



Convention on the Rights of the Child

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Summary record of the 1474th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 January 2010, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties (agenda item 4) *(continued)*

Fourth periodic report of Ecuador (continued) (CRC/C/ECU/4, CRC/C/ECU/Q/4 and 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 the Government that had come to power in 2007 was committed to improving the lives of children, but that much more time was needed. Considerable efforts had been made to recruit and further the training of personnel, notably in the health sector, where there was a shortage of physicians and other qualified staff, in remote areas especially.

3. After the migration abroad of nearly 1 million people, primarily to El Salvador, following the banking crisis of 1998 and the political crisis of 2000, Ecuador had launched a return facilitation programme for economic migrants. All potential returnees were eligible for loans and assistance in finding work, and Ecuadorians from abroad wishing to invest or to establish small or medium-sized companies in Ecuador were eligible for tax exemptions.

4. As a means of tackling poverty, the Ministry of Economic and Social Inclusion granted a monthly benefit of US\$ 35 to very poor families. The State also hoped to encourage families to set up their own businesses, however, and some 150,000 single mothers had received start-up funds to launch cooperative income-generating projects. Ecuador's social justice policy was aimed, inter alia, at creating decent working conditions for all workers and guaranteeing fair wages. Since the beginning of 2010, to prevent any exploitative situations, all domestic workers were required to join the social security system and to be paid at least the minimum wage; inspections would be stepped up to ensure compliance with labour legislation.

5. Ecuador had opted to broaden initiatives to enable children in care to spend weekends with their families, where feasible. As to the advertising of adoptions in Ecuador on the Internet, his country was committed to better tackling the trafficking and sale of children, including by significantly reducing the number of international adoption agreements signed with other countries.

6. **Ms. Sevilla Rueda** (Ecuador) said that private organizations had not been involved in arranging adoptions since 2003, with only the National Council for Children and Adolescents and the National Institute for Children and the Family now competent in such matters. The authorities gave absolute priority to adoption by the child's relatives, and would then consider adoption by persons living in the same area or from the same culture as the child, then other Ecuadorians, and, as a last resort, foreigners. Following a child's adoption, the Institute monitored the situation for two years. In 2009, a total of 13 international adoptions had taken place.

7. **Ms. Herczog** said that, according to the website <http://ecuador.adoption.com>, 26 Ecuadorian children had been adopted by American nationals in 2008 alone. Although a legal framework had been established to combat trafficking in children, certain agencies attempted to circumvent the system and engaged in fraudulent practices.

8. **Mr. Filali** asked what progress had been made in the application of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which had been ratified by Ecuador, how long it took to process an adoption file, and whether poverty could be used as grounds for removal of a child from his or her family.

9. **Mr. Sánchez Cobo** (Ecuador) said that only abandoned children could be adopted and that Ecuador complied fully with its international commitments in that regard. The National Council for Children and Adolescents and the National Institute for Children and the Family, which were the only competent authorities, prioritized national adoptions.

10. Conducted in close cooperation with the indigenous communities many street children came from, a national programme for the elimination of begging had led to a sharp decrease in the phenomenon over the Christmas period, a time when it usually flourished. The State paid benefits to parents to dissuade them from making their children work.

11. **Ms. Herczog** asked whether social services sought to make parents aware that they were harming their children by sending them out onto the streets.

12. **Mr. Sánchez Cobo** (Ecuador) said that raising parents' awareness of their responsibilities was certainly a problem. In addition to financial assistance, the State also provided psychosocial support.

13. **Mr. Torres** (Ecuador) said that the accelerated plan to reduce maternal and infant mortality had made it possible to cut the infant mortality rate from 30 per 1,000 live births in 1990 to 12 per 1,000 in 2008. The plan provided for the creation of mother-and-child health services in every hospital, a 15 to 20 per cent increase in human resources in the child health sector, an extension of clinic opening hours, and a review of standards and protocols applicable to the treatment of sick children. An intercultural medical care programme aimed to give more prominence to ancestral and indigenous traditional practices. The malnutrition statistics included in the periodic report were out of date: according to the National Statistics Institute, infant malnutrition rates had fallen thanks to a food assistance programme that sought to promote breastfeeding, gave priority to infants between the ages of 6 months and 5 years, and provided for the distribution of food supplements as well as raising awareness of the proper use of foodstuffs.

