekend, when children often went to bed late.

28. **Ms. Varmah** requested further information on the training plan established in 2007 to raise awareness of children's rights and on the training for staff in the Decentralized National System for Comprehensive Protection of Children and Adolescents.

29. Although the Constitution provided that all persons born in Ecuador had the right to Ecuadorian nationality, that right was not always respected in practice. Children born to foreign parents on Ecuadorian territory were being deprived of that right on the ground that their parents did not hold valid residence permits. Similarly, the children of asylum-seekers, whose identity cards had been issued by the Directorate-General for Refugees, were not systematically recognized by other institutions. Indigenous children were also being refused citizenship. The delegation might stipulate what measures the Government had taken to guarantee the registration of foreign children or children of asylum-seekers, and indigenous children, and to preserve their identity.

30. **Ms. Herczog**, noting that the infant mortality and malnutrition rates remained high, enquired about the effects of the 2004 National Plan, which aimed, among other things, to provide children under 5 years of age with access to high quality services.

31. **Mr. Pollar** said that although corporal punishment was clearly prohibited under the Constitution it was apparently still used within the family, in schools and in places of detention. Clarification would be welcome.

32. **The Chairperson** asked how the old institutions would function alongside new ones and how the principle of equality would locally be applied in practice. He wished to know how the State party intended to bring existing legislation into line with the new Constitution and the Convention and how the provisions of the Civil Code and the Criminal Code would be harmonized with those of the Children's and Adolescents' Code. He also called on the delegation to specify how the Government ensured coordination among its national, cantonal and municipal mechanisms and how resources were transferred to local authorities.

33. It would be interesting to learn how the principle of the best interests of the child was applied in practice by judges, social workers and police officers and whether they received related training. Lastly, the delegation might provide information on the Directorate for protection of the rights of women, children and youth, and in particular on the procedure for appointing the Ombudsman.

34. **Mr. Sánchez Cobo** (Ecuador) explained that the reorganization of institutions, as a result of which there was now a single institution responsible for children and adolescents,

as opposed to the four institutions that had existed previously, had enabled savings to be made and the budget for children's issues to be multiplied fivefold, reaching \$181 million in 2009. The establishment of the national equality councils had also been part of the reorganization process, which had been conducted in cooperation with NGOs and civil society organizations.

35. The National Institute for Children and the Family (INNFA), which would be changing its name, would become an institution for the promotion and protection of human rights, including the rights of children, the elderly and persons with disabilities.

36. The attainment of goals set in the National Development Plan and in the social agenda for children and adolescents was subject to biannual monitoring. Regarding children's participation in public affairs, there were about 90 cantonal consultative councils for children and young people, demonstrating how children came together to be heard.

37. **Ms. Maurás Pérez** (Country Rapporteur) asked what measures had been taken to implement the fundamental principles enshrined in the Convention, such as the principle of the best interests of the child, stressing that their implementation called for a change of attitude and culture, as well as skills enhancement, beginning with training for civil servants, and, more generally, public awareness-raising.

38. Given the need for a specific approach to the protection of the rights of children, persons with disabilities and women, she wondered how the State party would maintain the necessary level of specialization.

39. **Mr. Sánchez Cobo** (Ecuador) said that INNFA had four areas of competence: child development, the protection of child and adolescent victims of violence, child participation, and natural disaster management. Some 2,000 civil servants and about 30,000 specialist workers from the social sector would be affiliated to INNFA; the public authorities were taking measures to train the necessary staff, increase the level of qualifications required, and enhance the capacity of existing staff.

40. **Mr. Díaz** (Ecuador) said that, despite the increase in oil prices in 2008, the authorities had increased the social budget for the period 2009–2010, bringing the budget allocations for children and adolescents for 2010 to \$5,726 billion as opposed to \$5 billion in 2008.

41. **Mr. Sánchez Cobo** (Ecuador) said that since the development of a birth registration programme in 2006, almost 450,000 children had been registered as a result of the establishment of 14 registration units in hospitals and maternity clinics, a scheme that, when completed, would provide 42 units.

42. **Ms. Melo Jácome** (Ecuador) said that the authorities had established a database on child refugees and asylum-seekers to ensure that those deemed vulnerable were monitored.

43. **The Chairperson** asked when the State party would be in a position to register all children on its territory and issue them with identity documents.

44. **Mr. Sánchez Cobo** (Ecuador) said that the public authorities were modernizing the birth registration system, and the new identity cards would contain an electronic chip. It was therefore a complex and long-term process. The authorities were setting up further mobile birth registration teams in remote areas in order to ensure universal coverage in the shortest possible time.

