



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

SUMMARY RECORD OF THE 1035th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 23 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Second and third periodic reports of Ecuador (continued) (CRC/C/65/Add.28; HRI/CORE/1/Add.7; CRC/C/Q/ECU/2; CRC/C/RESP/86)

1. At the invitation of the Chairperson, Ms. Andrade, Ms. Baquerizo, Mr. Cabrera, Mr. Escudero, Ms. Moreira, Ms. Oviedo and Mr. Paredes (Ecuador) took places at the Committee table.
2. Mr. LIWSKI asked whether the Government intended to increase investment in the health sector in order to improve the quality of services. He wished to know what percentage of the oil revenue fund (FEIREP) would be allocated for health- and child-related matters. He enquired how the Government planned to ensure the effective use of the health and social welfare budget. He asked whether the central Children's and Youth Council received adequate funds to support the establishment and operation of local protection councils, particularly in the most disadvantaged areas of the country.
3. An accurate assessment of the leading causes of mortality was crucial for identifying appropriate health policy priorities. In that regard, he asked the delegation to comment on the conflicting information provided in the report on Ecuador's epidemiological profile.
4. He requested additional information on the suicide and alcohol and drug consumption among adolescents, as well as on relevant programmes to address those problems. The delegation should explain why the teenage pregnancy rate was so high and provide information on remedial measures.
5. It would be useful to know whether the Government took account of the urgent need to create favourable conditions for investment in health and social development when it negotiated free-trade agreements. He wondered what efforts were being made to reduce infant mortality.
6. Ms. VUCKOVIC-SAHOVIC requested information on the percentage of children immunized against tuberculosis and on the extent of that disease in Ecuador. The delegation should provide additional information on the use of corporal punishment in education facilities, explain why indigenous children were disproportionately affected and indicate what measures had been taken to remedy the problem. She asked whether the practice of customary law and customary forms of punishment in indigenous communities were widespread and, if so, how the Government intended to address the problem. She asked whether the reported random detention of street children was legal and whether there was a curfew.
7. Mr. KRAPPMANN asked the delegation to comment on school enrolment, the dropout rate, regional disparities in education, the integration of indigenous children into the education system, and the competence of teaching staff. He requested information on the priorities of the Government's education policy.
8. Mr. KOTRANE asked whether there was a legal minimum age for marriage and whether programmes existed to support teenage mothers.

9. Mr. ESCUDERO (Ecuador) said that a proposal on the allocation of 30 per cent of oil revenue funds for health and education was currently before Congress.
10. Ms. OVIEDO (Ecuador) said that the Children's and Youth Council facilitated and monitored the implementation of the Children's and Youth Code. The Council was composed of representatives of the relevant ministries and civil society and had administrative and budgetary independence. The national movement for children and adolescents had played a crucial role in the creation of the Council.
11. The national executive secretariat of the Children's and Youth Council was responsible for facilitating the establishment and operation of local protection councils. However, the process of establishing such councils had been rather slow. The Children's and Youth Code contained general provisions on financial support for local children's and youth councils. Unfortunately, the Council's resources were limited and it could not support the establishment and operation of such councils. Negotiations with the relevant authorities were currently under way to ensure adequate financing.
12. The CHAIRPERSON said that the delegation should clarify the relationship between the Children's and Youth Council and Congress, explain the role of Ministry of Social Welfare within the Council and indicate the extent of the Council's policy-making power.
13. Ms. OVIEDO (Ecuador) said that the Minister of Social Welfare presided over the Children's and Youth Council and represented the Council in legislative matters. Representatives from all relevant ministries were encouraged to participate in the Council in order to enable it to discharge its mandate effectively. The participation of the national movement for children and adolescents was also crucial in that regard. The Council had been actively involved in harmonizing the Criminal Code with the provisions of the Convention on the Rights of the Child and the Children's and Youth Code.
14. Ms. ORTIZ asked how the introduction of the System of Comprehensive Protection for Children and Adolescents had affected existing institutions and how the National Institute for Children and the Family fitted into the new system. She asked whether the Children's and Youth Council had the power to ensure that children's rights were taken into account in all programmes and policies of the National Institute for Children and the Family and the Ministry of Social Welfare.
15. Ms. OVIEDO (Ecuador) said that the new decentralized System of Comprehensive Protection for Children and Adolescents did not make existing child-rights protection mechanisms obsolete. The National Institute for Children and the Family had offices throughout Ecuador and played a proactive role in child protection.
16. The strength of the Children's and Youth Council lay in the organizational act on which it was based and in the dynamism of the children's movement. Those strengths should enable the Council to exert its influence over public and private institutions at both the national and international levels and help to bring about greater participation by civil society and a shift in national priorities.