14. **The Chairperson** requested the exclusive breastfeeding rate for children under 6 months of age. He also asked whether there was a law on breast-milk substitutes, and notably on limiting their use.

15. **Ms. Herczog** said that it was necessary to improve young mothers' nutrition, since some of them produced milk that contained insufficient quantities of the nutrients and vitamins vital to newborns. Improving the health of young mothers was less costly than pre- and postnatal distribution of nutritional supplements.

16. **Mr. Torres** (Ecuador) said that a section on the protection of breastfeeding would be incorporated in the Health Act. The Breastfeeding Promotion and Protection Act, in force for the past couple of decades, required revision. The International Code of Marketing of Breastmilk Substitutes had been applied for more than 25 years, and action of various kinds were taken to promote and monitor compliance.

17. Representatives of the various indigenous groups had been included on the board of the Ministry of Health directorate responsible for policy, in order to ensure the preservation of traditional knowledge and skills. The State had recruited more than 3,000 women practitioners of traditional medicine, trained them and supplied them with materials so that they could carry out safe, hygienic deliveries. They also provided pre and post-natal care and dealt with family planning.

18. The State ran several micronutrition programmes providing for salt iodization, vitamin A fortification of flour and sugar, iron supplements and other essential daily micronutrients.

19. **Ms. Maurás Pérez** (Country Rapporteur), noting that one new mother in five was in the 15–18 age group, asked what steps the State was taking to reduce the number of teenage

pregnancies and the number of abortions, and to punish sexual offences and combat the discrimination against young and adolescent girls that was evidenced by low school enrolment rates and school textbooks with sexist content.

20. **Mr. Torres** (Ecuador) said that a plan for the prevention and reduction of early pregnancies was in place. Adolescents were given information about their sexual and reproductive rights and offered free treatment. The Free Maternity and Child Health Care Act provided for adolescent girls to receive the contraceptive pill free of charge. In the wake of an abortion-related controversy, the Constitutional Court had issued a judgement upholding the ban on the Postinor “morning after” pill and had called on health authorities to monitor the composition of all contraceptive pills.

21. **Ms. Vaca Jones** (Ecuador) said that, in the eighth grade, where pupils were aged 13 to 14, the enrolment rate for girls was somewhat low, whereas in the first grade it was higher than the enrolment rate for boys. The Government had appointed some 2,000 additional teachers to boost enrolment rates for children in the eighth and tenth grades, and 46,000 teachers had been given training in the prevention of early pregnancy.

22. **Mr. Sánchez Cobo** (Ecuador) said that a new and more effective method for peer prevention of early pregnancy had been introduced by the National Institute for Children and the Family, in cooperation with the Ministry of Education, the aim being to raise the awareness of 50,000 adolescents in 2010.

23. **Mr. Filali** asked what measures had been taken by the State to protect young girls against rape and whether the Constitutional Court had been consulted on the restriction of adolescent girls’ access to emergency contraception.

24. **Ms. Khattab** asked whether religious beliefs were an obstacle to reproductive health education in schools and what form such education took, and whether the State was working with schools and other relevant institutions, the media and the general public to raise awareness of violence against women. What was being done to prevent adolescent suicide?

25. **Ms. Sevilla Rueda** (Ecuador) said that a plan of action to combat violence against children, adolescents and women had been established by presidential decree. It provided for radio and television campaigns against machismo and violence against women, the creation of a comprehensive system of protection, particularly for children and adolescents, the establishment of a juvenile justice system, and the introduction of administrative protection measures.

