



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined fifth and sixth periodic reports of States parties
due in 2016

Ecuador^{*, **}

[Date received: 15 March 2015]

* The present document is being issued without formal editing.

** The annexes and the appendices to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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Contents

| | <i>Page</i> |
|--|-------------|
| Foreword | 5 |
| Introduction | 5 |
| A. General measures of implementation | 6 |
| B. Legal definition of the child | 12 |
| C. General principles | 13 |
| D. Family environment and alternative care settings | 16 |
| E. Disability, basic health and welfare | 25 |
| F. Education, leisure and cultural activities | 35 |
| G. Special protection measures | 40 |
| H. International human rights instruments | 48 |
| I. Follow-up on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | 48 |
| J. Follow-up on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | 49 |

List of figures

- Figure 1. Social sector spending as a percentage of the general State budget, 2001-2013
- Figure 2. Social sector investment, 2006-2013
- Figure 3. Cases of physical and psychological abuse, 2011-2015
- Figure 4. Neonatal, infant and child mortality (per 1,000 live births)
- Figure 5. Consultations in first-, second- and third-tier health-care facilities: children and adolescents, 2013
- Figure 6. Consultations in first-, second- and third-tier health-care facilities: children and adolescents, 2014
- Figure 7. Net enrolment rate in basic general education
- Figure 8. Net adjusted attendance rate: intermediate and upper levels of basic general education and secondary level education
- Figure 9. Child labour trends
- Figure 10. Average number of persons under protection, by age group, 2012-2015

List of tables

- Table 1. Residential care facilities and resident numbers, 2012
- Table 2. Placements in foster care and institutional care, 2009-2015
- Table 3. Legal processes resolved, 2013-2015
- Table 4. Cases of restitution, 2008-2011
- Table 5. Cases of restitution, 2014-2015
- Table 6. Cases of rights violations handled, 2008-2015
- Table 7. Persons with disabilities aged 0-9 years, by type of disability and gender, 2013-2016
- Table 8. Persons with disabilities aged 10-19 years, by type of disability and gender, 2013-2016
- Table 9. Technical aids provided by the Ministry of Health in 2015
- Table 10. Immunization coverage, 2009-2015
- Table 11. Package of services provided under the comprehensive care model for family, community and intercultural comprehensive health, by stage of life
- Table 12. Nutritional indicators
- Table 13. Total number of children undergoing screening for the first time
- Table 14. Cases diagnosed through neonatal metabolic screening
- Table 15. Number of adolescents infected with sexually transmitted diseases
- Table 16. Coverage of the national bilingual intercultural education system

Annexes

Annex 1: Results of the consultation on the Convention of the Rights of the Child involving children and adolescents

Foreword

1. The Government of Ecuador hereby submits the combined fifth and sixth reports on its progress in implementing the Convention on the Rights of the Child during the period 2009-2015. The report was prepared in accordance with the Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.6), the treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44 (1) (b) of the Convention on the Rights of the Child (CRC/C/58/Rev.3), and the general comments of the Committee on the Rights of the Child. It also describes progress in implementing the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2. The Government is studying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and is engaging in related consultations.

3. This report was prepared with information and assistance provided by public institutions belonging to the five branches of Government. A workshop was held with the members of the National Consultative Council for Children and with the secretariats and technical secretariats of the cantonal rights protection councils. The alternative report for the period 2003-2008, drawn up by the Children and Young Peoples' Forum in 2009, was also taken into account. Preparation and validation was the shared responsibility of the National Council for Intergenerational Equality and the Ministry of Justice, Human Rights and Religious Affairs, working in coordination with the Ministry of Foreign Affairs and Human Mobility.

Introduction

4. The following pages describe the progress made in promoting and protecting the rights of children and adolescents, as well as the measures adopted¹ to implement the Committee's recommendations further to the second, third and fourth periodic reports of Ecuador, contained in document CRC/C/ECU/CO/4.

5. As this document demonstrates, legislative, programme and institutional changes, together with an increase in social investment, have shaped better conditions for the comprehensive protection of the rights of girls, boys and adolescents.² Notwithstanding that progress, some challenges still have to be addressed, making it necessary to enhance and refine intersectoral strategies.

6. Areas requiring greater effort include the restoration of rights (restitution and reintegration) and the prevention of ill-treatment, abuse and economic exploitation. To address these social problems, it is essential to strengthen the sense of shared responsibility between family, society, institutions and the national and local levels of government.

¹ Measures taken in response to the recommendations of the Committee on the Rights of the Child are highlighted in bold grey throughout this document to facilitate identification and reading.

² Hereinafter referred to collectively as children.

A. General measures of implementation

Legislation

7. Article 45 of the Constitution of Ecuador states that children and adolescents shall enjoy the rights common to all human beings, in addition to the rights specific to their age. The Constitution recognizes children as a priority group and links the full exercise of their rights to the actions of the State and the sharing of responsibility between family and society.

8. In response to the Committee's concerns, the State has taken action to ensure that the specificity and interdependence of all children's rights are respected in legislative, institutional and programme terms. Evidence of this can be seen in the constitutional underpinnings and democratic reforms of the State, the goals and targets of the National Plan for Good Living,³ institutional capacity-building efforts and the increased investment in the social sector, and in children in particular.

9. In relation to paragraph 10 of the concluding observations on the fourth periodic report, concerning domestic law, it is highlighted that laws enacted by the National Assembly in the period 2009-2015 have consistently reflected the principles and standards of the Convention, including the principle of the best interests of the child. Some examples are as follows:

- Enacted in 2011, the Organic Act on Intercultural Education (Official Gazette No. 417) consolidates the rights, obligations and guarantees applying in the sphere of education. The Act provides for an education system based on an intercultural approach and contains regulations for the prevention of violence.
- Enacted in 2012, the Organic Act on Disabilities (Official Gazette No. 796) provides an additional three months' maternity or paternity leave following the birth of a child with disabilities and designates the Ministry of Economic and Social Inclusion and the decentralized autonomous governments as coordinators of the development and implementation of policies for the inclusion of children with disabilities.
- Enacted in 2013, the Organic Act on Communication (Official Gazette No. 22) prohibits content that discriminates on the grounds of gender identity, age, migratory status, criminal record, HIV status, disability, physical difference, or any other grounds.
- Enacted in 2014, the Comprehensive Criminal Code (Official Gazette No. 180) maintains the criminal liability of adolescents, provides for the creation of specialized family and juvenile courts, defines offences against the integrity of children and criminalizes all forms of exploitation, abuse and trafficking of children and adolescents.
- An amendment to Book V of the Code on Children and Adolescents establishes socio-educational measures for adolescents that commit offences.
- Promulgated in 2014, the Organic Act on National Equality Councils (Official Gazette No. 283) created the National Council for Intergenerational Equality. The objectives of this entity include guaranteeing the full enjoyment and exercise of rights and promoting, fostering, protecting and ensuring respect for the right to

³ See National Secretariat of Planning and Development progress update (2015), "Evaluación al Plan Nacional para el Buen Vivir 2013-2017. Actualización Mayo 2015".
<http://www.planificacion.gob.ec/wp-content/uploads/downloads/2015/06/CNP-Parte-1-Actualizada-Mayo-2015.pdf>.

equality and non-discrimination of children and adolescents, young people and older persons.

- Enacted in 2015, the Organic Act on Labour Justice (Official Gazette No. 482) recognizes unpaid work in the home and establishes the right to social security.
- The General Code of Procedure (Official Gazette No. 506 of 2015) sets out procedural rules for legal proceedings involving children and adolescents, while the amendment to the Civil Code (Official Gazette No. 526 of 2015) specifies that paternity actions are not subject to a period of prescription.

Coordination

10. In relation to paragraphs 12 and 14 of the concluding observations on the fourth periodic report, concerning the Decentralized National System of Comprehensive Protection for Children and Adolescents, it should be recalled that this system was conceived in the late 1990s and early in 2000, at a time when the State was weak and suffering from a leadership vacuum. It was designed as a supra-system for planning, management, assessment, oversight and the restitution of rights in a political context in which economic goals took precedence over human rights and a gradualist approach had taken root in social policies. As a result, the population faced widening deficits in access to basic services, education and health and deepening inequality. The country's political and economic context after three decades in which public policies played only a subsidiary or residual role meant that the Decentralized National System did not fully take shape, as the Committee noted in its consideration of the second and third reports (CRC/C/150, 2005).

11. Between 2009 and 2015, as part of the State reform and capacity-building process that involved the rebuilding of planning, oversight, regulatory and monitoring mechanisms, the Government was able to decommodify welfare, restore the social security system and ensure the availability of free, universal health-care and education services. Through institutional changes, it is now seeking to develop comprehensive policies and establish mechanisms for intersectoral coordination between the different branches and levels of government, as well as between the State and civil society, that will support the construction of a Decentralized National System based on the consistency and complementarity of public services. The competencies of the different institutions involved are described in the following paragraphs.

12. The Ministry for the Coordination of Social Development proposes interministerial policies and monitors and evaluates the child-oriented social policies, plans and programmes implemented by the different sectoral ministries, namely, the Ministry of Education, the Ministry of Economic and Social Inclusion, the Ministry of Public Health, the Ministry of Urban Development and Housing, and the Ministry of Sport.⁴ The National Council for Intergenerational Equality is responsible for guaranteeing the rights of children, young people and older persons and is empowered to formulate, mainstream, follow up and enforce public policies for equality and non-discrimination. In exercising its powers, it coordinates with the five branches of government at all levels in order to ensure that children and adolescents are given priority in public policies and investment and that their best interests are protected.

13. The cantonal rights protection councils, which replaced the cantonal councils on children and adolescents, forge links between the State and civil society with a view to influencing public policy decision-making and management, working in coordination with the five national equality councils, which deal, respectively, with gender, disability, intergenerational, intercultural and human mobility issues.

⁴ <http://www.desarrollosocial.gob.ec/ministerios-coordinados/>.

14. Article 341 of the Constitution maintains the specificity of the Decentralized National System of Comprehensive Protection for Children and Adolescents within the structure of the State. Article 148 of the Organic Code of Territorial Planning, Autonomy and Decentralization establishes that the decentralized autonomous governments shall exercise the powers related to the rights of children and adolescents that are assigned to them under the Constitution and by the National Competencies Council, in accordance with the law regulating the Decentralized National System.

15. Under the Organic Code of Territorial Planning, Autonomy and Decentralization, each level of government is required to ensure that children, adolescents and their families are able to organize themselves and participate actively in society. Similarly, as established under the Organic Code of Planning and Public Finance, local authorities are under an obligation to be accountable to members of the community and to allow them to participate in the development of local government plans and the allocation of resources.

16. Article 327 of the Organic Code of Territorial Planning, Autonomy and Decentralization states that the permanent commissions on equality and gender shall assume responsibility for the cross-cutting implementation of equality and equity policies, ensuring that the respective decentralized administration has a dedicated unit to implement public sector equality policies and is thus able to comply with this goal.

17. In the context of ongoing institutional changes, in line with the Committee's recommendations, as the coverage and quality of public services are enhanced and inter-institutional coordination is improved, the smooth and effective operation of the Decentralized National System will at last be achieved.

18. In response to paragraph 16 of the concluding observations, concerning the National Institute for Children and the Family,⁵ it should be noted that the Institute's responsibilities have been assumed by the Ministry of Economic and Social Inclusion, with the exception of its medical competencies, which have been transferred to the Ministry of Public Health.⁶

Information

19. Ecuador has a national statistical information system,⁷ which the National Council for Intergenerational Equality is using as a platform for the development of an information management system for equality and non-discrimination that includes indicators for the rights recognized in the Constitution and in international human rights instruments. Continued efforts are needed to build institutional capacity in this area.

National Plan of Action

20. Concerning paragraph 18 of the concluding observations, it is apparent from the Social Agenda to 2017 and the National Plan for Good Living ("Buen Vivir") that the Convention on the Rights of the Child and the "A world fit for children" plan of action launched in 2002 have been taken into account. The National Plan for Good Living establishes public policies and sets targets for the survival, development, protection and participation of children and adolescents.

21. The National Secretariat of Planning and Development is the institution responsible for allocating public investment, monitoring and following up on the country's annual and multi-year planning, and producing periodic reports. All public sector institutions are required to report on the progress of their work plans and outcomes of their activities on an annual basis.

⁵ A private institution with social objectives, established in 1960.

⁶ Executive Decree No. 1356 of January 2012.

⁷ See <http://www.ecuadorencifras.gob.ec/sistema-estadistico-nacional>.

22. A number of laws have been adopted to establish mechanisms for citizen participation in the formulation of public policies, including the Organic Act on Citizen Participation (Official Gazette No. 175 of 2010) and the Organic Act on the Legislative Branch (Official Gazette No. 642 of 2009). The participation mechanisms that make up the planning system include the national and cantonal planning councils, sectoral citizens' councils and consultative councils of rights holders.