17. The 10-year national comprehensive protection plan for children and adolescents provided a framework for formulating a national policy on children's rights and served as a basis for developing specialized action plans. One specialized action plan concerned measures to protect vulnerable groups of children; another dealt with the elimination of child labour. The Council hoped that the 10-year plan would guide the development of cantonal plans and the actions of the ministries of Health, Education and Labour. The 10-year plan included policies to support the role of families in protecting children and adolescents.

18. Since 1995, the number of intercountry adoptions originating in Ecuador had decreased, and there were currently fewer intercountry adoptions than domestic adoptions. That was in conformity with the Children's and Youth Code, which stipulated that priority should be given to domestic adoptions. The Children's and Youth Council had established a commission to develop a working plan to strengthen institutional capacity in the area of adoption. The plan highlighted the need for better training of the technical adoption unit in the Ministry of Social Welfare and the allocation of greater resources to family reunification.

19. Mr. ZERMATTEN wished to know which institution was the central authority for intercountry adoptions.

20. Ms. OVIEDO (Ecuador) said that the Ministry of Social Welfare was the central authority for intercountry adoptions.

21. Ms. ORTIZ said that, since Ecuador had signed the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, at least six international missions had been sent to Ecuador to provide training for the central adoption authority. The delegation should explain why so many missions had been necessary.

22. Ms. OVIEDO (Ecuador) said that, in the past, not enough importance had been accorded to the central adoption authority. The recent establishment of the Children's and Youth Council would help to strengthen the development of the central adoption authority.

23. According to the Observatory on the Rights of Children and Young Persons in Ecuador, 14.8 per cent of children between the ages of 5 and 17 worked. Of those, 6.3 per cent only worked and 8.5 per cent worked and attended school. The 10-year national comprehensive protection plan for children and adolescents had established clear policies regarding the elimination of hazardous forms of child labour. A project funded by the United States Government enabled children working on banana plantations to attend school, and courses were being provided to child workers through a programme intended specifically for boys.

24. Since 2001, the number of children who lived with incarcerated parents had risen because the Government was unable to finance programmes to provide alternative care for such children. The Children's and Youth Council was currently making efforts to ensure that proposed reforms to the Criminal Code addressed such issues as the sexual abuse, exploitation and trafficking of children.

25. Two councils - one for indigenous peoples and one for Afro-Ecuadorians - had been set up in order to find solutions to the problem of racial discrimination. As part of an overall effort to stimulate dialogue with Ecuador's indigenous population, a large number of events had been

planned, including an initiative organized by the United Nations Children's Fund (UNICEF) to promote indigenous cultures. Such events served as vehicles for strengthening indigenous children's identity and self-esteem. The Children's and Youth Council was developing similar initiatives for Afro-Ecuadorian groups.

