



**Convention on the
Rights of the Child**

Distr.: General
3 December 2009
English
Original: Spanish

Committee on the Rights of the Child
Fifty-third session
11–29 January 2010

**Written replies to the list of issues
(CRC/C/OPAC/ECU/Q/1) received from the
Government of Ecuador by the Committee on the
Rights of the Child in connection with its
consideration of the initial report presented by
Ecuador under article 8, paragraph 1, of the
Optional Protocol to the Convention on the Rights
of the Child on the Involvement of Children in
Armed Conflict (CRC/C/OPAC/ECU/1)***

[Replies received on 24 November 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1. Please clarify whether the Childhood and Adolescence Code defines the term “direct participation in hostilities” in relation to children. Please clarify whether voluntary recruitment is prohibited for those aged under 18. Please quote the relevant specific sections of the Code.

1. In Ecuador’s legislation, the requested term is defined in article 57 of the Childhood and Adolescence Code as follows:

Article 57. Right to special protection in disaster situations and armed conflicts. Children and adolescents have **the right to special protection in the event of natural disasters and internal or international armed conflicts**. Such protection will take the form, inter alia, of priority access to means of evacuation from the area in question, lodging, food, medical care and medicines.

Recruiting or permitting the direct participation of children or adolescents in internal or international armed hostilities is prohibited.

2. Please provide detailed statistics on cases of recruitment of persons aged under 18 in 2006, 2007 and 2008 and the administrative and legal provisions for sanctioning recruiters and protecting victims. If the statistics are not reliable, what plans does the State party have to improve them?

2. While official State policy in Ecuador allows the voluntary recruitment of persons aged over 18, the admission of children and adolescents to military or police forces is totally forbidden. There are no sanctions in Ecuadorian law that are applicable specifically to recruiters.

3. An agreement is currently being implemented between the Office of the Attorney-General and the Ministry of Internal Affairs to standardize data related to forms of violence. The data bases of the Office of the Attorney-General and the Police are currently being made compatible with a view to carrying out a connectivity test. On 30 June 2009 connectivity was tested between the Judicial Police and the Attorney-General’s Office.

4. Information systems for the province of Guayas are being coordinated between the Special Execution Unit, Guayas Provincial Command, and the Office of the Attorney-General, in order to obtain information describing the acts of violence occurring in the province and to implement epidemiological monitoring and to track trends in the area of violence.

5. Training has been given to operational personnel in Northern Border, Guayas and Provincial Commands.

3. Please provide detailed information on whether Ecuador assumes extraterritorial jurisdiction in case of compulsory recruitment or involvement in hostilities of persons aged under 18 outside Ecuador, by or against an Ecuadorian citizen.

6. Ecuador does not assume extraterritorial jurisdiction in the aforementioned cases and acts in accordance with paragraph 1 of the Optional Protocol.

4. Please clarify whether members of the Ecuadorian armed forces receive training on the provisions of the Optional Protocol.

7. On 27 January 2009, the Ministries of Defence and Justice and Human Rights signed a two-year agreement for the protection, promotion and dissemination of human rights within their specific jurisdictions. The purpose of the agreement is to establish support mechanisms to promote and implement activities in this area, such as exchanging information and specific technical assistance, establishing information delivery and handling systems, diversion and urgent action in cases of human rights violations in the

armed forces, training military personnel and promoting human rights policies in the armed forces.

5. Please clarify whether education on human rights, education for peace and the provisions of the Optional Protocol are included in educational programmes.

8. Ecuador has no declared internal or external armed conflicts. In the armed guerrilla conflict in the southern frontier area of Colombia bordering on Ecuador, however, Ecuador maintains a policy of non-intervention in the internal affairs of other countries. Plans are drawn up by the ministries and other cooperation agencies to organize programmes and projects guaranteeing the right to education, especially in the northern border area.

6. Please provide disaggregated data (by gender, age, region, ethnic group, urban or rural areas) on the students attending military schools run or governed by the armed forces, and on their right to leave such schools at any time and not to pursue a military career. Please also explain whether the Ministry of Education controls these schools. Are the Convention and its Optional Protocols taught in the schools?

