

Country session: Ecuador

Date of session: 11 and 12 September 2017 (76th Session)

Context

The Committee expressed its deep concerns with regards to the new intergenerational approach adopted in Ecuador, as it risked affecting the specificity and specialization of the country's institutional and policy framework for the implementation of the Convention on the Rights of the Child. As such, it risked undermining the effective protection of children's rights, particularly at the local level.

Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Summary records, [here](#) and [here](#).

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	7 September 2009
1st Updated document	15 February 2012
2nd Updated document	8 June 2015
Annex	8 October 2015

CRC		OPAC		OPSC	
No. of report	5 th – 6 th	No. of report	-	No. of report	-
Due date	7 March 2016	Due date	-	Due date	-
Submission	14 April 2016	Submission	-	Submission	-

Written replies to LOIs – CRC	
Submission	10 June 2017
Due date	16 June 2017

Public reports from children's rights defenders

Alternative reports / Additional information

NGOs	<ul style="list-style-type: none"> ▪ Movimiento de Niñas, Niños y Adolescentes; ▪ Todo Mejora Ecuador, Observatorio Ecuatoriano de Derechos Humanos, Colectivos y Minorías, Reseau International des Droits Humains, Matrimonio Civil Igualitario, Acoso Escolar, Organización Ecuatoriana de Mujeres Lesbianas (joint report) ▪ Coalición Nacional de Mujeres & RIDH ▪ Sponsorship Non-Governmental Organizations Forum: Aid in Action, Compassion International, ChildFund International, Children International, Kindernothilfe KNH, Plan International, Worldvision, SOS Villages. ▪ Niñez y Tauromaquia; ▪ Fundación Jessica Jaramillo; ▪ Juan Pablo Cabrera; ▪ Global Initiative to End All Corporal Punishment of Children; ▪ ECPAT international; ▪ Personas de la Sociedad Civil del Ecuador
NHRIs	<ul style="list-style-type: none"> ▪ Defensoria del Pueblo Informecomite

State delegation

High level delegation led by the Vice Minister of Education, S.E. Alvaro Saenz. He was supported by representatives of the Permanent Mission of Ecuador in Geneva, the National Council for Intergenerational Equality, Human Rights and Cults, Human Rights and the General State Procurator, Ministry of Foreign Affairs, and the Permanent Mission of Ecuador to UNOG.

See the list of State delegation representatives [here](#).

Committee's Task Force members

Name & Last Name	Country
Mr. Jorge CARDONA LLORENS	Spain
Ms. Hynd AYOUBI IDRISI	Morocco
Mr. Luis Ernesto PEDERNERA REYNA	Uruguay
Mr. José Angel RODRIGUEZ REYES	Venezuela

Dialogue description

i. Character of the dialogue

The Committee found the dialogue cooperative and constructive. The dialogue was in-depth, in particular in relation to the issue of gender-based violence. The answers of the State delegation to the Committee's questions focused

mainly on law and policy implementation and programs to tackle the main issues discussed, including measures to protect, prevent and rehabilitate children who have had their rights violated.

ii. General assessment made by the Committee

The Committee commended the adoption of the Civil Code Reform Act published in Official Gazette No. 526 of 2015, setting the minimum age for marriage at 18 years, and welcomed the significant progresses made by the State, particularly in the spheres of social rights and access to education. However, the Committee expressed concerns about the cuts of budget allocated to the investment of children's rights and stressed that there are still many pressing issues which remain to be properly addressed. These issues must be at the forefront of the discussion in the creation and amendments of laws and policies.

iii. Main issues discussed:

- **Gender-based violence:** The Committee expressed its extreme concerns about the prevalence of gender-based violence, in particular sexual violence against girls, the social acceptance thereof, and the high occurrence of sexual violence in schools. The Committee inquired what is being done to ensure that a child subjected to sexual violence is heard and not revictimized. The delegation stressed that Ecuador was in a period of transition due to the change of administration in January 2017 but explained that a "zero tolerance" policy concerning sexual violence had been established in schools. The delegation said that prevention programs addressing the underlying causes of sexual violence had been put in place within specific institutions; that outreach and awareness campaigns had been carried out; that relevant actors had undertaken trainings; and that materials related to prevention, reporting and restitution had been broadly disseminated. With regards to the issue of re-victimization, the delegation acknowledged that not everyone working with children were familiar with a human rights-based approach and that child victims may become victims publicly in the reporting process. With a view to prevent this, families received guidance and advice and mandatory guidelines were incorporated in all relevant state policies. Finally, 40 special protection centres, run by competent and equipped professionals, had been set up with the goal to prevent violations and restate rights.
- **Adolescent pregnancies and sexual and reproductive health care, and education:** The Committee was concerned about the high rate of adolescent pregnancies. Committee members stressed the direct link between the phenomenon and acts such as incest and rape, and inquired what is being done to address the issue. The Committee was also highly concerned about the lack of sexual education and access to sexual and reproductive health care and services. The delegation acknowledged the severity of the issue of adolescent pregnancies. It stated that transparent work on the issue of sexuality was being pursued within various institutional spaces, and that the Ministry of Health was developing further initiatives which, foreseeably, will have positive effect. The delegation stressed that sexual education was included in the school curriculum and that campaigns and seminars relating to this issue were being carried out.
- **Unaccompanied, migrant, and refugee children:** The Committee inquired information about measures taken to protect and support migrant and refugee children in various settings and spheres. The delegation replied that immigration officials were being trained, including on trafficking of migrants. Furthermore, refugee children, unaccompanied children and children involved or affected by armed conflict were offered assistance, including psychological support. The delegation also explained that a newly approved law provided specific procedural guarantees to help refugee children. These children were integrated into society, and enjoyed access to various services such as health care and education.
- **Scope of a specialized justice system:** The Committee was concerned about the increasing number of children who were being criminalized by the juvenile criminal justice system. Committee members inquired whether the State have considered raising the age of criminal responsibility and if judicial authorities were specialized in children's justice. Committee members also inquired information about alternative measures and restorative