26. Mr. KOTRANE wished to know what efforts the Government was making to combat discrimination.
27. Ms. ALOUCH enquired whether the Children's and Youth Council planned to address the issue of the criminalization of sexual abuse in Ecuador.
28. Ms. OVIEDO (Ecuador) said that, while initiatives, such as the one proposed by UNICEF, were routinely incorporated into the Council's agenda, they in no way supplanted the Government's role in combating discrimination. With regard to the issue of sexual abuse, the Council favoured the criminalization of sexual offences and was working with Congress to establish a consensus on amendments to the Criminal Code. The Council endeavoured to influence legislative reforms or the enactment of new legislation. Its role was to ensure that national legislation on children was in conformity with the Constitution, the Convention and the Children's and Youth Code.
29. The CHAIRPERSON asked the delegation to cite a specific government programme that addressed the issue of discrimination against indigenous or Afro-Ecuadorian children.
30. Ms. MOREIRA (Ecuador) said that Ecuador had adopted a national human rights plan in 1998 that provided for anti-discrimination training and education. Curricula and textbooks had been revised to reflect the values of non-discrimination and the national bilingual education board had developed a series of programmes to provide basic education in indigenous languages.
31. Mr. POLLAR wished to know whether Ecuador had introduced any affirmative action programmes.
32. Mr. SIDDIQUI asked whether there was any discrimination against children born out of wedlock and, if so, what measures the Government was taking to prevent such discrimination.
33. Ms. MOREIRA (Ecuador) said that the Government was taking measures to eliminate discrimination, particularly against the Afro-Ecuadorian minorities living in coastal regions. There was no discrimination against children born out of wedlock. Legislation adopted in 1988 established that all children had the same rights, regardless of parentage. There was no age limit on the right to marry. Minors required their parents' permission to marry. However, Ecuadorian legislation recognized de facto unions, which meant that minors could cohabit, with or without their parents' permission.
34. Ms. OVIEDO (Ecuador) said that there has been a slight increase in the teenage pregnancy rate between 2001 and 2002. Sex education in schools had improved since the adoption of the Sex Education and Love Act, and a pilot project had been launched in Quito's largest maternity hospital to establish support structures for teenage mothers.

35. The Terciarios Capuchinos religious community had introduced a socio-educational model for rehabilitating children and adolescents, which had improved treatment of juvenile offenders in Ecuador. The juvenile detention centres operated in conjunction with that community enabled young people in conflict with the law to acquire skills and provided effective rehabilitation for most of them. Additional resources were needed to extend the Terciarios Capuchinos model of juvenile detention throughout the country.

36. Mr. LIWSKI requested additional information on the measures to address the problem of teenage pregnancy.

37. Ms. OVIEDO (Ecuador) said that the Ministry of Education had revised its policy on sex education in schools because the purely biological approach to the subject had not been effective in reducing teenage pregnancy. With international support, a more pragmatic approach was currently being taken to ensure that young people made informed choices, particularly about contraception.

38. Mr. FILALI asked whether the Government's measures to prevent teenage pregnancy were in line with the prevailing attitudes in society, particularly those of the Church.

39. Ms. OVIEDO (Ecuador) said that, while some young people - particularly those from indigenous communities - married young, the situation was changing. Owing to increased access to education, many young people married later. The Church had not opposed the teaching of sex education in schools.

40. Although Ecuador had a juvenile justice system, resources were needed to train juvenile judges and to update technical facilities throughout the country.

41. Ms. MOREIRA (Ecuador) said that the Office of the Ombudsman for Women and Children was a Quito-based department of the Office of the Ombudsman. It received reports of violations of children's rights. Agreements signed with municipalities nationwide would increase children's access to the Ombudsman for Women and Children. The Office of the Ombudsman was still a relatively weak institution that lacked independence.

42. Under the Criminal Code, juvenile offenders could not be placed in adult detention centres. Special centres were available for juveniles, where they could spend up to six months before beginning a period of court-ordered education or social reintegration.

43. Malnutrition among children had decreased as a result of several health programmes and the Free Maternity and Childcare Act. In 1995, the Breastfeeding Promotion and Protection Act had been adopted and the National Breastfeeding Council had been established. Poverty was not directly linked to HIV/AIDS. A department for the eradication of AIDS, which reported to the Ministry of Health, had launched several programmes to prevent the spread of HIV.

44. Mr. PARFITT asked whether the Office of the Ombudsman was accountable to Congress. He also wished to know whether the Office was taking measures to raise awareness among children and young people that they could address their concerns to the Ombudsman.