23. To enhance participatory processes, in 2014-2015 the National Council for Intergenerational Equality received cooperation assistance from the United Nations Children's Fund (UNICEF), Plan International, Save the Children and other organizations. The main focuses of this assistance were strengthening the participation of children and adolescents in local and national forums and training local specialist teams.

Independent monitoring

24. As regards paragraph 20 of the concluding observations, containing the Committee's recommendation on the Ombudsman's Office, the Council for Citizen Participation and Social Control appointed the Ombudsman on 17 December 2011 following a merit-based selection process and competitive examination. The Ombudsman's Office was established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights adopted by the General Assembly of the United Nations. In its work, the Office complies with General Assembly resolution 48/134 (1993) and the resolutions relating to national institutions for the protection and promotion of human rights, including the Committee's general comment No. 2 (CRC/GC/2002/2).

Allocation of resources

25. In connection with the recommendation contained in paragraph 22 of the concluding observations, on investment, the State has taken steps to ensure that sufficient budgets are allocated to services for children, in particular those affected by multidimensional poverty.

26. One outcome of the changes that have taken place in Ecuador is that the Gini coefficient stood at 0.4601 in March 2014, a drop of 4 points since 2006.⁸ About 1.3 million people have been lifted out of poverty, 1.5 million housewives have access to social security, and the basic salary covers the cost of the basic household basket of goods.

27. Figure 1 shows that social investment as a proportion of the general State budget rose from 17.4 per cent in 2001 to 20.7 per cent in 2006 and to 27.4 per cent in 2013. This reflects a budget increase from US\$ 500 million in 2000 to US\$ 6.4 billion in 2013, a trend that has continued in subsequent years.

⁸ See <http://www.ecuadorencifras.gob.ec/wp-content/uploads/downloads/2014/04/Informe-Pobreza-marzo-2014.pdf>.

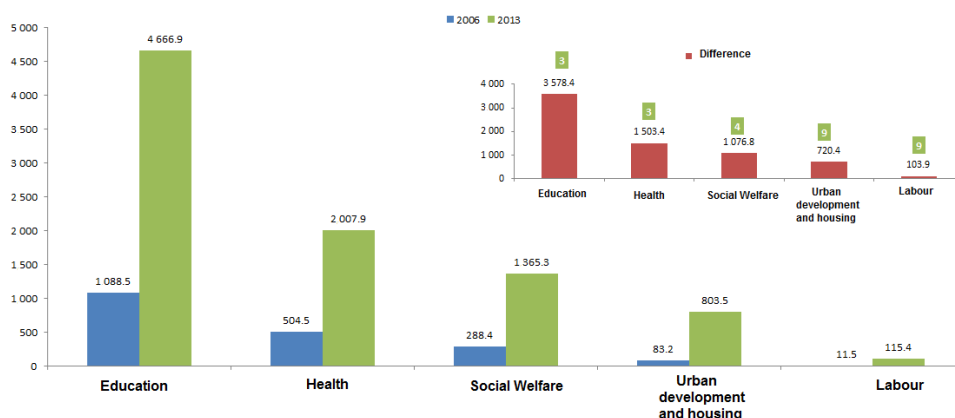
Figure 1
Social sector spending as a percentage of the general State budget, 2001-2013
 (Percentages)



Source: Ministry of Finance — Integrated Financial Management System (eSIGEF).
 Preparation: Integrated System of Social Indicators of Ecuador.

28. Figure 2 compares investment in the social sector in 2006 and 2013 and illustrates the increased priority given to investment in health, education, social welfare, housing and labour. This prioritization has resulted in improvements to the socioeconomic conditions of the Ecuadorian population, especially those of children and adolescents.

Figure 2
Social sector investment, 2006-2013
 (US\$ millions)



Source: Ministry of Finance.

29. Regarding the monitoring of public investment, since 2000 UNICEF has been providing technical cooperation assistance to the Ministry of Finance to strengthen its capacities and to disseminate information among decision makers and the general public by publishing a bulletin on social investment entitled *Cómo va la inversión social*.⁹ As a result

⁹ See http://www.unicef.org/ecuador/boletin_35_final.pdf.

of this cooperation, the Ministry of Finance has developed an expenditure allocation tool that takes account of gender, disability, intercultural, intergenerational and human mobility issues. The tool is already in use, but needs to be developed further.

30. A number of national bodies, including the National Assembly, the National Secretariat of Planning and Development, the Ministry of Finance and the National Council for Intergenerational Equality, have asked UNICEF to provide technical assistance in diverse areas and joint workplans have been drawn up as a result.

Measures taken to make the Convention widely known

31. In response to paragraphs 26 and 27 of the concluding observations, on the dissemination of the Convention, various activities were carried out between 2009 and 2015, including meetings with children and adolescents of indigenous nationalities; the dissemination of publications such as *The State of the World's Children*; the distribution of educational materials; the presentation of survey findings and new laws; the creation of murals; and the organization of forums and exhibitions. In addition, the public sector media have been developing programmes for children aged 2 to 5 years old, including the "VEOVEO" multimedia platform, which comprises a television show, a magazine and social networks that uses entertainment as an elementary tool for learning about the world.

32. The Ministry of Education has created an educational television channel called EDUCA-TV, which broadcasts content on subjects including human rights, child development and the prevention of domestic violence, teenage pregnancy and drug abuse. In 2015, EDUCA-TV moved into radio and was taken up by 1,090 broadcasters.¹⁰ Ongoing campaigns promoting the right to education have also been launched.

33. In 2014-2015, the Ministry of Economic and Social Inclusion organized a series of workshops with the title "Thinking big for little people", which were designed to provide a fun, participatory forum for discussion about comprehensive child development policies. The workshops focused on the thematic areas of nutrition, stimulation and shared responsibility.

34. In coordination with social sector institutions, the National Secretariat for Communication has contributed, on an ongoing basis, to efforts to raise awareness of human rights, including various campaigns against violence, child labour, drug trafficking and trafficking in persons, and events to mark International Children's Day, among others.

35. Also of note was the publication, in 2014, of a book about good living for children and adolescents entitled *Hacia el Buen Vivir de Niñas, Niños y Adolescentes*, produced and distributed by the Ministry of Justice, Human Rights and Religious Affairs.¹¹ The book considers international recommendations and action plans and has been distributed to public sector institutions and civil servants.

Cooperation with civil society

36. In response to paragraph 29 of the concluding observations, the National Council for Intergenerational Equality has overseen the creation of 133 cantonal consultative councils for children and adolescents, as well as a national-level council, composed of a president and seven board members representing each of the country's administrative regions. The National Council's governing board has met several times with the President of the National Assembly, the Collective Rights Commission and other representatives of the executive branch, in order to share proposals relating to the rights of their constituents.

¹⁰ See www.educa.ec and www.educarecuador.gob.ec.

¹¹ See http://www.justicia.gob.ec/taller-de-socializacion-del-libro-hacia-el-buen-vivir-de-ninas-ninos-y-adolescentes/dsc_0409/.

37. Since their formation, the consultative councils have contributed to the development and monitoring of public policies and have met regularly for this purpose. In 2015, seven regional workshops were held to identify affirmative action policies that might be implemented by national- and cantonal-level public institutions.

38. Notable examples of civil society involvement include the “Because I Am a Girl” campaign run by Plan International and the cooperation assistance extended to the National Council for Intergenerational Equality by organizations including Save the Children, World Vision and Child Fund. Public sector institutions also maintained links with social, non-governmental and religious organizations providing services to children and adolescents with whom they have concluded cooperation and funding agreements.

Child rights and the business sector

39. Further to the recommendation contained in paragraph 31 of the concluding observations, guidelines and regulations to ensure that business enterprises safeguard and respect the rights of the child are now in place. For example, the Organic Act on Labour Justice prohibits hazardous work and the outsourcing of labour and ensures that the economically active population has access to decent wages, thereby benefiting entire households.

40. The social and environmental standards applicable to the mining sector are established and monitored by the Ministry of the Environment. Prior to the issue of environmental permits for the exploitation of natural resources, oil and other industrial enterprises work with local communities, especially indigenous ones, to conduct the required environmental and social impact assessments as part of a far-reaching social participation process.

41. The Environmental Management Act sets out the rights of individuals and legal entities to participate in consultation mechanisms such as public hearings and contribute to initiatives, proposals and other forms of public-private sector cooperation. The Act establishes the right of stakeholders to be provided with sufficient, timely information about any activity undertaken by State institutions that may have environmental impacts.¹² Its provisions are complemented by the rules for the use of social participation mechanisms and the guidelines for implementing these rules, which are set forth in Ministerial Agreements Nos. 112 and 106, issued on 17 July 2008 and 30 October 2009 respectively.

B. Legal definition of the child

42. With reference to paragraph 33 of the concluding observations, Ecuadorian law establishes that persons under the age of 18 years do not have civil or administrative liability and that such liability is assumed by their legal representatives. In accordance with the Committee’s recommendation, the Civil Code Reform Act published in Official Gazette No. 526 of 2015 sets the minimum age for marriage at 18 years and establishes the nullity of servile marriage. Similarly, the Military Service Act sets the minimum age for recruitment into the Armed Forces at 18 years.

¹² Environmental Management Act, arts. 28 and 29.

C. General principles

Non-discrimination

43. In response to paragraph 35 of the concluding observations, the national equality councils have formulated public policy agendas designed to guarantee the rights of priority groups and eradicate discrimination on the grounds of gender, age, cultural identity, human mobility, disability or other status. These public policies have been incorporated into the National Plan for Good Living.

44. Regarding compliance with the Committee's general comment No. 1 on the aims of education, the educational authorities seek to promote understanding, respect for difference and friendship, so as to instil in children an appreciation of their own cultural identity, language and values, as well as of the national values of the country and of other civilizations.¹³

Best interests of the child

45. Concerning paragraph 37 of the concluding observations, the Constitution stipulates that public institutions and legislative and judicial bodies must observe the principle of the best interests of the child. For this reason, the decisions and measures adopted by these bodies are subject to systematic analysis. The Convention on the Rights of the Child may be invoked before the courts and applied by national authorities, and takes precedence in the event of a conflict with domestic legislation.

46. Government institutions and bodies invariably exert influence over children's lives and the enjoyment of their rights. The National Council for Intergenerational Equality and the cantonal rights protection councils, in fulfilling their duties, ensure that institutions incorporate a rights-based approach into their work and respect the best interests principle. Tools are developed and staff are trained in accordance with this goal, as described throughout this report.

The views of the child

47. In response to paragraph 41 of the concluding observations, the State has strengthened its efforts to ensure that children's views are given due weight in the family and to this end has developed ongoing training programmes and campaigns, as described in various sections of this report. For channelling citizen participation, national- and local-level government bodies have at their disposal the various tools envisaged under the Organic Act on Citizen Participation.

48. Other achievements in this area include the formation of an ever increasing number of student councils in schools, whose role is to represent fellow students before the authorities and promote initiatives within the educational community. Parents and childminders are also encouraged to listen to children and to give their views due weight.

49. In addition, specific legislation has been developed to ensure the comprehensive protection of the rights of the child, including the Organic Act on Communication of 2013. Article 15 of this Act states that the media shall promote the exercise of children's right to communication as a matter of priority, while abiding by the best interests principle.¹⁴

¹³ See article 28 of the Constitution of Ecuador, corresponding to the section on education, and article 3 of the Organic Act on Intercultural Education, which sets out the aims of education.

¹⁴ The equality councils have developed a guide for communicators and journalists to facilitate the Act's implementation.

50. Regarding the right to be heard in judicial and administrative proceedings, article 314 of the Comprehensive Criminal Code establishes that, in all stages of proceedings, adolescents facing trial shall have the right to freely access documents and materials, to be heard at all stages of the process, and to be heard and ask questions using sign language if they have a hearing impairment, for example.

51. In connection with paragraph 42 of the concluding observations, concerning voluntary voting, it should be noted that the rate of participation in electoral processes among young people aged between 16 and 18 years old reached 66.41 per cent in 2010¹⁵ as a result of the civic education drive promoted through the “Let’s Vote” campaign and other activities led by the Ministry of Education, the National Electoral Council, the Ministry of Economic and Social Inclusion and the National Council for Intergenerational Equality that were designed to encourage young people to get informed and exercise their right to vote.

52. In keeping with the recognition of children as active participants in the promotion, protection and monitoring of their rights, a workshop was held with representatives of the National Consultative Council for Children to consider progress in implementing the Convention on the Rights of the Child. The findings of that consultation exercise are summarized in annex 1 of this report.