26. Since victims of violence often did not file complaints for fear of reprisals, action had been taken to facilitate access to justice and a victim and witness protection system had been introduced. Specially trained police officers received victims without delay, and the victims were given emergency medical treatment and medical, psychological and social assistance and, if necessary, helped to change their address or identity, or to leave the country with financial assistance. Even after the perpetrator of the violence was in prison, some victims preferred to leave the area for fear of reprisals by their assailant’s relations. Victims who wished to stay in their home town could obtain police protection, if needed.

27. **The Chairperson** asked whether any suicide cases among adolescent girls were linked to unwanted pregnancies.

28. **Mr. Torres** (Ecuador) said that the National Mental Health Directorate was responsible for protecting the mental health of children and adolescents in school. There was, however, no special programme in place to combat suicide.

29. The Ministry of Health had approved the use of emergency contraception as a means of preventing unwanted pregnancy and abortions.

30. **Ms. Khattab** asked whether a telephone hotline had been established at the national level to enable children to report cases of violence and, if so, whether it was backed up by a response mechanism.

31. **Ms. Sevilla Rueda** (Ecuador) replied that the National Council for Children and Adolescents planned to set up a 24-hour line (123) which would put children in contact with the office for the protection of children's rights. The police had two lines (911 and 101) linking up to the police unit responsible for cases involving children.

32. **Ms. Maurás Pérez** (Country Rapporteur) asked whether the future Equality Council, which would incorporate the National Council for Children and Adolescents, would have a department to deal with issues related to children's rights.

33. **Mr. Sánchez Cobo** (Ecuador) said that the Equality Council was being established in consultation with the 53 institutions involved and that the mandate of the National Council for Children and Adolescents would not disappear. The idea was to streamline the institutional infrastructure and avoid overlap by giving each institution a clear mandate and facilitating their representation at the local level.

34. **Ms. Sevilla Rueda** (Ecuador) said that the independent cantonal councils would continue to fulfil their mandate with regard to the protection of children's and adolescents' rights and the administration of justice. The National Council for Children and Adolescents, which comprised members of the Government and representatives of civil society and was chaired by a member of the executive, would serve as a model for the other "subcouncils".

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

35. **Ms. Sevilla Rueda** (Ecuador) said that, in July 2008, the Constituent Assembly had dismissed the incumbent Ombudsman and had appointed a temporary ombudsman pending the establishment of the Participation Council, which would set up commissions to appoint a new ombudsman.

36. **The Chairperson** asked how children's rights fitted into the Ombudsman's mandate.

37. **Ms. Sevilla Rueda** (Ecuador) said that the Ombudsman met regularly with his representatives in the provinces; the institution had originally had a department for children and adolescents, but they were now dealt with by the Human Rights Department. Any one could apply directly to the Ombudsman, and children could ask him to initiate protection proceedings on their behalf. The Ombudsman monitored all cases of sexual violence against children. The rights protection centres also dealt with cases involving violations of the rights of the child, in coordination with the Ombudsman.

38. **Ms. Maurás Pérez** (Country Rapporteur) said that the Office of the Ombudsman should have a special children's rights department, as in Peru, in order to ensure that child rights specialists were able to properly understand those they had to deal with, such as juvenile judges. In that regard she wondered how the State party planned to organize the administration of juvenile justice.

39. **Ms. Sevilla Rueda** (Ecuador) said that there were mechanisms to coordinate the various categories of rights, such as the rights of persons with disabilities, and that the Human Rights Coordination Commission included specialists in child and adolescent issues. The Office of the Ombudsman had lawyers who specialized in defending adolescents and children. All provincial offices of the Office of the Ombudsman had a special department for children and adolescents.

40. **Mr. Filali** asked whether the Ombudsman was competent to inspect prisons without notice, refer a case to the Ministry of Justice and request the initiation of proceedings on a child's behalf.

41. **Ms. Sevilla Rueda** (Ecuador) said that the Ombudsman was principally concerned with ensuring due process of law. He could request a file from a procurator or court for examination, assist and support victims, inspect prisons, and consult with civil society on controversial matters. The Ombudsman could file an application for habeas corpus, habeas data, protection measures under the Constitution or judicial protection under the Children's and Adolescents' Code. He could also take action on human rights violations or environmental damage. The Ombudsman's provincial officials had the same powers.