45. Ms. SMITH asked whether the Government's measures to promote breastfeeding had been effective.

46. Mr. LIWSKI requested the delegation to indicate the source of its information on immunization coverage, which appeared to contradict the data provided in table 7 (d) of the written replies (CRC/C/RESP/86).
47. Ms. MOREIRA (Ecuador) said that the Office of the Ombudsman reported to Congress. Information on the work of the Office and instructions on filing complaints were available in several publications and on its web site. Further efforts were required to ensure adequate dissemination of information on the Office of the Ombudsman.
48. Ms. OVIEDO (Ecuador) said that, while the Breastfeeding Promotion and Protection Act and the National Breastfeeding Council did not receive priority attention, the Government was aware of the need to promote breastfeeding. The decrease in immunization coverage had resulted from insufficient budget allocations to purchase the necessary vaccines.
49. Ms. SMITH said that it was unclear whether Ecuador's juvenile justice system was currently operational.
50. Ms. ALOUCH requested additional information on the number of children affected by HIV/AIDS.
51. Mr. ZERMATTEN asked what position the State party took on the environmental effects of crop spraying on the border with Colombia, and the displacement of populations from areas where oil was being extracted.
52. Ms. MOREIRA (Ecuador) said that the juvenile justice system was currently operational, and all cases involving minors were handled by specialized juvenile judges.
53. According to the Ministry of Public Health, 102 children had been diagnosed with AIDS in 2004. A number of measures had been taken to check the spread of HIV/AIDS in Ecuador. For example a national AIDS programme had been introduced; a national council for the prevention, control and treatment of AIDS had been established; and a law on HIV/AIDS prevention had been adopted. Between 2001 and 2002, the budget for HIV/AIDS prevention had increased by 100 per cent.
54. Mr. CABRERA (Ecuador) said that the Government's policy for the social reintegration of refugees focused on the problems of women, children and adolescents. Over the past two years, 71 rapid-impact projects had been launched with a view to improving refugees' access to various health-care services and promoting secondary education, particularly among girls and adolescents.
55. Mr. ESCUDERO (Ecuador) said that the Minister for Foreign Affairs had recently asked the Colombian officials to suspend aerial spraying of drug crops in a border region of Colombia.
56. Ms. OVIEDO (Ecuador) said that, although her Government had not yet developed efficient measures to improve the quality of education, a special group had been set up to devise such measures. Steps were being taken to universalize basic education among five- and six-year-olds. There were a number of programmes to integrate children with disabilities into the school system. She did not have any information on children with serious disabilities who could not be integrated into the school system.

57. Ms. MOREIRA (Ecuador) said that Ecuador had ratified the two Optional Protocols to the Convention on the Rights of the Child and the Protocols to the United Nations Convention against Transnational Organized Crime. In addition, measures had been taken to combat child pornography and trafficking in children for the purpose of sexual exploitation. A national plan to combat the exploitation of women and children, child pornography and sexual exploitation had been prepared and would be implemented in the near future. Ecuadorian legislation prohibited the sexual exploitation of children, child prostitution and trafficking in children. A number of programmes had been introduced to prevent the ill-treatment of children and to educate young people about their sexual and reproductive rights. Child pornography and sexual exploitation of children were relatively new to Ecuador, and additional measures were needed to eradicate those phenomena.

58. The CHAIRPERSON asked what steps the Government was taking to assist children of Ecuadorian migrant workers who remained in Ecuador.

59. Ms. MOREIRA (Ecuador) said that migrant workers' children who remained in Ecuador were sometimes subjected to ill-maltreatment and abuse. However, no cases of child prostitution or pornography among such children had been reported. The Government was taking steps to help those children, in particular, by reuniting them with their parents whenever possible. However, family reunification was possible only when the parents had migrated to a country with which Ecuador had concluded a bilateral agreement.

60. Ms. ORTIZ, Country Rapporteur, welcomed the Government's political will to improve the situation of children and its efforts to cooperate with non-governmental, international, civil society and youth organizations. The Government should give high priority to combating trafficking in children. She urged the Government to prevent the disappearance of children and to provide data on lost children, disaggregated by age, gender and cause.

The meeting rose at 5.55 p.m.