Civil rights and freedoms

Registration of birth, name and nationality

53. In respect of paragraph 44 of the concluding observations, the Civil Registry has strengthened its institutional capacity with a view to guaranteeing the right to identity. The Registry now has 36 offices throughout the country, which it has adapted to make them readily accessible for all citizens. The registration process is free, quick and efficient.

54. To facilitate the process, the authorities have developed a national system for the registration of vital statistics that makes it possible to register children born in hospitals immediately after their birth. The current difficulties caused by parents’ failure to provide relevant documents in a timely manner will be steadily overcome through information campaigns and new facilities.

Prevention of abuse and neglect

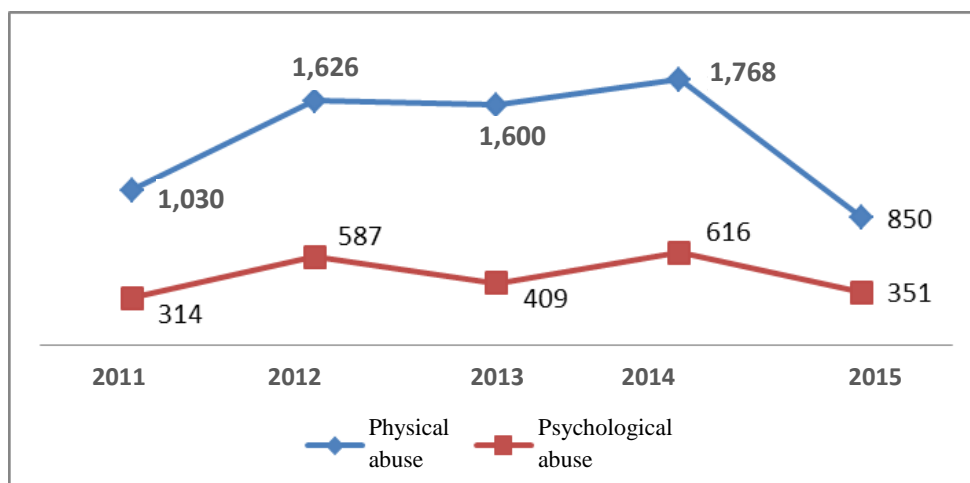
55. The Government of Ecuador has developed various strategies to prevent abuse and neglect and intends to keep all the initiatives described below operational. This will require greater inter-agency cooperation and a sharing of responsibility between family and society.

56. Available data reveal a decline in some aspects of this social problem. According to a 2015 report issued by the Observatory for the Rights of Children and Adolescents, approximately 41 per cent of children engage with and receive support from their parents, compared with 22 per cent in 2010. In 2010, 33 per cent of children between the ages of 5 and 17 years said that they were beaten by their father and/or mother if they disobeyed them or misbehaved but this percentage had fallen by 8 percentage points by 2015.¹⁶ This trend is corroborated by information from the National Directorate of the Special Police for Children and Adolescents which indicates that cases of physical and psychological abuse were generally on the decline during the period 2011-2015, as illustrated in figure 3.

¹⁵ Ministry of Justice, Human Rights and Religious Affairs, 2014.

¹⁶ Observatory for the Rights of Children and Adolescents, 2015. *Niñez y adolescencia desde la intergeneracionalidad*.

Figure 3
Cases of physical and psychological abuse, 2011-2015¹⁷



Source: National Directorate of the Special Police for Children and Adolescents — Ministry of the Interior.

57. With reference to paragraphs 46 and 47 of the concluding observations, concerning the United Nations study on violence against children (A/61/299), the Committee's recommendations on corporal punishment and its general comment No. 8 (CRC/C/GC8, 2006), the Comprehensive Criminal Code defines physical violence against women or other members of the family as a criminal offence, while the Organic Act on Intercultural Education sets out rules for preventing and dealing with abuse and violence in schools (arts. 7, 11, 66 and 132), safeguards the integrity of students, provides for the mandatory reporting of any kind of abuse (arts. 3, 7 and 11), and establishes penalties for violating the rights of members of the educational community that range from suspension to dismissal (art. 133).

58. The Ministry of Education has established 929 student counselling departments in compliance with existing legislation.¹⁸ In accordance with the aforementioned measures, the "Yes, teacher" programme provides training for teachers in human development, gender, sexual offences, the protocol for care and the restoration of rights, the prevention of drug dealing, consumption and use, and conflict resolution, among other topics. Training was provided to 1,378 teachers in 2015, and training for a total of 28,000 is envisaged in 2016 and 2017.

59. The Ministry of Public Health has trained over 34,000 health-care professionals in human rights and has conducted an educational and awareness-raising campaign under the slogan "We have rights". Technical regulations on comprehensive care have been applied since 2014,¹⁹ and cases involving violence are attended by a health-care team composed of a doctor, a psychologist, a nurse and a social worker. In addition, 203 hospital emergency rooms and 1,520 health centres have been authorized to treat victims of ill-treatment and abuse and to inform the Attorney General's Office immediately of such cases.

¹⁷ Information from 2011 onward. Figures for previous years are not available.

¹⁸ Source: Automated system for monitoring and regulating education, December 2015. Ministry of Education.

¹⁹ Treatment registers include ICD-10 (International Classification of Diseases) codes, which capture variables such as gender violence.

60. In the justice system, since 2014, the Council of the Judiciary, through the National Directorate of Access to Justice Services, has been overseeing a sensitization programme targeting 1,530 officials that encourages them to adopt gender- and human rights-based approaches. This training will continue in the framework of a project supported by UNICEF.

61. Since 2013, the Ministry of Economic and Social Inclusion, through its Directorate for the Prevention of Human Rights Vulnerability, has been carrying out communications campaigns using mobile and static billboards, radio slots and the Internet for which the target audience consists of parents, caregivers and teachers. Subjects covered include the prevention of violence, the eradication of child labour, and the rights of the child and the campaigns are estimated to have reached more than 3 million people. In addition, training has been provided to 28,855 users of protection services using the cascade model.

62. The National Directorate of the Special Police for Children and Adolescents has also provided training, and has organized talks on prevention in educational institutions, communities and police units in order to raise public awareness and, as a corollary, reduce violations of the rights of the child. It is estimated that these efforts have reached over 1 million people. Topics addressed include the prevention of bullying, the consequences of using controlled substances, and duties and responsibilities, among others.

63. The eradication of all forms of ill-treatment of children is a priority for national institutions at the various levels of government. The fight against abuse, in all its dimensions, will therefore continue, alongside efforts to promote collective action and shared family responsibility.

D. Family environment and alternative care settings

Family environment and parental responsibility

64. With regard to paragraph 49 of the concluding observations, concerning preventive measures to strengthen families, in 2014 the Ministry of Economic and Social Inclusion conducted an extensive citizen engagement exercise in which 211,329 parents were invited to reflect on children's rights and development and what constitutes fair and proper treatment. Building on this exercise, in 2015 the Ministry launched "schools for families" (initiative Escuelas de Familia) which are currently attended by about 200,000 parents. The Ministry is also encouraging the 444,150 beneficiaries of the Human Development Bond cash transfer programme to fulfil their duty to keep their children in school, take them for regular health checks and attend to their developmental and emotional needs.²⁰

Provision of childcare and child development services

65. Until 2012, the National Institute for Children and the Family and the Ministry for Social Welfare were providing child care and child development services for boys and girls from birth to 5 years, the aim being to ensure consistency of measures and enhance parents' capacity to fulfil their duty of care towards their children. After the National Institute for Children and the Family and the Ministry for Social Welfare were merged to create the Ministry of Economic and Social Inclusion, new care models were introduced.

66. As a result of institutional and programme-related changes, as of 2012 girls and boys between the ages of 3 and 5 years have been catered for under the preschool education system run by the Ministry of Education. Children aged between 1 and 3 years are catered

²⁰ Families benefiting from the Human Development Bond cash transfer scheme also have access to a human development credit programme.

for by the Ministry of Economic and Social Inclusion, either through attendance at Children's Centres for Good Living or participation in the "Growing with our Children" programme.

67. The Ministry manages 124 Children's Centres for Good Living, directly, while a further 2,166 are run under agreements with NGOs, religious organizations and decentralized autonomous governments.²¹ These centres provide day care, food, early stimulation, health and recreational services to a total of 96,931 girls and boys. Meanwhile, the "Growing with our Children" programme supports families and groups of families through home visits by specialized professionals who provide training in early stimulation, nutrition, health, day-to-day care and protection. The programme is accessible to 219,096 boys and girls and has an average of 1 educator for every 60 children.

68. Technical regulations and an information system have been adopted to ensure the continual improvement of child development services, which are subject to regular monitoring and a yearly evaluation. Improvements have also been made to the working conditions of staff, 767 people are being helped to achieve professional status, and a continuous training programme is being run for the approximately 15,000 individuals involved in the provision of these services.

69. A specialized care model has been developed to cater for children under the age of 5 years whose mothers are deprived of their liberty in social rehabilitation centres. Educators organize one-to-one training activities for these mothers once a week. After reaching the age of 1 year, children living with their mothers in social rehabilitation centres may be cared for in an external Children's Centre for Good Living.

Recovery of maintenance

70. With regard to progress on the right to maintenance, in October 2009 the National Council for Children and Adolescents established a minimum child maintenance payments schedule that is updated on a yearly basis and takes into account the income of the provider, the number of children of the father or mother, and the child's age. The changes made in this area have increased the effectiveness and efficiency of legal proceedings related to maintenance. In 2015, the Council of the Judiciary implemented a unified maintenance system to facilitate the payment and collection process.

Protection of children separated from their parents

71. In response to paragraph 51 of the concluding observations, in 2012 and 2013 the Ministry of Economic and Social Inclusion conducted a survey of 100 public and private sector institutional care facilities in nine provinces. The survey had two components: firstly, organizational and technical aspects, planning, human resources and service provision; and secondly, the social, family and legal situation of 4,511 children and adolescents resident in the facilities, as shown in table 1.

72. The survey served to clarify the legal situation of 1,680 children, of whom 322 were declared eligible for adoption and 440 left institutional care to join an independent living programme. In addition, 1,383 children were able to return to their families under reintegration programmes. The survey also found that the status of 686 children and adolescents was unclear and that these children therefore required special attention and follow-up.

²¹ The Ministry of Economic and Social Inclusion has also granted 1,895 operating permits to public and private sector service providers.

Table 1
Residential care facilities and resident numbers, 2012

| <i>Province</i> | <i>No. of facilities</i> | <i>No. of children</i> | <i>Province</i> | <i>No. of facilities</i> | <i>No. of children</i> |
|-----------------|--------------------------|------------------------|------------------|--------------------------|------------------------|
| Azuay | 12 | 464 | Manabí | 4 | 243 |
| Cañar | 2 | 66 | Morona Santiago | 1 | 30 |
| Cotopaxi | 2 | 112 | Pastaza | 2 | 81 |
| Chimborazo | 3 | 109 | Pichincha | 29 | 1 072 |
| El Oro | 3 | 109 | Santa Elena | 1 | 82 |
| Esmeraldas | 2 | 249 | Santo Domingo | 4 | 177 |
| Guayas | 14 | 1 037 | Sucumbíos | 1 | 27 |
| Imbabura | 6 | 307 | Tungurahua | 4 | 118 |
| Loja | 8 | 158 | Zamora Chinchipe | 1 | 6 |
| Los Ríos | 1 | 64 | | | |
| Total | | | | 100 | 4 511 |

Source: Directorate of Special Protection Services (Residential Placements) of the Ministry of Economic and Social Inclusion, 2012.

Preparation: Directorate of Special Protection Services, 2015.

73. Based on follow-up and analysis undertaken in 2014, of the 2,585 children still in care, 947 were able to clarify their legal status, 151 were declared eligible for adoption and 796 were returned to their families under reintegration programmes. As a result of this exercise, 99 per cent of outstanding legal matters were clarified; the remaining 1 per cent concerned children who had only recently been placed in care.

Periodic review of placement

74. In 2014 and 2015, the Ministry of Economic and Social Inclusion followed up, verified and updated the information on public and private sector care facilities. The 2014 follow-up exercise identified 2,585 children who had been deprived of their family environment. Of that figure, 41 per cent were aged between 5 and 11 years old, 39 per cent were aged between 12 and 18 years old, and 17 per cent were aged under 5 years old.

75. The majority of children (82 per cent) were classified and self-identified as mestizo, while 11 per cent were Afro-Ecuadorian, 6 per cent indigenous and 1 per cent white. Of the total number of children, 316 (11 per cent) had a mental disability, 58 (2 per cent) had a motor disability, and 1 per cent had a sensory impairment. Forty-three per cent had been in care for less than a year, 39 per cent for between 1 and 4 years, 14 per cent for between 5 and 9 years, and 4 per cent for 10 years or more.