42. **Ms. de los Angeles Paez** (Ecuador) said that child labour was rooted in cultural tradition and was by no means easy to eradicate in a poor developing country. Since 2006, at the initiative of non-governmental organizations (NGOs) and with the support of international agencies, the State had run programmes to tackle child labour. As a result, various conventions had been signed, including the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). Child labour was prohibited under the Constitution and Children's and Adolescents' Code, and the State had instituted a child labour inspection system with 33 inspectors. According to official figures compiled after inspections of private companies, more than 4,000 children had been withdrawn from the labour market between 2007 and 2009. The Labour Code incorporated parts of the Children's and Adolescents' Code, the Mines Act prohibited child labour in the mining sector, and the minimum age for admission to employment was clearly set at 15, in permitted sectors. The maximum legal duration of children's work was set at five days a week and six hours a day, and prior authorization was required before a work contract could be signed. The Ministry of Labour and local authorities kept registers of adolescents in employment, including information on their rights. Those rights were no longer limited to the right to education; they also embraced the right to personal integrity, health, leisure, the right to be heard and to participate in decision-making. A policy of comprehensive protection of children in the workplace had been applied since 2008.

43. Previously, no official figures had been available on child labour, but the matter was now being prioritized and the Church was also making serious efforts to address the issue. Ecuador planned to launch a campaign against child labour in February 2010 to raise public awareness of its negative repercussions and publicize the relevant legislation more widely.

44. The administrative procedure for the elimination of child labour had made it possible to identify the geographical areas where the problem was widespread and the sectors that were at highest risk. On-site inspections allowed information to be gathered on the children and companies concerned, and the types of employment involved. Sanctions were applicable to companies in breach of the law and protection measures, including immediate withdrawal, were in place to restore children's rights and provide assistance. An awareness-raising campaign for parents was under way to discourage them from sending their children back to work, while scholarships and other benefits were designed to ensure that the children continued with their schooling.

45. In 2009, in cooperation with the United Nations Children's Fund (UNICEF), the Government had launched an awareness-raising initiative to combat child labour. It had banned child labour in public waste dumps, which should be considered a crime against humanity, the intention being to fully eliminate it by 2010. A global methodology to suppress child labour should be worked out; it should include a full list of children's rights and make reference to the eradication of a crime against humanity.

46. The Government had set up a computerized system to register children in work, that could be consulted by the public, and the National Council for Children and Adolescents had a computer database which collated information on, inter alia, the identities of children in employment and the types of jobs they performed; with time, it would provide a clearer picture of the situation of children in employment.

47. Existing forums for dialogue between social workers, families, communities and working adolescents made it possible to solicit the views of children and adolescents and gave civil society and companies the opportunity to express their views on public policy.

48. **Ms. Vaca Jones** (Ecuador) said that the Ministry of Education was committed to making basic education universal and had launched a sectoral strategy specifically to ensure the progressive realization of that goal. The Ministry had signed an agreement to that effect with the Ministry of Economic and Social Inclusion, and the two ministries planned to cooperate with child development centres. The Government was making efforts to improve the quality of basic education curricula and would be conducting a review of primary and secondary curricula in 2010, the aim being to ensure that education rested on the four cornerstones of equality, multiculturalism, dignity and democracy.

49. The Ministry of Education was working alongside teachers and school heads to strengthen training procedures and management of persons responsible for supervising the teaching profession. One innovation was the Ministry's work with community educators, of whom there were large numbers in basic education: as most of them were not professionals, the intention was to train them as fully qualified teachers.

50. Progress had been made on the pay front. Between 2006 and 2009, the average wage had risen from US\$ 248 to US\$ 330 in the lower category and from US\$ 463 to US\$ 661 in the higher category. A decree aimed at progressively raising the earnings basis for the different teaching levels had recently been adopted.