9. The students registered with military schools governed by the armed forces are as follows:

Students registered with military schools governed by the armed forces

Educational system	Area	Ethnic identity											Overall total	
		White		Total white	Indigenous		Total indigenous	Mestizo		Total mestizo	Black			Total black
		F	M		F	M		F	M		F	M		
Costal	Rural	43	39	82	1		1	1 014	1 392	2 406	11	11	22	2 511
	Urban	435	407	842	2	2	4	3 826	3 594	7 420	100	72	172	8 438
	Total coastal	478	446	924	3	2	5	4 840	4 986	9 826	111	83	194	10 949
Highland	Rural	142	167	309	6	15	21	1 028	1 519	2 547	2	4	6	2 883
	Urban	94	116	210	7	21	28	3 402	5 918	9 320	6	8	14	9 572
	Total highland	236	283	519	13	36	49	4 430	7 437	11 867	8	12	20	12 455
Overall total	714	729	1 443	16	38	54	9 270	12 423	21 693	119	95	214	23 404	

Source: Main archive of educational establishments (AMIE) – school period 2008–2009.

10. Children have the right to be educated in any educational establishment in the country and in any type of school, whether lay, private, military or religious. They are not obliged to pursue a military career.

11. As to the question concerning the Convention and its Optional Protocols, these are not part of the official curriculum grid established by the Ministry of Education. However, the schools do offer training in subjects related to the Convention and its Optional Protocols.

12. It is worth mentioning that these establishments are involved in the development of rights-related coexistence codes.

13. Military schools governed by the armed forces are partially under the administrative control of the Ministry of Education. In 2010 the Ministry of Education will supervise the administrative, curriculum and sanctions aspects of these study centres.

7. Please give information on measures taken for the identification, physical and psychological recovery and social reintegration of refugee, asylum-seeking and migrant children arriving in Ecuador, in particular those who may have been recruited or used in hostilities abroad, and provide information on the effects of armed activities in border areas with Colombia, in the context of the Office of the Attorney-General's victim and witness protection system.

14. Article 58 of the Childhood and Adolescence Code states that: "All children and adolescents who apply for or have been granted refugee status are entitled to receive humanitarian protection and whatever assistance they need for the full enjoyment of their rights. The same entitlement applies to their parents and persons charged with their care."

15. Article 193, paragraph 3, deals with: "Special protection policies, aimed at preserving and restoring the rights of children and adolescents in situations where their rights are threatened or violated, such as: ill-treatment, sexual abuse or exploitation, work and economic exploitation, child trafficking, children deprived of a family environment, children of emigrant parents, lost children, children of mothers and fathers deprived of liberty, juvenile offenders, displaced children, refugee children and children with disabilities, pregnant teenagers, etc."

16. In such cases all the protection measures mentioned in articles 79 and 217 of the Childhood and Adolescence Code will be applied.

17. Article 73 of the Convention relating to the Protection of Victims of International Armed Conflicts stipulates that: "Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction."

8. Please inform the Committee whether domestic legislation prohibits the sale of arms when their final destination is a country where children are known to be or could be recruited or used in hostilities.

18. Ecuadorian legislation does not contain that specific prohibition, but refers only to the control of arms sales and trafficking.

19. Ecuador does not manufacture war material and therefore does not sell such material.

9. Please provide updated data for the years 2006, 2007 and 2008 regarding the number of children deprived of their family environment and the type of care they are offered (foster homes, institutions or other).

20. The following data for 2006 were obtained by the research project “Evaluation of programmes and projects for the protection and recovery of the rights of children and adolescents deprived of their family environment” undertaken by the National Council for Children and Adolescents (CNNA) and Belgian Technical Cooperation (CTB-BTC):

Number of adolescent children deprived of a family environment

<i>Province or centre</i>	<i>Family care</i>		<i>Institutional care</i>		<i>Overall total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Azuay		0.00	472	15.09	472	15.09
Cañar	0	0.00	6	0.19	6	0.19
Chimborazo	0	0.00	89	2.85	89	2.85
Cotopaxi	0	0.00	51	1.63	51	1.63
El Oro	0	0.00	39	1.25	39	1.25
Esmeraldas	0	0.00	165	5.27	165	5.27
Guayas	5	0.16	490	15.66	495	15.82
Imbabura	0	0.00	180	5.75	180	5.75
Loja	0	0.00	132	4.22	132	4.22
Los Rios	0	0.00	17	0.54	17	0.54
Manabí	0	0.00	200	6.39	200	6.39
Pastaza	0	0.00	13	0.42	13	0.42
Pichincha	13	0.42	1 119	35.77	1 132	36.19
Sucumbios	7	0.22	5	0.16	12	0.38
Tungurahua	0	0.00	125	4.00	125	4.00
Overall total	25	0.80	3 103	99.20	3 128	100.00

21. The launch of the Child and Family Institute in January 2009 initiated a process of transition and the development of a new management model, which includes information systems for maintaining available up-to-date statistics.