76. The main reasons for children's admission to institutional care were ill-treatment (23 per cent) and negligence (23 per cent), followed by abandonment (16 per cent). Children whose mothers or fathers had been deprived of their liberty, children who had been sexually abused, and children in street situations accounted for small percentages of residents. The least frequent causes of admission were orphanhood (3 per cent) and a lack of economic resources at home (0.1 per cent). It was also ascertained that 96 per cent of children were subject to court-ordered judicial measures, 2 per cent were subject to administrative

measures ordered by rights protection boards, and a further 2 per cent, corresponding to recent arrivals, were not subject to any such measures.²²

77. The information collected in 2014 was analysed jointly by the Council of the Judiciary, the Attorney General's Office, the Ombudsman's Office, the National Directorate of the Special Police for Children, the Directorate for Adoption and Clarification of Legal Status and the Directorate of Special Protection Services of the Ministry of Economic and Social Inclusion with a view to engaging in an inter-institutional drive to speed up the process of clarifying children's social, legal and family situation, expedite court proceedings, and guarantee legal representation.

78. Follow-up carried out in 2015 found that 54.74 per cent of children placed in care were girls and 45.27 per cent were boys. Of the total, 81.58 per cent were identified as mestizo, 11.42 per cent as Afro-Ecuadorian, 0.83 per cent as white and 0.35 per cent as Montubio. It was also found that 10.87 per cent of children in care had some form of disability.

79. In terms of length of stay, 42.89 per cent had been in institutional care for 0 to 11 months, 40.87 per cent for between 1 and 4 years, 12.57 per cent for between 5 and 9 years, and 3.65 per cent for 10 years or more. With regard to the children's legal situation, the placement of 95.71 per cent of them had been formalized by judicial measure and 3.13 per cent had had their placement formalized by administrative measure; 1.15 per cent were not yet subject to any such measure as they had only recently been admitted. The reasons for admission were established on the basis of the ruling of the competent authority (judge or cantonal rights protection board).

80. According to available data for 2015 concerning reasons for protection measures being adopted, 26.03 per cent of children admitted to care had been victims of ill-treatment and negligence, 25.23 per cent had been victims of negligence and 15.07 per cent had been victims of neglect. Other reasons (at-risk situations, alleged sexual exploitation, trafficking or sexual violence, children of teenage parents) accounted for 8.61 per cent of total admissions. A further 7.57 per cent of children had been admitted owing to alleged sexual abuse, 6.38 per cent as a result of ill-treatment, 5.83 per cent because they were at risk of ending up on the street, 3.33 per cent because they were orphans, 1.38 per cent because their parents had been deprived of their liberty and 0.51 per cent because their families lacked financial resources. Table 2 shows the number of children attended to by the care services in the period 2009-2015.

Table 2
Placements in foster care and institutional care, 2009-2015

| <i>Year</i> | <i>Total children in foster care</i> | <i>Total children in institutional care</i> | <i>Total children in care</i> |
|-------------|--------------------------------------|---|-------------------------------|
| 2009 | N/A | N/A | 3 026* |
| 2010 | N/A | N/A | 2 975* |
| 2011 | N/A | N/A | 3 015* |
| 2012 | 868 | 4 511 | 5 379 |
| 2013 | 780 | 4 593 | 5 373 |

²² The law gives the authorities 72 hours to decide whether to order protection measures.

| <i>Year</i> | <i>Total children in foster care</i> | <i>Total children in institutional care</i> | <i>Total children in care</i> |
|--------------|--------------------------------------|---|-------------------------------|
| 2014 | 768 | 2 585** | 3 353 |
| 2015 | 980 | 2 520*** | 3 500 |
| Total | 3 396 | 14 209 | 26 621 |

Sources: Directorate of Special Protection Services (Residential Placements) of the Ministry of Economic and Social Inclusion, 2015 — Key Projects Department (Ministry of Economic and Social Inclusion), 2015 — Integrated Information System of the Ministry of Economic and Social Inclusion, December 2015.

Preparation: Directorate of Special Protection Services, 2015.

* Figures for 2009, 2010 and 2011 do not distinguish between foster and institutional care models.

** Includes direct care institutions, public and private sector care institutions and institutions for persons with disabilities.

*** Includes direct care institutions and public and private care institutions.

81. The data contained in table 3 indicate that, as a result of the legal clarification processes undertaken in care institutions, 2,635 cases were resolved in the period 2013-2015, with 831 children being declared eligible for adoption and 1,804 subject to family reintegration measures.

Table 3
Legal processes resolved, 2013-2015

| <i>Legal situation</i> | <i>2013</i> | <i>2014</i> | <i>2015</i> | <i>Total children and adolescents with legal processes resolved</i> |
|---|-------------|-------------|--------------|---|
| Children declared eligible for adoption | 484 | 151 | 196 | 831 |
| Children declared eligible for family reintegration | N/A | 796 | 1 098 | 1 804 |
| Total | 484 | 947 | 1 305 | 2 635 |

Source: Ministry of Economic and Social Inclusion, Adoption Project Report. Annual management reports of the Directorate of Adoptions and Clarification of Legal Status, 2014 and 2015.

82. In parallel with the verification of the above information, in 2013 the authorities drew up technical regulations for institutional and foster care arrangements, which were adopted by Ministerial Agreements No. 160 and No. 170. In 2014, these agreements were amended by Ministerial Agreement No. 334 and, in 2015, the regulations were again updated in light of the outcomes of their implementation and evaluation.

83. Within the framework of a programme designed to keep children out of the country's prisons (the "Ecuador sin Niños en las Cárcels" programme) launched in 2007, in 2015 a foster care scheme designed to provide comprehensive care for children whose parents have been deprived of their liberty was initiated. Technical regulations and standards have also been developed for this care scheme.

Children of migrant families

84. An institutional network is in place for the care and protection of children of migrant families, which provides them with psychological support and prepares them for the family

reunification process. Parents are given advice and information about reunification application procedures and return programmes through the Ecuadorian consulates.

85. Ecuadorian migrant families residing in Italy who have been separated from their children by the social services receive consular advice and support. Since 2014, the authorities have followed up on 127 cases of children separated from their families for various reasons. As of December 2015, custody of 37 children had been recovered. Of this total, 29 were reunited with their parents in Italy and 8 were returned to Ecuador with their immediate or extended family.²³

Central authority

86. In the institutional changes that accompanied the creation of the National Council for Intergenerational Equality, the Ministry of Economic and Social Inclusion was designated the central authority, pursuant to Ministerial Agreement No. 000080 of 2015 and the Special Directorate for Central Authority was established within the Office of the Undersecretary for Special Protection. This Directorate is currently developing tools to improve the services available to Ecuadorian citizens, providing for the implementation of procedures that should ensure the voluntary return of children and adolescents and/or facilitate amicable settlements in international recovery processes.

87. Tables 4 and 5 provide statistics on children returned in the period 2008-2015. Between 2008 and 2011, 37 cases were recorded. In the period 2012-2015, 41 cases were closed, but 127 have remained open since 2012. A total of 168 returns took place in 2014 and 2015, with 41 cases being closed during the same period.

Table 4
Cases of restitution, 2008-2011

| <i>Year</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> |
|--------------------|-------------|-------------|-------------|-------------|
| No. of cases | 3 | 7 | 8 | 19 |
| Total cases | | | | 37 |

Source: Former Council for Children and Adolescents: this information is contained in the inactive case files that were transferred to the Ministry of Economic and Social Inclusion.

Table 5
Cases of restitution, 2012-2015

| <i>Year</i> | <i>Total cases of restitution</i> | | <i>Closed cases</i> | |
|--------------------|-----------------------------------|-----------------|---------------------|-----------------|
| | <i>Sent</i> | <i>Received</i> | <i>Sent</i> | <i>Received</i> |
| 2012-2015 | 60 | 108 | 24 | 17 |
| | Total 168 | | Total 41 | |
| Current cases: 127 | | | | |

Source: Ministry of Economic and Social Inclusion, 2015.

88. In fulfilment of its duties, in conjunction with the Ombudsman's Office, the Special Directorate provides legal support for international restitution processes and, in conjunction

²³ The Ministry of Foreign Affairs and Human Mobility, through the Office of the Deputy Minister for Human Mobility, plans to extend this service to migrant families residing in Spain and the United States.

with the Council of the Judiciary, participates in a working group that monitors and endeavours to ensure compliance with the Hague Convention on the Civil Aspects of International Child Abduction (1980). The Directorate is also responsible for compliance with the following instruments:

- The Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.
- The Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.
- The Inter-American Convention on Support Obligations, ratified on 5 October 2000.
- The Inter-American Convention on International Traffic in Minors, ratified on 20 May 2002.
- The Convention on the Recovery Abroad of Maintenance (New York Convention) of June 1956.

Adoption

89. In response to paragraph 53 of the concluding observations, six regional adoptions units and six family assignment committees were established in 2013 with the aim of maintaining oversight and control over all the different phases of adoption proceedings and over adoption agencies. In the same year, the Ministry of Economic and Social Inclusion issued Ministerial Agreement No. 0194, approving the guidelines regulating the procedure for clarifying the social, legal and psychological status of children, which establish a 90-day deadline for submitting the relevant inquiry reports, prepared in conjunction with the Attorney General's Office, National Directorate of the Special Police for Children and Adolescents and the specialist units of the judiciary, to the competent authority.

90. Between 2013 and 2015 campaigns were run on Facebook, Google Ads and the VEOVEO multimedia platform for children to raise social awareness of the situation of children who are difficult to place for adoption. Sensitization programmes were also run for 300 family and women's court judges who are competent to rule on such cases.

91. During the period 2009-2015, in the framework of inter-agency cooperation, training was provided to 4,061 officials including judges, public defenders, public prosecutors, officers of the Special Police for Children and Adolescents, specialist staff working in adoptions units and care institutions, the legal representatives of international adoption agencies,²⁴ and regional and district-level special protection officers. According to the Directorate of Adoptions and Clarification of Legal Status, 801 domestic adoptions and 179 international adoptions were processed between 2009 and 2015.

Special protection measures

92. In 2008, with a view to improving services and guaranteeing comprehensive protection and care for children and adolescents in need, the Ministry of Economic and Social Inclusion engaged in a consultative process to formulate special protection methodologies, guidelines, procedures, protocols and instruments, drawing on the

²⁴ Three from Italy, three from the United States, and one from each of Belgium, Spain and Sweden.

knowledge acquired through the Citizen's Tending Loving Care Programme²⁵ and the findings of interviews with rights holders and their families.²⁶

93. As a result, 28 special protection centres²⁷ were set up to support and nurture shared responsibility among citizens and to restore the rights of children and adolescents who are at risk or have suffered violations.

94. Rights protection centres²⁸ intervene in situations of ill-treatment, sexual, labour and economic exploitation, trafficking and smuggling, loss, deprivation of liberty of the child's parents, domestic and international migration, refugee status, disability and eligibility for adoption. The services they provide include family support and guidance, emergency care, crisis intervention, emotional containment, identification of complementary services, monitoring and follow-up. The centres coordinate their activities with those of the rights protection boards, the Attorney General's Office, the courts and the Special Police for Children and Adolescents, as appropriate. Methodologies are tailored to the needs of children and are gender-specific.²⁹

95. By 2012, the number of rights protection centres in operation had risen to 81, of which 49 were managed by the Ministry of Economic and Social Inclusion and 32 were managed by NGOs.³⁰ In that year, assistance was provided to 23,490 children, while in 2013 a total of 10,478 cases were handled. Table 6 shows the number of cases handled by the rights protection services between 2008 and 2015.

Table 6
Cases of rights violations handled, 2008-2015

| <i>Year</i> | <i>Protection services</i> | <i>Cases</i> | <i>Source</i> |
|-------------|--|--------------|--|
| 2008 | 28 Tender Loving Care Centres (Centros Ternura) established under a pilot agreement with UNICEF. | N/A | Consultations on special protection for children, adolescents and their families |
| 2009 | Implementation phase, of rights protection centres. | N/A | Ministry of Economic and Social Inclusion, National Institute for Children and the Family and UNICEF modules |
| 2010 | 68 | 26 580 | Consolidated figures of Directorate of Special Protection Services |
| 2011 | 73 | 38 695 | Consolidated figures of Directorate of Special Protection Services |

²⁵ Developed and implemented in previous years by the National Institute for Children and the Family.

²⁶ Ministry of Economic and Social Inclusion, 2011. *Sistematización de la experiencia centros de protección de derechos del área de protección especial del MIES-INFA. Informe final*. (Organizing experience: rights protection centres run by the special protection services of the Ministry of Economic and Social Inclusion and the National Institute for Children and the Family. Final report).

²⁷ The specialist teams are made up of social work, psychology, family therapy, education, law and services professionals.

²⁸ Now known as Specialized Special Protection Services.