51. According to the Ministry of Education, the dropout rate had fallen thanks to a proliferation of programmes aimed at removing obstacles in the way of access to education, including a programme, launched in 2007, to provide school textbooks to pupils free of charge. In 2008 and 2009, the Ministry had worked on improving the content of school textbooks and curricula. Curricular reform would commence in 2010, starting at primary level.

52. In the Constitution, intercultural bilingual education was recognized as an independent system under the aegis of the Ministry of Education, but authorized to adopt policies of its own in order to increase the participation of indigenous communities. The Ministry intended to have certain school curricula translated into Ecuador's main indigenous languages. Enrolment rates for indigenous children, particularly girls, had been going up ever since the Ministry had expanded educational services in areas with large indigenous populations.

53. The restructuring of the Ministry of Education would result in the creation of school circuits and school districts. School circuits would be groups of schools and school districts would be networks of school circuits. The majority of districts would correspond to cantons, the goal being to strengthen local management. The new technology programme aimed to equip at least one classroom in every district with information and communications technologies. Teachers would need to be trained in the use of such technologies as teaching tools.

54. The Ministry of Education planned to include a democracy component in all school curricula. Ecuador's attainment of the Millennium Development Goals in the field of education was closely dependent on its new model for education management. The Government wished to invest in infrastructure and new technologies and involve more teachers in the new teams applying such technologies. Those teams would require pedagogical and technical support from partners and other stakeholders, including universities. Additional reliance on local skills was needed, with an emphasis on pedagogical issues.

55. **The Chairperson** asked whether the marriageable age had been reviewed in late 2009, as announced in the report.
56. **Ms. Sevilla Rueda** (Ecuador) said that the National Council for Children and Adolescents was working on amendments to the Civil Code that would include a change in the marriageable age, but Parliament would not be able to proceed to a reading until it had debated priority bills, most likely in the first quarter of 2010.
57. **Mr. Filali** asked whether any transitional measures were being applied pending adoption of the new Civil Code, to enable courts to prevent early marriages.
58. **Ms. Sevilla Rueda** (Ecuador) said that the courts were obliged to apply the law currently in force; once the new law had been adopted, extensive awareness-raising efforts would be required to tackle what was, above all, a cultural problem.
59. **Mr. Sánchez Cobo** (Ecuador) said that the Ministry of Justice and Human Rights, established in 2007, had been alarmed to note that there was no real system in place for dealing with juvenile offenders as such and no public policy on minors in conflict with the law; moreover, officials working with minors had little training, fewer than 30 per cent being qualified, extensions or renovations were needed in nearly half of the 11 existing facilities, which admitted a total of 350 to 400 adolescents on average per month, and the juvenile justice system was beset by deficiencies that undermined due process.
60. A new management model had been adopted and huge investments agreed. The strategic objective of the Office of the Under-Secretary for Social Rehabilitation, and its National Directorate for Juvenile Offenders in particular, was to institute a comprehensive protection and social rehabilitation system for adolescents in conflict with the law, consistent with international standards. A new job profile had been drawn up for specialists working in centres for juvenile offenders; those already in place would be evaluated against the profile, as would any applicants for new posts. A new model for such centres had been prepared and would be used as a benchmark for the improvement of existing facilities and the construction of new ones. The first facility based on that model had been built near the border with Colombia. Two juvenile courts had also started work, one in Guayaquil and one in Quito.
61. **Ms. Maurás Pérez** (Country Rapporteur) asked whether the new Criminal Code being prepared by the Ministry of Justice would institute a genuinely separate, specialist juvenile justice system. She would appreciate details of alternative sentencing, given that, pursuant to the Convention, deprivation of liberty should be a last resort, with prevention and rehabilitation the primary goals of the juvenile justice system.
62. **Mr. Sánchez Cobo** (Ecuador) said that it was a political decision whether to prioritize prevention or punishment. Some might consider punishment and tighter social control to be the only solutions. The Ministry of Justice was working on diversion arrangements with other partners, such as NGOs.
63. **Ms. Sevilla Rueda** (Ecuador) said that the age of criminal liability would be raised to 14 on adoption of the draft children's and adolescents' code. The draft code contained a section on minors in conflict with the law and collated and harmonized the various legal provisions relating to juvenile justice. The 2008 Constitution provided that minors should be heard by specialist judges and should benefit from social and educative measures and other alternative, non-custodial penalties, such as a reprimand, counselling for parents, probation, community service and house arrest.