45. **Ms. Vaca Jones** (Ecuador) said that in 2007 the Ministry of Education had conducted a large-scale statistical survey, which had, among other things, made it possible to count the number of schoolchildren without identity documents. Ministerial Agreement No. 337 of 2008 aimed to guarantee indigenous and refugee children access to the

Ecuadorian school system. The agreement particularly targeted children living in the border areas in the north and south of the country.

46. **Ms. Varmah** asked whether there was a birth registration deadline and what the consequences of failure to meet it would be.

47. **Mr. Sánchez Cobo** (Ecuador) said that, although the deadline for the civil registration of a child had previously been within 30 days of birth, it had been extended to one year, following the revision of article 56 of the Civil Registration, Identification and Identity Cards Act. Social organizations working under INNFA's aegis were required to record and declare the identity of the children they looked after, enabling any potential gaps in the registration system to be filled.

48. Colombian refugee children from the border areas had the right to all social services, including those relating to education, health care and economic and social integration, and their refugee status was officially recognized.

49. **Ms. Melo Jácome** (Ecuador) said that her country registered refugees in the northern border regions. Those refugees included 12,741 children, who would henceforth be under State protection and would receive health care and education. Documents issued during those registration campaigns were recognized by all national public authorities.

50. **Ms. Vaca Jones** (Ecuador) said that between 1998 and 2009 spending on education had increased significantly and that the public authorities were endeavouring to improve access to education. The Ministry of Education had therefore launched a programme for the free distribution of uniforms and school books. Measures were also being taken to develop bilingual education. School books had been published in indigenous languages, and a draft Education Act, which was currently under consideration, promoted better distribution of spending between bilingual and Spanish education in order to move towards equality.

51. **Ms. Varmah** asked whether school transport was free of charge.

52. **Ms. Vaca Jones** (Ecuador) replied that a school transport programme would be implemented in 2010 to guarantee children from rural or isolated areas access to education. Meanwhile, although school transport was not free, schoolchildren paid a preferential fare.

53. Since schools had adopted "codes of cohabitation", the number of cases of ill-treatment and violence had dropped.

54. **Mr. Torres** (Ecuador) said that the authorities were currently implementing a National Development Plan which aimed to improve quality of life by planning public policies, including those on children's issues, and which would serve as a reference for implementing regional and local strategies. Some 197 strategies had been formulated to rectify the problems faced by children and adolescents in Ecuador. The country's seven regions would be subject to monitoring and results evaluation, which would serve as the basis for determining the budgets for 2011.

55. The State was also committed to strengthening the role of media bodies, such as the *Instituto Geográfico Militar* (Military Geographic Institute), and had established two pilot projects for updating statistics. A census planned for 2010 would gather data disaggregated by ethnic origin, age and nationality in order to provide a system of indicators that constituted a faithful reflection of the country's demographic reality.

56. Social spending had increased considerably over recent years, particularly on education and health care, and it should be noted that 46 per cent of the social budget was allocated to education.

57. **Ms. Sevilla Rueda** (Ecuador) said that the National Council for Children and Adolescents had launched training workshops for juvenile justice judges. It had also

concluded agreements with a university in order to offer law enforcement personnel training courses on children and adolescents, which would include in their programmes the principles enshrined in the Convention on the Rights of the Child and the Children's and Adolescents' Code. Over 800 police officers had already received specialized training. Further courses had also been established by the cantonal rights protection boards in order to disseminate the rights of the child as broadly as possible. Information spots were also broadcast on television and radio.

58. Since communes were responsible for the establishment and funding of the cantonal children's and youth councils, they had also been involved in drafting the Organic Code on Territory, Autonomies and Decentralization, currently under consideration, which would improve coordination of activities to promote youth at all levels.

59. The Constitution provided that each canton should have a judge for juveniles and that where offences were found to have been committed the judge should give priority to socio-educational measures or community service, rather than detention, which should be used only as a last resort. The new draft Criminal Code did not provide for an increase in the minimum age of criminal responsibility, which was 12 years.

60. **Ms. Maurás Pérez** (Country Rapporteur) said that, given that under the principle of equality, not only equal opportunities but also equal results should be guaranteed, she was not convinced that indigenous people in rural areas were truly benefiting from investment in those areas. She wished to hear the delegation's comments.

61. She would like further information on action taken by the State party to prevent ill-treatment and overcome underage pregnancy.