²⁹ See National Institute for Children and the Family — Ministry of Economic and Social Inclusion — UNICEF. *Ruta de denuncia. Centros de protección de derechos*. (How to lodge a complaint. Rights protection centres).

³⁰ Report produced by the rights protection centres network. Office of the Undersecretary for Special Protection of the Ministry of Economic and Social Inclusion, 2015.

| <i>Year</i> | <i>Protection services</i> | <i>Cases</i> | <i>Source</i> |
|-------------|----------------------------|--------------|--|
| 2012 | 81 | 23 490 | Risk and Emergency Information System ³¹ |
| 2013 | 60 | 10 478 | Risk and Emergency Information System |
| 2014 | 55 | 16 632 | GPR (Government by Results) |
| 2015 | 55 | 15 272 | Consolidated figures of Directorate of Special Protection Services |

Source: Directorate of Special Protection Services — Specialized Special Protection Services — Ministry of Economic and Social Inclusion, 2015.

96. In May 2012, the construction of a social safety net³² to promote inclusion, social mobility and a gradual exit from poverty was established as a public policy. Building this safety net required an organizational restructure in which the National Institute for Children and the Family was merged into the Ministry of Economic and Social Inclusion and a new social protection programme was designed.³³

97. Under the new institutional structure, the legal assistance formerly provided by protection services is now provided by the Public Defender Service (in cases related to the payment of maintenance), the Attorney General's Office (in cases of sexual abuse) and the juvenile courts (in cases related to custody and visiting arrangements). In addition, mechanisms were established to ensure coordination with the Ministry of Education in preventing and responding to sexual offences, and with the bodies responsible for the National Intersectoral Strategy for Family Planning and the Prevention of Adolescent Pregnancies in fighting teenage pregnancy. As a result, a number of cases were transferred to the corresponding institutions in 2012 and 2013.

98. The Public Defender Service provides legal assistance at the national level on family- and child-related matters including maintenance, custody, visiting arrangements, restitution of rights, protection measures, paternity testing and adoption. In 2014, the Public Defender Service created a specialized unit, pursuant to Resolution No. DP DPG-2014-043, which provides legal assistance to children and adolescents who have been victims of offences against their sexual integrity.

99. The Public Defender Service has 167 branches nationwide and, in conjunction with universities, decentralized autonomous governments and NGOs, has established a national network of legal clinics. It also operates mediation centres and mobile units whose key purpose is to reach rural areas and to foster a culture of peace by increasing public awareness of the possibility of amicable dispute settlement.

100. In 2015, the Public Defender Service provided legal assistance in 3,716 cases involving members of this priority group, and to the victims of 21,336 cases of domestic violence. The Service works in coordination with the rights protection centres and with both public and private sector entities. Its services include the provision of assistance to children, adolescents and pregnant women, and in 2015 it dealt with 78,548 such cases.

101. Because intersectoral coordination and complementarity of service provision are vital to guarantee children's reintegration and the restitution of their rights, the Government

³¹ Summary report of the Risk and Emergency Information System. 2012. Ministry of Economic and Social Inclusion.

³² Social safety net.

³³ Ministry of Economic and Social Inclusion, management report on protection services (Janeth Borja, 2015).

believes that it is necessary to strengthen the special protection system throughout the country.

E. Disability, basic health and welfare

102. Regarding paragraph 57 of the concluding observations, the State has continued to strengthen policies, programmes and public spending to address children's right to life, survival and development. In addition, it continues to pay special attention to the prevention and reduction of infant mortality, malnutrition and disability, and to the overall health of children and adolescents.

Children with disabilities

103. Regarding the steps taken to ensure that children with disabilities enjoy dignity, autonomy and access to all types of services, the Office of the Vice-President and the National Council for Persons with Disabilities have been implementing public policies and spearheading social dialogue activities in this area since 2007.

104. The strategies adopted to this end have included promoting solidarity and respect, helping 229 municipalities to remove architectural barriers and set up basic rehabilitation units, strengthening the five national federations of persons with disabilities, ensuring early detection, establishing 80 early stimulation units and providing technical and economic assistance and individual incentives. The progress made towards the inclusion of persons with disabilities has been recognized at the international level.

105. According to the National Registry of Persons with Disabilities of the Ministry of Health, between 2013 and 2016 there were 66,837 users between the ages of 0 and 19 years (tables 7 and 8).

Table 7

Persons with disabilities aged 0-9 years, by type of disability and gender, 2013-2016

| <i>Type</i> | <i>Female</i> | <i>Male</i> | <i>Total</i> |
|---------------|---------------|---------------|---------------|
| Hearing | 586 | 707 | 1 293 |
| Physical | 3 669 | 4 438 | 8 107 |
| Intellectual | 3 236 | 3 963 | 7 199 |
| Speech | 111 | 204 | 315 |
| Psychological | 37 | 74 | 111 |
| Psychosocial | 193 | 502 | 695 |
| Visual | 413 | 547 | 960 |
| Total | 8 245 | 10 435 | 18 680 |

Source: Ministry of Health, 2016.

Table 8

Persons with disabilities aged 10-19 years, by type of disability and gender, 2013-2016

| <i>Type</i> | <i>Female</i> | <i>Male</i> | <i>Total</i> |
|--------------|---------------|-------------|---------------|
| Hearing | 2 090 | 2 461 | 4 551 |
| Physical | 5 797 | 7 114 | 12 911 |
| Intellectual | 11 020 | 14 418 | 25 438 |

| <i>Type</i> | <i>Female</i> | <i>Male</i> | <i>Total</i> |
|---------------|---------------|---------------|---------------|
| Speech | 415 | 623 | 1 038 |
| Psychological | 190 | 331 | 521 |
| Psychosocial | 297 | 580 | 877 |
| Visual | 1 244 | 1 577 | 2 821 |
| Total | 21 053 | 27 104 | 48 157 |

Source: Ministry of Health, 2016.

Information from May 2013 to 13 January 2016 (Ministry of Health, 2016)

106. Since the implementation of the Comprehensive Health Care Model in 2011, the Ministry of Health has guaranteed the following services for children with disabilities: training for parents and caregivers, prevention and rehabilitation. These services are provided free of charge in all health-care facilities under the Ministry of Health nationwide. In order to ensure quality care for this population group, the country has five specialized comprehensive rehabilitation centres that provide tailored medical care and technical aids free of charge. Table 9 shows the type of technical aids provided in 2015.

Table 9

Technical aids provided by the Ministry of Health in 2015

| <i>Technical aid</i> | <i>Total number</i> |
|------------------------------|---------------------|
| Glasses | 35 594 |
| Walker with wheels | 276 |
| Walker without wheels | 138 |
| Paediatric wheelchair 12 | 171 |
| Paediatric wheelchair 14 | 176 |
| Paediatric positioning chair | 290 |

Source: Ministry of Health, 2016.

107. In reference to paragraph number 57 of the concluding observations, on the integration of children with disabilities in the education system, it should be noted that out of a total of 18,368 children aged 3 to 17 years old, 62,431 (78 per cent) are in the national education system (2014 survey of living conditions). According to the Ministry of Education, 11,473 children with disabilities were in special education facilities in 2014/2015.³⁴

108. In order to provide special protection to children with disabilities or catastrophic, rare or orphan diseases and children living with HIV/AIDS, the Ministry of Economic and Social Inclusion has been providing, through the Joaquín Gallegos Lara voucher scheme, a non-contributory monthly allowance of US\$ 240 to 9,033 individuals under the age of 18 since 2010. Most of the recipients are aged 0 to 14 years (7,255) and 1,778 are aged between 15 and 17 years. Of these children, 7,869 have a severe disability, 798 have a catastrophic, rare or orphan disease and 366 live with HIV/AIDS.³⁵

³⁴ Main Archive of Educational Institutions, Ministry of Education, 2015.

³⁵ Ministry of Economic and Social Inclusion, 2016. National Disability System of the Ministry, as at January 2016.

109. In 2013, the Ministry of Economic and Social Inclusion established the Office of the Under-Secretary for Disabilities and Family and issued technical regulations for the implementation and functioning of services. In 2015, the Ministry began providing services to persons with disabilities through 1,270 assistance units, 9 of which are managed directly while the rest are managed through agreements with social or religious organizations and local governments. Of these, 41 units are day facilities that provide comprehensive care and development services, catering for 1,690 people; 13 units are inclusive referral and reception centres for persons in situations of neglect, with a total of 306 users; and 1,216 are units that provide in-home and community-based assistance, benefiting 31,063 persons with disabilities.

110. Through these services, 9,931 children with disabilities, including 1,355 under the age of 5 and 8,576 between the ages of 6 and 17, received assistance under the three care models mentioned above in 2015. Together, these children constitute 30 per cent of total recipients of the assistance and care services provided by the Ministry.

111. Regarding accessibility, it should be noted that the methodology used by the Government of Ecuador to develop universal accessibility plans has been internationally recognized by the Design For All Foundation, having won its best practice award in 2015. Applying this methodology, advice on accessibility has been provided to 149 educational establishments, 9 museums, 3 libraries, 5 shelters, 4 health centres and 1 naval base, and advice on mobility in the historical centre has been provided to the city of Cuenca.

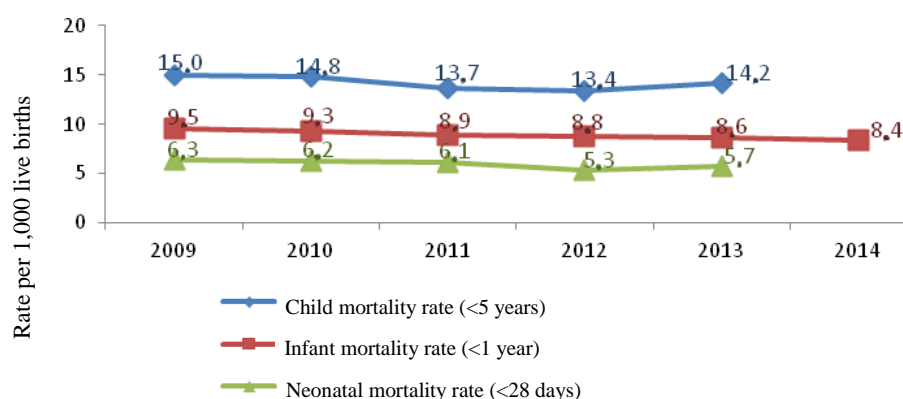
112. In addition, the inclusive community development strategy was rolled out in 130 cantons in 2015. The strategy is supported by an institutional framework composed of networks of committees of persons with disabilities who work to enforce rights, community facilitators to promote local advocacy, and outreach teams to coordinate local services.

Primary health care

113. Available data show a progressive reduction in mortality among children under 1 year of age, as illustrated in figure 4. Although the neonatal mortality rate fell from 6.3 deaths per 1,000 live births in 2009 to 5.7 in 2013, the 2013 rate is higher than in 2012, when it stood at 5.3 per 1,000 live births. The under-5 mortality rate also fell, from 15 deaths per 1,000 live births in 2009 to 14.2 in 2013, but also saw an uptick between 2012 and 2013.

Figure 4

Neonatal, infant and child mortality (per 1,000 live births)



Source: National Secretariat of Planning and Development, 2015.

Prevention of infant mortality

114. The detailed information in table 10 shows the change in immunization coverage for the BCG, pentavalent, anti-poliomyelitis and MMR vaccines in the period 2009-2015.

Table 10
Immunization coverage, 2009-2015

| Year | Under 1 year of age | | | 12 to 23 months |
|------|---------------------|---------------------------|----------------------------------|---------------------|
| | BCG* | Pentavalent (third dose)* | Anti-poliomyelitis (third dose)* | MMR1 (single dose)* |
| 2009 | 3.08 | 20.07 | 102.13 | 0.11 |
| 2010 | 116.70 | 109.36 | 108.80 | 110.68 |
| 2011 | 117.04 | 104.62 | 104.85 | 94.39 |
| 2012 | 121.68 | 114.36 | 114.19 | 101.32 |
| 2013 | 89.94 | 87.37 | 87.12 | 96.51 |
| 2014 | 88.70 | 82.86 | 84.10 | 85.31 |
| 2015 | 105.38 | 67.35 | 73.43 | 75.38 |

Source: Regular schedule database 2009-2015.

Preparation: National Bureau of Health Information Statistics and Analysis.

* NB: The BCG vaccine protects against tuberculous meningitis; pentavalent protects against diphtheria, pertussis, tetanus, hepatitis B and haemophilus influenza type B; the anti-poliomyelitis vaccine protects against poliomyelitis (acute flaccid paralysis); and the MMR vaccine protects against measles, mumps and rubella.

Strengthening health services

115. Once the comprehensive care model for family, community and intercultural health had been implemented, the Ministry of Health reorganized services in accordance with local needs and the level of complexity (first tier: health centres; second tier: basic and general hospitals; third tier: specialized hospitals). Each level of care comes with a set of services tailored to each stage of life. Table 11 summarizes the services and relevant regulations corresponding to the first tier of care.

