

EXECUTIVE SUMMARY
ALTERNATIVE REPORT TO COUNTRY REPORTS 5th - 6th
-ECUADOR-
COMMITTEE ON THE RIGHTS OF THE CHILD - SESSION 76
September, 2017



Failures of the Code of the Childhood & Adolescence of Ecuador

Observations:

Regarding the exercise of the Patria Potestad (Parental authority)

- The provisions of article 106 that undoubtedly contained an error regarding the confusion between parental authority and tenure are eliminated. But replacing the article eliminates the rules for the exercise of parental authority.

Respect for gender violence and patterns of unnecessary aggression (Tenure)

- Article 112 of the Project should also emphasize physical or psychological violence, gender violence, which through parent behaviour infuses values that end up being detrimental to the life and integrity of the child, such as patterns violence towards women and deepening gender inequality. Reasons not only cause suspension but deprivation of parental authority.
- In article 121, it is not mentioned as other legislation does on the prohibition of shared custody regime in cases of gender violence and psychological violence, more when at this time in accordance with the system of Public Prosecution in Ecuador we have 86 Femicides so far, this year.

Concerning the illegal work of minors motivated by their parents

- Regarding the deprivation of parental authority, reference should be made to the institutional framework of the State responsible for those children who have been induced to beg, violence, crime, trafficking, microtrafficking, trafficking in persons by their own parents. That, lacks this legislation.

With regard to maintenance

- What is stated in the third paragraph of Article 133 of the bill, which says "food is made up of monetary or in-kind benefits", lends itself to subjectivity, that is to say, because it is not only monetary, the father or mother can justify That payment in kind to the fact of buying or giving him a good (toys, backpacks, etc.) or sustaining him with having taken care of the child for a weekend, so there is no way to prove to the justice that he is Being an adequate payment of the food. Therefore, the idea of the payment in kind is left open, which cannot be replaceable or substitutable to the economic contribution, since in addition a child needs to feed every day, go to school and cover his basic rights.

Recommendations:

- It is recommended to the Ecuadorian State that the discussion should stop being focused only from the perspective of the adult and focus on the welfare and guarantee of rights of children and adolescents immersed in conflict or rupture. The debate and the law cannot and should not be superficial or relative to specific cases, but should be oriented to the reality of the majorities, consequently the rule that is no more than the tool, the precept under which the judge decides, must serve for the majority and not legislate for particular cases. Any setbacks in rights must be avoided.
- It is recommended to the Ecuadorian State that any reform in the field of childhood and adolescence should consider mainly: the emotional and material stability of children; the

condition of vulnerability of women and the quantification of the task of care. Co-responsibility for decisions about the life and future of the child

- The Ecuadorian State is urged to demand the implementation of the Childhood and Adolescence Code, since it is currently a tool that judges do not use in practice, the system is not being comprehensively addressed. Judges must be case of technical form, in right but mainly humanly
- The Ecuadorian State is requested to take into account the recommendations, referring to the project since it is not comprehensive and is regressive of rights.

Sexual violence in schools

Observations:

- Most emblematic cases related to the breakdown of international law for the protection of the children in recent years are related to sexual abuse in schools and schools. This is particularly dangerous because, these are spaces where children spend most of their time and therefore, one of the main ones for their development. For this reason, it is necessary that schools and colleges guarantee the safety and free development of children.
- However, it is estimated that only 10.8% of sexual abuse is reported and 1 in 3 children do. But unfortunately, when some of them claim to have been the victim of a certain type of aggression, in most cases the word of the child is not given credibility, or a large number of it does not denounce it for fear of retaliation, for shame or lack of confidence in the justice system.
- The Ecuadorian Public Prosecutor's Office receives approximately 3 reports of rape every day from girls under 14. However, this figure is estimated to be much higher, due to the underreporting of crimes of sexual violence against girls and adolescents, as a consequence of Rejection of the practice of denouncing them for a reasoned fear of stigma over victims and naturalization of rape.
- According to figures recorded on the official website of UNICEF's "Now You See, Say No More" campaign, in Ecuador approximately 60% of children have suffered from violence in schools, which means that 3 out of 5 have been subjected to insults or threats, robberies and beatings (UNICEF 2017).
- According to Surkuna (Ecuadorian Civil Society Organization), in 2016, 2470 pregnancies were registered in girls aged 10 to 14, all of them resulting from rape, which shows the magnitude of the problem around violence against women and how far it is to eradicate it; As well as the lack of access to justice in these cases.
- According to a report of the Women's Political Coalition of 2016, neither sexual nor administrative sanctions have been imposed in any of the cases of sexual abuse in public and private schools, although bad faith and cover-up have been evident. Neither have penal sanctions been imposed on violators, which reflects the tolerance and negligence towards this type of crime by the Ecuadorian State.

Recommendations:

- The State is requested not to tolerate under any circumstances sexual violence in educational centers, so it must appropriate these cases and be the first to demand to justice all the investigations, and demand their institutions agility in their processes, without further irregularities or delays.
- It is urged to raise awareness that a child's claim should be the main accusatory element in cases of child sexual violence, corroborated by physical and psychological examinations and, be aware that, not giving relevance to these cases so that they have a brief sentence, would re-victimize them. You cannot extend a case, or go to marches or seedlings so that the rights of the child are fulfilled. All this process causes an extension to the psychological damage taking in account that the child is already a victim.
- The State is urged to effectively accumulate the information necessary to take effective action in the future on cases of sexual abuse of minors.
- The State is recommended to form media awareness campaigns, state, provincial and municipal controls of the quality of trained teachers working in educational institutions in Ecuador.
- The Ecuadorian State is encouraged to carry out a training process for its respective official functionaries and educational institutions for the correct management and prevention of sexual violence in Ecuador.