62. Since the amount of money transferred from abroad by parents who had left their children in Ecuador in the care of relatives or friends had considerably declined, she wished to know what had become of those children. She would also appreciate further information on the situation of the children from Colombian families who had emigrated to Ecuador.

63. **Mr. Filali** asked what the outcome had been for the children of asylum-seekers in possession of cards from the Directorate-General for Refugees, which were not recognized by other national institutions and bodies, and wished to know whether it was indeed the case that refugee children were required to produce notes or a diploma stamped by the competent authorities in their country of origin in order to gain admission to secondary education in the State party, which would constitute a severe impediment to access to education.

64. According to information at the Committee's disposal, many children were employed in domestic work, banana plantations and mines, from as young as 5 years of age. He would like further information on the measures taken to combat child labour.

65. Lastly, he wished to know what was being done to ensure that children born in prisons and detained with their mothers enjoyed all their fundamental rights.

66. **Mr. Koompraphant** asked what financial measures were being taken by the State party to assist children who had been abandoned by their parents, and had any hospitals structures for identifying child abuse victims.

67. He also wished to know what approach the police and judiciary had adopted to combat violence against children, and in particular whether measures had been taken to separate the child from the perpetrator, especially if the latter was a member of the child's family.

68. **Mr. Krappmann** said that he welcomed the positive results of the 10-year education plan, which put the emphasis on preschool education and universal primary education and aimed to increase the number of children attending secondary schools to 75



per cent. It was, however, unfortunate that indigenous children and children of African descent had less access to education than other children of the same age, and that dropout rates were so high, particularly in rural areas. How did the State party intend to overcome that phenomenon and ensure that more children completing primary school went on to secondary education?

69. Given that the State party had undertaken to improve the quality of teaching by providing higher-quality teacher training, and had also created 12,000 new teaching jobs, he wished to know whether Ecuador would have the means to train so many teachers in a short time, and whether teacher-training institutes would be able to provide high-quality training under those conditions.

70. The Committee would appreciate information on harassment of girls in school, as well as the vocational training programmes offered by the State party, with an indication of the quality of that training, the number of children registered for those courses and whether children who had dropped out of general education could move into vocational education.

71. The delegation might also indicate whether teachers were trained to teach the core values of democracy, civil rights, environmental protection and human rights, in particular the rights of the child, and whether student councils had been established in schools.

72. Lastly, turning to leisure and recreation activities, he wished to know whether schoolchildren had playtime included in their school day and whether ample space was provided. Were there playgrounds, and were children's needs taken into account in town planning?

73. **Ms. Herczog**, noting that children deprived of a family environment should preferably be placed in family-type care, asked whether Ecuador encouraged placement in foster families, who decided where a child was placed, what age groups tended to be placed in institutions, and the average duration of such placements. She also wished to know whether placements were monitored and, if so, how.

74. She would appreciate it if the delegation could give an overview of the issue of intercountry adoption of Ecuadorian children and expressed concern that several Internet sites promoted that type of adoption, advertising the case of the procedures.

75. **Ms. Khattab** asked whether the good economic results to which the State party's significant rise on the human development index was testimony had had a positive impact on child policy. Noting with concern that funding for schools remained insufficient, and recalling that only by overcoming school dropout would the State party be able to curb child labour and the phenomenon of street children, she wondered whether the State party gave priority to other issues that it considered to be more pressing than the situation of children. She would be interested in statistics on the number of street children and working children disaggregated by ethnic origin.

76. She failed to understand why, despite the country's good economic performance, mothers continued to leave the country to work abroad, leaving their children behind. She would like to know the unemployment rate in Ecuador.

77. **Mr. Pollar** asked whether the State party had statistics on illegal displacement and non-return of children, and whether agreements had been concluded with neighbouring countries to facilitate the return of children who had left the country illegally.

78. He would like to know how the State party protected unwanted children against the violence, ill-treatment and neglect that they often suffered.

79. **The Chairperson** asked what the State party was doing to overcome the chronic malnutrition from which one in five Ecuadorian children suffered. He also wished to know whether vocational training was available for young people who did not wish to receive

traditional education and whether checks were performed to discourage employers from employing children and, if they did employ them, whether those employers would be prosecuted.

80. Regarding juvenile justice, he wished to know what role was placed on arbitration, community service and other substitute measures played, obviating the need for imprisonment.

81. Lastly, he would appreciate further information on the policies being implemented for indigenous children and on the amount of funding released for policies to promote health care, education, multilingual education, birth registration and measures to overcome the problem of street children.

*The meeting rose at 6 p.m.*