Table 11
Package of services provided under the comprehensive care model for family, community and intercultural health, by stage of life

| <i>Age groups</i> | <i>Regulations/protocols</i> | <i>Package of comprehensive services</i> |
|--|--|---|
| Newborns 0 to 28 days | Regulations on the care of children Neonatal regulations and protocol Comprehensive care of early childhood diseases Standards of the extended programme on immunization | Promotion Prevention |
| Breastfeeding children 29 days to 11 months | Regulations on the care of children Comprehensive care of early childhood diseases Standards of the extended programme on immunization | Recovery Rehabilitation Home visits |
| Children aged 1 to 4 | Guide on eye care for children | Risk assessment using the family form: |
| Children aged 5 to 9 | Rules and procedures for oral health | biological risk socioeconomic risk environmental risk |
| Adolescents age 10 to 19 | Rules and procedures for comprehensive adolescent health care Comprehensive adolescent care protocol Standards of the extended programme on immunization Rules and procedures for oral health | |

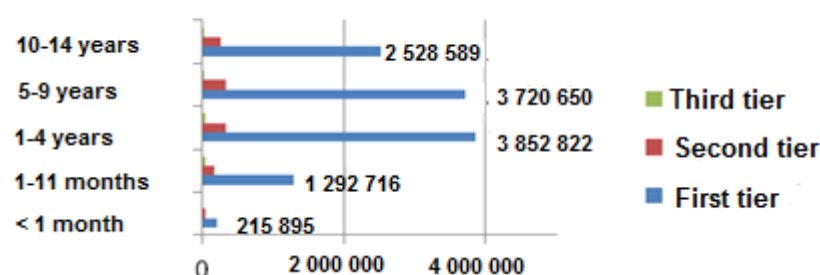
Source: Comprehensive care model for family, community and intercultural health.

Preparation: National Directorate of First-Tier Health Care.

116. Regarding access to public health-care services, in 2013 children aged 0 to 14 years (figure 5) were attended to in a total of 15,517,588 outpatient consultations for treatment and preventive care, approximately 80 per cent of which took place in primary health-care centres. In 2014, there were 14,447,551 such consultations, as shown in figure 6. Social security coverage rose from 17 per cent in 2004 to 34 per cent in 2014 owing to improvements to the social security system, which doubled its number of members.

Figure 5

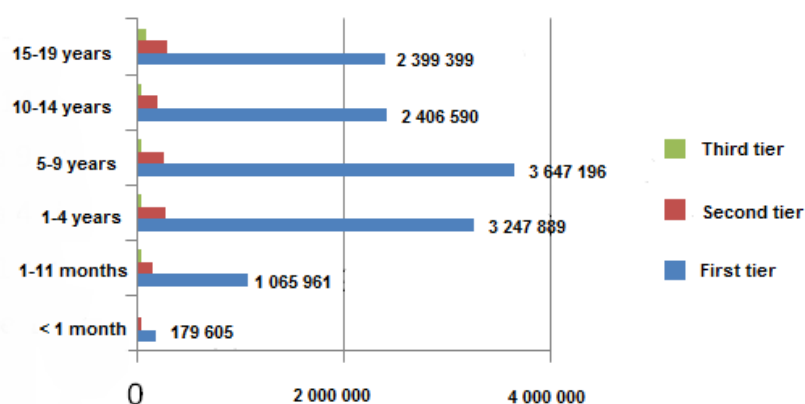
Consultations in first-, second- and third-tier health-care facilities: children and adolescents, 2013



Source: National Bureau of Health Information Statistics and Analysis, automated daily log of doctor's visits and outpatient treatments, 2013.

Preparation: National Directorate for the Promotion of Health.

Figure 6
Consultations in first-, second- and third-tier health-care facilities: children and adolescents, 2014



Source: National Bureau of Health Information Statistics and Analysis, automated daily log of outpatient consultations and treatments, 2014.

Preparation: National Directorate for the Promotion of Health.

Nutrition

117. Data from the Ministry of Health show that 43 per cent of newborns are breastfed exclusively for five months, a percentage that falls progressively as they approach 6 months of age. Although available data reveal a drop in malnutrition of 8.4 percentage points between 2004 (34 per cent) and 2012, current figures for underweight, wasting³⁶ and moderate to severe stunting, which can be seen in table 12, show that chronic malnutrition is prevalent among children under age 5 (25.3 per cent). Consequently, the Social Development Agenda sets the goal of reducing this indicator to 17.3 per cent by 2017 through the Action on Nutrition strategy.

Table 12
Nutritional indicators

| Indicator | Prevalence |
|---|------------|
| Proportion of children with low birth weights (<2 500g) | 6.8% |
| Children under 5 with low weight (weight/age) | 6.4% |
| Children under 5 with wasting (weight/height) | 2.4% |
| Children under 5 with stunting (height/age) | 25.3% |

Source: Ministry of Health, 2016.

118. In addition, recent years have seen a rise in overweight and obesity rates owing to changes in the population's eating habits and to sedentary lifestyles. According to available data, 8.5 per cent of preschool children, 30 per cent of school-age children and 26 per cent

³⁶ "Moderate malnutrition can be due to a ... low weight-for-height (wasting) or a low height-for-age (stunting) or to a combination of both. Similarly, moderate wasting and stunting are defined as a weight-for-height and height-for-age, respectively, between -3 and -2 z-scores." World Health Organization. http://www.who.int/nutrition/topics/moderate_malnutrition/en/.

of adolescents are overweight or obese (Ministry of Health, National Health and Nutrition Survey 2011-2013).

119. The Ministry has carried out various initiatives designed to reduce the prevalence of chronic malnutrition among children under 5 years and overweight and obesity in the school-age population. This strategy is tied to the child development programmes run by the Ministry of Economic and Social Inclusion and forms part of the Full Childhood programme coordinated by the Ministry for the Coordination of Social Development.

120. The Zero Malnutrition project under way since 2011 includes regulations and protocols for prenatal and postnatal nutritional advice programmes, as well as primary prevention and control measures to address overweight and obesity in children and adolescents. Under the aforementioned strategy, the Ministry of Health provides micronutrients (iron and vitamin A) for children aged between 6 and 39 months, and the technical regulations on the care and nutrition of children aged under 3 years are applied through the Children's Centres for Good Living and the "Growing with our Children" programme.

121. As a result of the combined actions of State and society, approximately 34,400 women are receiving breastfeeding advice and 17,800 women are donating breast milk. Under this project, breastfeeding rooms have been set up in public and private sector businesses.

122. To complement the actions described above, a food and nutrition guide for pregnant and breastfeeding women is being disseminated and women can obtain advice on gestational nutrition, breastfeeding and complementary feeding through a telephone hotline.

123. To benefit children enrolled in school, regulations on the oversight of school canteens in the national education system were issued in 2014 and a national programme for monitoring iodine deficiency disorders with a focus on epidemiological surveillance in schools is under way.

124. Food was provided to 2,872,076 students³⁷ through the School Meals Programme during the 2015 school year, which was twice the coverage achieved in 2009, when 1,433,202 students benefited from the Programme.³⁸

125. Guidelines for implementing the monitoring system for the wheat flour fortification programme and a procedural manual for the quality control, monitoring and distribution of nutritional supplements and fortified foods of mass consumption were drafted in 2012. To regulate the production and marketing of foods, limits on trans fats in edible fats and oils, margarine and other ingredients for food producers, bakeries, restaurants and catering services were set in Agreement No. 00004439. In addition, the health regulations on the labelling of processed foods for human consumption established in Agreement No. 00004522 were updated in 2014.³⁹

126. In response to the Committee's recommendation regarding the dissemination of the International Code of Marketing Breast-milk Substitutes, action has been taken in three areas: legislative amendments; monitoring and control to ensure compliance by public and private institutions; and regulation and oversight of advertising.

³⁷ Statistical data from the Office of the Under-Secretary of School Administration, Ministry of Education, 2016.

³⁸ School breakfasts meet 90 per cent of students' energy needs and provide 85 per cent of the protein required at that time of day.

³⁹ Ministerial Agreement No. 00005103 (2014).

Appropriate prenatal and postnatal care for mothers

127. To address maternal and neonatal mortality, the Ministry of Health has launched a national maternal and neonatal mortality reduction plan under which counselling and family planning services are available in health centres and through the telephone hotline. The plan is designed to encourage early prenatal visits, increase public awareness of danger signs in pregnancy and promote integrated birthing practices.

128. Regarding obstetric care, 222,245 women received prenatal care in 2014, an increase of 1.7 per cent relative to 2013. In addition, 71 birthing facilities were upgraded, making possible 4,830 births in which the mother was free to choose her birthing position and 11,239 accompanied births.

129. To improve the quality of care, the Ministry of Health has developed, and is applying, clinical practice guides on pregnancy-related hypertensive disorders, urinary tract infections during pregnancy, miscarriage, birth and postpartum care, managing neonatal sepsis; guides to monitoring newborns and premature babies, managing congenital hypothyroidism, and monitoring pregnant adolescents; and regulations for obstetric and basic neonatal care (2013).

130. Technical regulations for assimilating traditional midwifery practices and knowledge within the national health system, which recognize the work of traditional midwives on the basis of parameters agreed collectively within the community, have been published as a means of providing culturally relevant obstetric care.

Treatment of the most prevalent health problems, promotion of physical and mental health, and prevention and treatment of transmittable and non-transmittable diseases

131. To prevent and treat transmittable and non-transmittable diseases in children and adolescents, the Ministry of Health has rolled out a neonatal metabolic screening programme designed to facilitate the early detection and management of metabolic defects.⁴⁰ The programme's coverage has grown from 78.05 per cent in 2013 to 87.34 per cent in 2014 (table 13).

Table 13

Total number of children undergoing screening for the first time

| <i>Period</i> | <i>Children screened</i> |
|---------------|--------------------------|
| 2011-2012 | 176 340 |
| 2013 | 225 432 |
| 2014 | 212 422 |
| 2015 | 227 276 |

Source: Software system used to record and report the test results obtained through neonatal metabolic screening.

Preparation: Neonatal metabolic screening programme.

132. Screening tests have detected numerous cases since the launch of the programme, as summarized in table 14, covering the period 2011-2015.

⁴⁰ Pursuant to Ministerial Agreement No. 00004779 (2014), the neonatal metabolic screening test has been implemented in all institutions forming part of the national health system.

Table 14
Cases diagnosed through neonatal metabolic screening

| <i>Pathology</i> | 2011 | 2012 | 2013 | <i>Jan-Nov</i> | | Total |
|--------------------------------|------|------|------|----------------|------|--------------|
| | | | | 2014 | 2015 | |
| Congenital hypothyroidism | 1 | 39 | 80 | 44 | 9 | 173 |
| Congenital adrenal hyperplasia | 0 | 8 | 30 | 7 | 12 | 57 |
| Phenylketonuria | 0 | 2 | 6 | 7 | 1 | 16 |
| Galactosemia | 0 | 4 | 4 | 2 | 5 | 15 |

Source: Ministry of Health, 2016.

133. With a view to ensuring quality of care, between 2012 and 2015 the Ministry of Health developed clinical practice guides and standards for various areas, including, notably: the prevention and control of mother-to-child transmission of HIV and congenital syphilis and the comprehensive care of children with HIV/AIDS; the diagnosis, treatment and follow-up of children and adolescents with galactosemia; Gaucher disease type 1; phenylketonuria; the care of premature newborns; congenital adrenal hyperplasia; osteogenesis imperfecta; the monitoring of adolescent health; the diagnosis and treatment of acne; newborns with respiratory difficulties; and neonatal sepsis.

Adolescent reproductive health and healthy lifestyles

134. In keeping with the recommendation in paragraph 61 of the concluding observations, the Ministry of Health has made laws, services and tools available to the public that guarantee the sexual and reproductive health of adolescents. To this end, the National Intersectoral Strategy for Family Planning and the Prevention of Adolescent Pregnancies, now called the Ecuador Family Plan, has been in place since 2010.

135. Under the Intersectoral Strategy, between 2012 and 2015 all health units in the country were provided with modern contraceptives and equipped with condom dispensers; all primary health-care professionals were trained in sexual and reproductive health; 256 comprehensive care units for adolescents were set up; and two mobile units were sent to priority remote areas.

136. In addition, staff involved in the provision of child development services and the implementation of the Family Strengthening Plan⁴¹ received training in how to assist users of their services, and the youth section of the Ministry of Economic and Social Inclusion provided counselling to 60,000 adolescents. Information campaigns were conducted to raise awareness of responsible sexual practices among some 74,500 adolescents of both sexes. Information and announcements have also been spread through social networks and family planning advice is provided through a hotline (1800-445566).