justice. The delegation replied that public defenders had specialized knowledge of children's rights and that there were 30 specialized prosecutors at the national level. It explained that adolescents accused of crimes were guaranteed full access to information, and that they were heard and listened to throughout the legal process. All of this was regulated by internal rules, based on the principle of specialized juvenile justice.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following 6 areas:

- **Coordination:** The Committee recommended the State to establish a high inter-ministerial coordination body to coordinate all policies, programmes and activities related children's rights at all levels. In addition, it should provide the Sub-Secretaries of the Children Protection and of the Special Protection at the Ministry of Economic and Social Inclusion with sufficient resources. It should also ensure the operative functioning of the National Decentralized System, adopt clear guidelines and strengthen the mandate of the new National Council for Intergenerational Equality and the cantonal councils, and establish local systems for the protection of children that work with the cantonal councils.
- **Violence, abuse and neglect:** The Committee urged the State to adopt a comprehensive strategy to prevent and eradicate all forms of violence in all settings, and to set up a specific framework and monitoring mechanisms, including reporting from responsible authorities as well as actors within civil society. Programmes and awareness raising activities against violence should be established in schools, and public policies to combat any form of violence as a child-rearing method should be set up. Moreover, the State should establish a national database to collect information and disaggregated data, set up specialized units for prosecution of cases of violence and abuse of children, and carry out prompt and thorough investigations. It should also allocate adequate resources to Children's Teams to respond to reported cases of abuse, and allocate and define the scope of measures of redress for child victims.
- **Gender-based violence:** The Committee urged the State to adopt a nationwide strategy to eliminate sexual violence against girls both in schools and at home, including urban and rural areas. Furthermore, the State should ensure that girls can access complaints mechanisms to report cases of sexual violence as well as information about their sexual and reproductive rights. The State should establish screening processes of all professionals working with children in schools and redouble its efforts as regards training and capacity building activities. In addition, it should speed up judicial proceedings against alleged offenders as well as *ex officio* investigations. Disaggregated data should be collected, and clear standards on remedies and redress of girls subjected to sexual violence and abuse should be adopted.
- **Adolescent health:** The Committee recommended the State to adopt a strategy and to strengthen training and capacity building activities to ensure access of adolescents to sexual and reproductive health services. Girls should have access to therapeutic abortion and the State should consider decriminalizing abortion, with particular attention attributed to the age of the pregnant girl and instances of incest and sexual violence. The State should ensure that information about family planning methods and modern contraceptives is available and accessible for all adolescents. It should also establish a national policy plan to address adolescent pregnancies, including by combating gender-based sexual violence. A national plan on mental health should be implemented, and a nationwide strategy aimed at tackling substance abuse should be adopted.
- **Children belonging to ethnic minorities and/or indigenous groups:** The Committee recommended the State to carry out processes to seek free, prior and informed consent of indigenous peoples and indigenous children regarding all measures that affect their lives, especially the exploitation of natural resources in their area. Moreover, the State should ensure appropriate budget allocations and expedite the implementation of the

Quality Intercultural Bilingual Education across all provinces. It should also establish a system for data collection concerning the situation of Afro-Ecuadorian and Montubio children.

- **Juvenile Justice:** The Committee recommended the State to raise the age for the application of measures of deprivation of liberty and to prevent the implementation of social and/or educational measures entailing deprivation of liberty. Furthermore, the State should train specialized juvenile judges, and ensure that children are assisted by competent legal aid. Cross sectorial collaboration should be strengthened, and children in conflict with the law should be guaranteed counselling and health care. The State should also conduct monitoring of rehabilitation centres where children are deprived of liberty, ensure access to independent child-sensitive complaints procedures, and provide remedies and redress to children who have had their rights violated.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- Target 3.2, on ending preventable deaths of newborns and children under 5 years of age;
- Target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children;
- Target 5.2., on eliminating all forms of violence against all women and girls in the public and private sphere, including trafficking and sexual and other types of exploitation;
- Target 1.3, on implementing nationally appropriate social protection systems and measures for all, and on achieving substantial coverage of the poor and the vulnerable;
- Target 11.1, on ensuring access for all to adequate, safe and affordable housing and basic services and upgrade slums; and
- Target 4.a, on building and upgrading education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.

Next State report

CRC	
No. of report	7 th
Due date	1 September 2022

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