Initial report of Ecuador under 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; CRC/C/OPAC/ECU/Q/1 and Add.1)

64. **Mr. Koompraphant** (Country Rapporteur) asked how the State party was monitoring application of the legal prohibition on the enlistment of minors, since there appeared to be no provision for punishing those who violated the ban. He wondered, also, how the age of persons without birth certificates was verified prior to enlistment, and whether any criminal provisions could be invoked against members of foreign armed groups who enlisted Ecuadorians for armed conflict abroad.

65. **Mr. Krappmann** asked to what extent adolescents were aware of the Protocol and whether school curricula referred to the Protocol or to education for peace in general.

66. **Mr. Pollar** asked what was being done to identify former child soldiers, particularly among Colombian refugees, what penalties were provided for in Ecuadorian law against military personnel who had recruited minors, and what the exact wording was of article 5 of the Compulsory Military Service Act.

67. **Ms. Khattab** asked what measures the State party was taking to prevent the recruitment by non-State actors of child refugees in the north of the country near the Colombian border. She stressed the need for an official database of such cases.

68. **Mr. Filali** asked whether the Ministry of Defence had helped prepare the report and whether certain concepts, such as “direct participation in hostilities”, were defined in domestic law; also, whether the participation of young people in emergency situations was subject to all the necessary safeguards.

Initial report of Ecuador under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ECU/1; CRC/C/OPSC/ECU/Q/1 and Add.1)

69. **Ms. Herczog** (Country Rapporteur) welcomed the amendment of the Criminal Code in 2005, the adoption of a national tourism plan and the creation of a website by the Regional Action Group for the protection of children and adolescents against sexual exploitation in tourism in South America.

70. Ecuador remained a transit and destination country for trafficking for sexual exploitation or labour, of which the majority of victims were children. Domestic servitude and other forms of forced labour were also still in evidence. It was important to establish how many of the victims identified were children, how many had benefited from support and rehabilitation services, what position the State party had on the deportation of foreign children victims of trafficking, and whether the national statistical development strategy would address the worrying lack of statistical data disaggregated by type of offence and urban or rural area.

71. The delegation might explain what efforts the State was making to improve the system for reporting sexual violence, whether victims’ opinions had been sought on the action to be taken, and whether social workers and teachers, like judges, received training to detect cases of sexual violence.

72. **Mr. Koompraphant** asked how children’s access to the public prosecutor’s office was guaranteed, given the small number of prosecutors available, whether services had been created for parents, and what approach was used in cases where a family member was implicated in the exploitation of a child.

73. **Ms. Varmah** said that she would appreciate details of measures to prevent exploitation of children in the tourism sector, in particular any directed at those who

worked in tourism, given that it was a fairly widespread phenomenon according to some sources.

74. She asked what criminal legislation penalized the sale of human organs, in view of the fact that Ecuador seemed to be affected by organ trafficking.

75. **Ms. Maurás Pérez** said that abuse and ill-treatment magnified risk and vulnerability to the acts referred to in the Protocol. She trusted, therefore, that the new Criminal Code would prohibit all corporal punishment and psychological violence, in all settings, including the family.

76. **Mr. Filali** urged the State party to incorporate in its domestic legislation definitions of the sale of children, child prostitution and child pornography within the meaning of articles 2 and 3 of the Protocol, and to collect statistics on offences, as well as on cases of forced labour and trafficking in child organs. He asked whether a person of Ecuadorian nationality could be prosecuted in Ecuador for acts referred to in the Protocol that had been committed abroad.

The meeting rose at 1 p.m.