137. Also in this domain, 56,605 teachers have been trained in sex education, reproductive rights and the prevention of sexual violence; some 3,000 State educational institutions have taken part in campaigns to prevent pregnancy and violence; 63,000 undergraduate students have been certified in the peer-to-peer method and awareness-raising activities have been conducted among 62,000 parents.

138. A new methodology for promoting sexual and reproductive health known as the toolbox, which was developed between 2013 and 2014, includes activities and information

⁴¹ The Family Strengthening Plan is a personalized assistance strategy for families who receive Human Development Bond cash transfers and other allowances that is designed to nurture and/or increase their ability to overcome poverty.

tailored to various audiences. In addition, a large-scale information campaign on contraception and family planning was carried out through 100 health-care establishments with the support of 2,506 health-care professionals.

139. A 19.3 per cent increase in preventive care consultations and a 10.4 per cent in family planning consultations were achieved as a result of these initiatives. The teenage pregnancy rate — measured as the age-specific fertility rate for girls between the ages of 10 and 14 — fell from 2.8 to 2.51 births per 1,000 girls between 2010 and 2013, representing a 10.2 per cent reduction. Over the same period, the fertility rate among 15- to 19-year-old girls dropped from 83.69 to 72.93 births per 1,000 women, or a reduction of 12.9 per cent.⁴²

140. A survey to investigate men's perceptions of sexual and reproductive health was conducted in 2014 with a view to obtaining feedback on the reproductive health strategies in place. Based on the findings, the authorities began promoting dual protection methods as a means of preventing both unplanned pregnancies and sexually transmitted diseases.

141. In 2015, samples of contraceptives in Braille and large-type packaging were developed with a view to ensuring access to information and counselling for visually impaired persons. In the same year, counselling services were made available to the public through a telephone hotline.

142. Also in 2015, the Ministry of Health developed the 2016-2020 National Sexual and Reproductive Health Plan, which provides for the involvement of families, teachers and communities. In addition, as part of the educational curriculum for children, adolescents and young people, the "Education is a Family Matter" programme, which includes study modules designed to involve parents in the sexual education of their children and to strengthen family co-responsibility, particularly for learning about sexuality and emotions, has been launched.

Prevention and treatment of HIV/AIDS

143. In response to paragraph 63 of the concluding observations, the objective of the national public health strategy on HIV/AIDS and sexually transmitted diseases is to prevent and reduce levels of exposure to and the risk of HIV and sexually transmitted diseases among adolescents and young people. The activities undertaken under this strategy include, in particular, the nationwide monitoring of sexually transmitted infections. As can be seen in table 15, the number of young persons infected with sexually transmitted diseases declined between 2013 and 2015.

Table 15

Number of adolescents infected with sexually transmitted diseases

| <i>Age group</i> | <i>2013</i> | <i>2014</i> | <i>2015</i> |
|------------------|-------------|-------------|-------------|
| < 15 years | 11 153 | 6 630 | 5 555 |
| 15-19 years | 87 904 | 52 703 | 39 381 |

Source: Ministry of Health, 2015.

144. The Ministry of Health has developed the following tools for the prevention and treatment of sexually transmitted diseases: a national guide on HIV/AIDS (2011); a guide to covering HIV in the media (2012); a community health promoter's guide to HIV/AIDS and sexually transmitted diseases in Ecuador (2011); guides on the comprehensive care of adults and adolescents with HIV/AIDS (2012); and a guide on the prevention and control of

⁴² National Statistics and Census Institute-Ministry of Health.

mother-to-child transmission of HIV and congenital syphilis and on the comprehensive care of children with HIV/AIDS (2012).

Measures to protect children from psychotropic substance abuse

145. In order to prevent and address the abuse of psychotropic substances, the Organic Act on the Comprehensive Prevention of the Socioeconomic Issue of Drugs and the Regulation and Control of Scheduled Substances was promulgated in 2015. In parallel, the Ministry of Health is implementing a national health plan and strategic model for the care of child and adolescent drug users, which is part of an intersectoral strategy involving various ministries in the social sector and the Technical Drug Secretariat.⁴³

146. The Ministry of Education has issued a guide on the comprehensive prevention of the consumption and abuse of drugs for use in the national education system.⁴⁴ Between 2011 and 2013, 170,000 students received training in the issue and between 2009 and 2015 large-scale, long-running campaigns on prevention, guidance and security were carried out that will continue in future.

F. Education, leisure and cultural activities

147. In order to guarantee children's right to education, the authorities are rolling out a strategy that encompasses the following aspects: universal access to free, good quality education; modernization of the education system and management model; upgrade of school infrastructure; development of inclusive schools to facilitate the integration of children with disabilities; support for low-income families as a means of preventing child labour; family schools to improve parent-child relationships; improved nutrition; prevention of violence; and prevention of teenage pregnancy. The following paragraphs provide relevant data on the progress achieved in this domain.

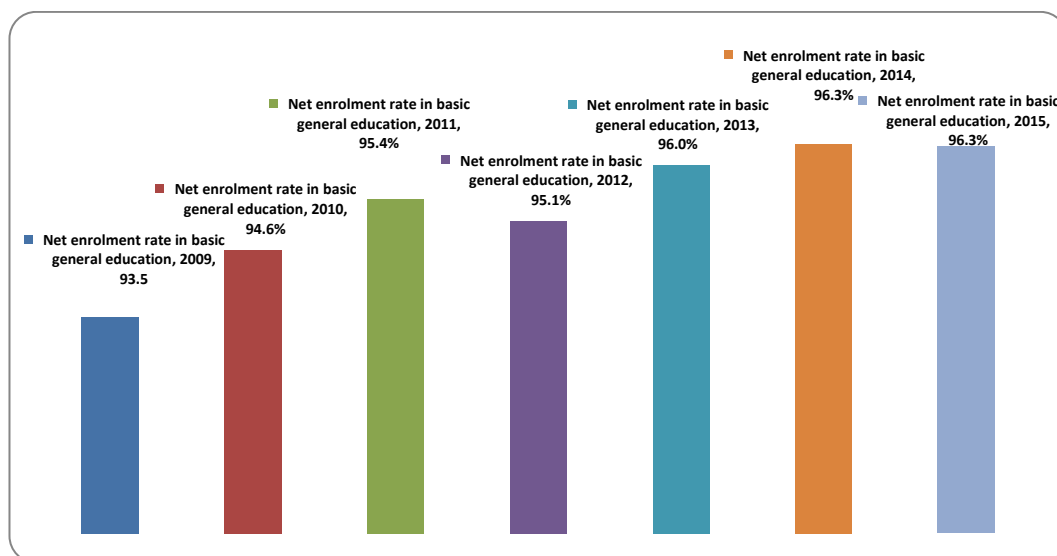
Basic preschool education

148. Regarding access to the education system, the registration systems of the Ministry of Education and the National Statistics and Census Institute reveal an upturn in access to preschool education among children aged 3 and 4 years old, from 21.29 per cent in 2010 to 51.65 per cent in 2014. The incorporation of this population group into the education system is a considerable achievement. Furthermore, as a result of changes to the education system, the net enrolment rate in basic general education rose from 93.5 per cent in 2009 to 96.3 per cent in 2015, as can be seen in figure 7.

⁴³ Formerly the Council on Narcotic and Psychotropic Substances.

⁴⁴ See Ministry of Education. *Educación preventiva integral de los usos y consumos problemáticos de alcohol, tabaco y otras drogas en el sistema educativo nacional* (Comprehensive information for preventing the consumption and abuse of alcohol, tobacco and other drugs in the national education system), 2014: <http://educacion.gob.ec/wp-content/uploads/downloads/2015/07/guia-estudiantes.pdf> (retrieved on 27 January 2016).

Figure 7
Net enrolment rate in basic general education

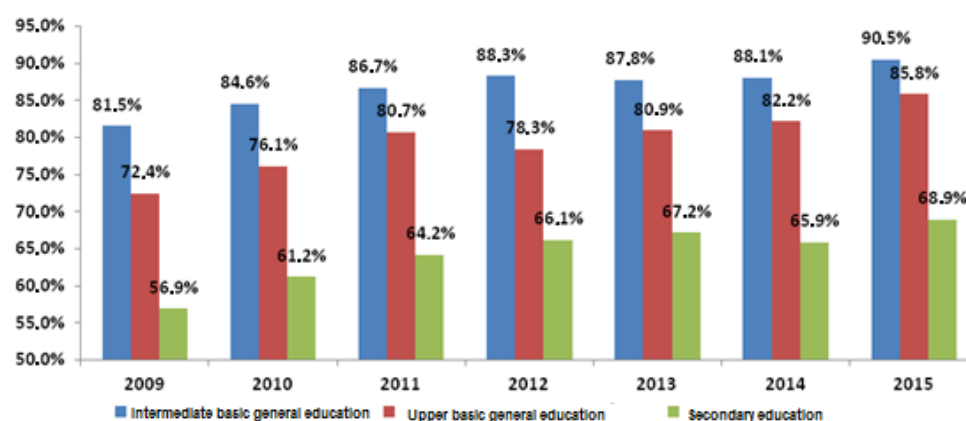


Source: National survey on employment, unemployment and underemployment — National Statistics and Census Institute.

Preparation: Ministry of Education.

149. As can be seen in figure 8, the net adjusted attendance rate was 81.5 per cent in 2009 and 90.5 per cent in 2015 at the intermediate level of basic general education (9-11 years), 72.4 per cent and 85.8 per cent at the upper level of basic general education (12-14 years), and 56.9 per cent and 68.9 per cent in secondary education (15-17 years).

Figure 8
Net adjusted attendance rate: intermediate and upper levels of basic general education and secondary education



Source: National survey on employment, unemployment and underemployment — National Statistics and Census Institute.

Preparation: Ministry of Education.

Note: TNA = net attendance rate.

EGB = basic general education.

150. In 2015, the enrolment rate at the preschool level of ordinary education in State-funded institutions was 48.59 per cent. According to the national survey on employment, unemployment and underemployment, the enrolment rate was 97.52 per cent in basic education and 68.93 per cent in secondary education.

151. The Ministry of Education offers various educational options in an effort to meet the goal set under the National Plan for Good Living, which is to achieve a net attendance rate at the secondary level of 80 per cent by 2017. For persons aged between 18 and 24, the goal is to increase the rate of enrolment in secondary education to 78 per cent.

152. In 2015, the dropout rate was 4.43 per cent in the eighth year of basic education and 8.23 per cent in the first year of secondary education. Under the National Plan for Good Living, the goal is to reduce both dropout rates to 3 per cent by 2017.

153. On ethnic disparities, it should be noted that 44.59 per cent of adolescents aged between 15 and 17 belonging to the population who self-identifies as indigenous are enrolled at the secondary level, compared with 42.06 per cent of persons of African descent and 41.58 per cent of Montubio people in that age bracket.⁴⁵

154. Three strategies have been put in place to ensure access to education and help to keep children and adolescents in school: the distribution of textbooks; the provision of uniforms; and the provision of meals. For all three strategies, priority is accorded to children and adolescents from low-income households in urban and rural areas.

155. In addition, efforts are under way to improve the skills of teachers, to ensure that mothers who receive conditional cash transfers (under the Human Development Bond scheme) are honouring their commitment and to improve educational services (infrastructure, quality of teaching and resource allocation, availability of specialized support units) with a view to encouraging underachieving children in particular and reducing dropout rates.

156. The assistance provided to children who work or who have fallen behind in their studies includes learning support, accelerated learning, intensive basic education, family support, awareness-raising among families and communities and their engagement in efforts to eliminate child labour and ensure oversight of productive sectors.

157. Pursuant to paragraph 65 of the concluding observations regarding the need to address disparities, and in line with the Organic Act on Intercultural Education, educational services recognize specific needs stemming from, inter alia, disabilities, giftedness, age, and academic delay, conflicts with the law, health and place of residence. The goal is to develop pedagogical and operational methods that enable the integration of children regardless of their specific personal or contextual situation.

Cultural rights of children belonging to indigenous and minority groups

158. Regarding paragraph 83 of the concluding observations, it should be noted that the national bilingual intercultural education system addresses interculturalism, ancestral knowledge and identity. The focus is on the person, family, community, people and nation as a means of affirming cultural identity and on the selective and critical appropriation of elements of other cultures.

159. In order to ensure respect for other identities, educational institutions have been set up to preserve the language and ancestral knowledge and know-how of the indigenous nations and peoples of Ecuador. The objectives of these institutions are to strengthen, maintain and revitalize languages, preserve and promote ancestral knowledge and know-

⁴⁵ National Statistics and Census Institute, National survey on employment, unemployment and underemployment, 2015.

how, protect the world views of the nations and promote the sharing of ancestral and Western knowledge.

160. As can be seen in table 16, there are currently 1,795 bilingual intercultural education institutions, with 8,303 teachers. Through them, the Ministry of Education caters for 146,346 children belonging to indigenous peoples and nations.

Table 16
Coverage of the national bilingual intercultural education system

| <i>Zone</i> | <i>Institutions</i> | <i>Teachers</i> | <i>Students</i> |
|--------------|---------------------|-----------------|-----------------|
| Zone 1 | 266 | 1 276 | 25 123 |
| Zone 2 | 316 | 1 582 | 26 881 |
| Zone 3 | 533 | 2 821 | 45 646 |
| Zone 4 | 12 | 59 | 1 207 |
| Zone 5 | 94 | 407 | 7 926 |
| Zone 6 | 427 | 1 341 | 25 610 |
| Zone 7 | 129 | 493 | 6 284 |
| Zone 8 | 8 | 132 | 3 187 |
| Zone 9 | 10 | 192 | 4 482 |
| Total | 1 795 | 8 303 | 146 346 |

Source: National bilingual intercultural education system, Ministry of Education, 2016.

161. The education system is built on a rights-based approach and supported by a conceptual and instrumental framework that facilitates understanding and guides the application of public policies designed to achieve the democratic aspirations of peace, freedom, equality and justice. With these aspirations in mind, the Office of the Under-Secretary for Innovation and Good Living, in coordination with the Office of the Under-Secretary for Educational Basics, has begun training the staff of the Student Counselling Department in topics such as human rights, inclusion, diversity, violence prevention, the culture of peace, gender relations and sexuality.

162. A key area requiring action is the situation of students aged 15 to 17, especially indigenous girls, who have fallen behind in school; 51 per cent of indigenous girls are not in the school system compared to 49 per cent of their male peers. To narrow the gaps, the Ministry of Education is implementing various strategies, as mentioned previously, and will continue to develop them further.

Human rights and civic education

163. The student participation programme fosters innovation, critical thinking and expressive ability among first- and second-year secondary school students by engaging them in the design and implementation of interdisciplinary projects. For first- and second-year students, enrolment in the programme is a prerequisite for obtaining their school leaving certificate.

164. The options available under the programme include: environmental education and reforestation; risk management; the taxpaying culture; civics, human rights and good living; the prevention of alcohol, tobacco and drug abuse; road safety and transportation; and public safety. Under the civics, human rights and good living elective, the development of interdisciplinary educational projects and conduct of activities related to human rights,

civics, identity, interculturalism and multinationalism are encouraged. Some 250,665 students in State-run establishments under the coastal system and 200,802 under the mountain system are enrolled in the student participation programme, giving a nationwide total of 451,497.

Quality of education

165. Regarding the recommendation contained in paragraph 65 of the concluding observations to take the Committee's general comment No. 1 (2001) on the aims of education into account, it should be noted that the State has promulgated the new Organic Act on Intercultural Education and its implementing regulations. These legal tools provide the foundations for a comprehensive education system based on the recognition of rights and the following principles: the reframing of education as a right enjoyed by individuals and communities; the structural and functional overhaul of the national education system; the redefinition of quality and equality in education; and the improvement of the perception of the teaching profession.

166. In response to the recommendation to ensure a sufficient number of fully qualified teachers, the Ministry of Education is running specialized courses tailored to the educational level and subject areas in which the teachers are working. The courses are strengthened through coverage of topics such as inclusion and diversity, the prevention of violence, education as a tool for peace, human, gender and intergenerational relationships and sexuality. The teacher training also covers administration and management, special and inclusive education, interculturalism, and information and communications technologies.

167. These teacher training and capacity-building activities are reinforced through the allocation of bursaries enabling teachers to take courses covering most areas of the curriculum at the preschool, general basic education and secondary education levels. The teachers who began the programme in 2014 will be defending their dissertations in February 2016.

168. Teachers may also enrol in master's programmes in various areas, with the State covering the main costs associated with such studies. The master's options available encompass various levels and topics, from the administration of education to the different aspects of pedagogical management. In total, 2,322 teachers were enrolled in this type of programme in 2014 and 1,880 in 2015.

169. In response to the Committee's recommendation regarding transportation, after carrying out a survey that measured variables including vulnerability and unsatisfied basic needs, the Ministry of Education has adopted an endowment strategy under which the transportation service receives a partial subsidy to provide school transportation in the 36 Millennium Educational Units.⁴⁶ The instructions and technical and legal instruments needed to proceed with the progressive implementation of this project are currently being drawn up, in coordination with the National Transportation Agency.

170. It should be noted that article 46 of the Land Transport, Transit and Road Safety Act stipulates that: "Students at the basic and secondary education levels who can demonstrate their status with a student card issued by the Ministry of Education shall pay a preferential rate of 50 per cent subject to the following conditions: (a) that they use the service during the school year; (b) that they use the service from Monday to Friday; and (c) that, on Saturdays, when there are special events such as parades, community events or academic, cultural and sports events for students, they shall pay a preferential rate of 50 per cent for land transportation."

⁴⁶ Experimental educational institutions.

171. To safeguard the right to recreation and leisure, there are municipal by-laws and controls that regulate the use of public land and open spaces. At the national level, the Government has established a network of parks and open spaces, which are managed by the Urban Parks and Public Spaces Agency and meet the objectives set under the National Plan for Good Living for the creation of green spaces for cultural, recreational and sports activities.⁴⁷

G. Special protection measures

Asylum-seeking and refugee children

172. The Constitution recognizes the right to migrate and does not consider a person to be “illegal” on account of their migration status. Migrant children enjoy all their rights and benefit from special protection measures in Ecuador. Thus, all children in the country, without exception, have access to public services.

173. Regarding paragraph 67 of the concluding observations, Ecuador takes in persons requiring international protection (refugees and asylum seekers) and has adopted various instruments covering the refugee status determination process, including Decree No. 1182 of 2012, the Refugee Status Determination Manual (2014) and the Treatment of Unaccompanied Minors Protocol (2014), which regulates the assistance provided to children and adolescents in need of international protection.

174. In order to provide legal assistance to unaccompanied minors, the Public Defender Service is engaged in institutional coordination initiatives in several of the country’s cities. For example, stakeholders in the city of Guayaquil have agreed on a road map.

175. Between 2009 and 2015, Ecuador received 28,114 refugee applications from minors, of which 7,657 were accepted. Of these, 3,753 were girls (103 aged 0-4 years, 1,838 aged 5-11, 1,812 aged 12-17) and 3,904 were boys (110 aged 0-4, 1,810 aged 5-11 and 1,984 aged 12-17).⁴⁸

176. Within the Ecuadorian education system Strategies to guarantee unrestricted access to education for the children of immigrants have been adopted. In cases where, for whatever reason, families or children do not have the requisite documentation, placement tests have been designed to determine in which level a child should be placed.

177. There are no eligibility requirements for access to health-care services for children and their families and no documents of any form need to be presented in order to receive treatment.

Economic exploitation including child labour

178. Regarding paragraph 71 of the concluding observations, in acceding to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) (Official Gazette No. 924 of 2013) the State undertook to adopt the measures necessary to abolish child labour. A plan for the eradication of child labour was developed in 2007, and is spearheaded by the Ministry of Labour Relations⁴⁹ in conjunction with an inter-agency

⁴⁷ See <http://www.parquesyespacios.gob.ec/> and <http://www.habitatyvivienda.gob.ec/?s=espacios+verdes>.

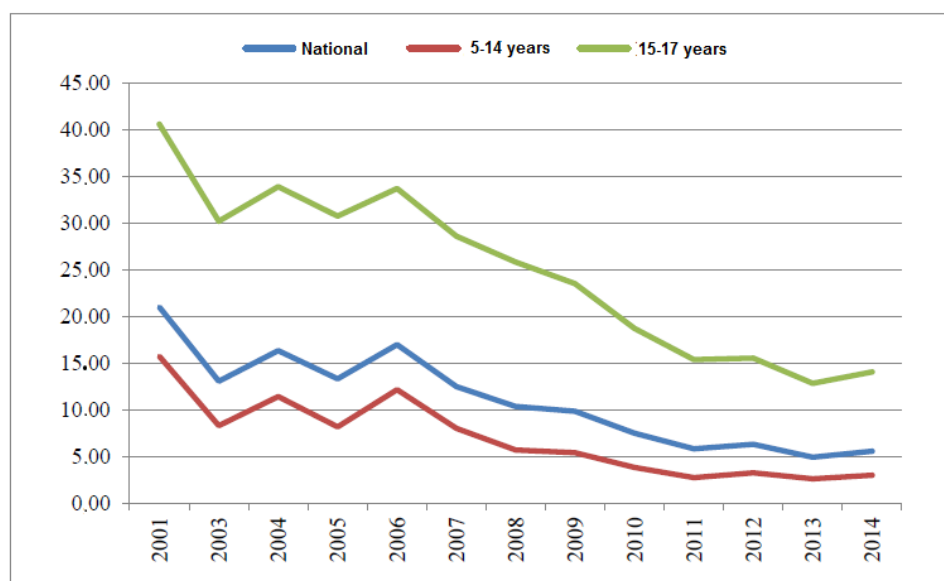
⁴⁸ PROGRESS information system, Asylum and Statelessness Directorate, Ministry of Foreign Affairs and Human Mobility.

⁴⁹ Now the Ministry of Labour.

committee. The plan is in line with the objectives and goals set under the National Plan for Good Living and the Social Agenda for Children and Adolescents.⁵⁰

179. According to the findings of the National Child Labour Survey, between 2001 and 2013 the rate of child and adolescent labour fell to around a third of its original level. The rate at the end of the period was 2.98 per cent among children aged 5 to 14 and 14.04 per cent among adolescents — a significant drop from the 2001 level, as illustrated in figure 9. According to data from the National Statistics and Census Institute, which are in line with the National Child Labour Survey,⁵¹ of all children aged 5 to 17 in 2014, 8.56 per cent were engaged in activities considered as child labour. Analysing the data by age group reveals that, the older the child, the greater the chance of him or her being involved in child labour.

Figure 9
Child labour trends



Source: National Statistics and Census Institute-National survey on employment, unemployment and underemployment, December 2001-2014.

180. Of all children who work, 62.8 per cent are boys and 37.2 per cent are girls. Most children who work stay in school: 75.1 per cent attend classes; 85 per cent are in basic education; and 15 per cent are in secondary school.

181. Data shows that child labour is more common in indigenous communities:⁵² 29 per cent of all children who self-identify as indigenous are working, compared with 9 per cent of Montubio children, 7.9 per cent of mestizo children, 6.9 per cent of children of African descent and 6.2 per cent of white children.

182. The data show that children spend 40 hours per month working, which is equivalent to a decline of 10 to 12 hours over the period, and receive between USD\$ 115 and 125 per

⁵⁰ Made up of the Ministry of Labour, the Ministry of Economic and Social Inclusion, the Ministry of Health and the Social Development Coordinator.

⁵¹ http://www.ecuadorencifras.gob.ec/wp-content/descargas/Presentaciones/Presentacion_Trabajo_Infantil.pdf.

⁵² In this connection, it is worth noting that there is debate as to what constitutes child labour in the indigenous world, where it is a matter of involving children in community life and teaching them household tasks.

month in constant dollar terms. Some 64 per cent state that they work to help the household, 52 per cent to gain skills and experience, and 16.2 per cent because they are not interested in education.

183. Of the 8.56 per cent of children who work, 56 per cent engage in activities that are considered hazardous and are therefore prohibited. The proportion engaged in hazardous work is higher among boys (66.2 per cent) than girls (33.8 per cent). Of all children engaged in some form of hazardous work, 59.9 per cent are exposed to dust and gas and 58.5 per cent to intense cold and heat.

184. Girls who work are primarily involved in domestic activities (67.6 per cent), compared with only 32.4 per cent of boys. Of those engaged in some form of domestic work, 94.1 per cent clean houses and 83.1 per cent clean clothes. Of all children involved in domestic chores, 87.4 per cent attend school.

185. The State has committed to eradicating child labour. Thanks to coordinated efforts with local government, thus far 2,160 children have been removed from work in slaughterhouses and rubbish dumps, thereby guaranteeing their access to education, health care and recreational programmes.

186. The Ministry of Labour conducts comprehensive inspections, especially in provinces with a high concentration of mining companies. For example, in 2015, it conducted 729 inspections, which led to the identification of 521 child workers. Depending on the case in question, either child workers are placed under the care of the protection services or, if they are over 15, their situation is regularized.

187. In response to the recommendations contained in paragraph 71 of the concluding observations, the Ministry of Economic and Social Inclusion is implementing prevention, awareness-raising and containment measures, in cooperation with families and communities. In order to prevent school dropout, the Ministry is monitoring the situation of 16,710 child workers enrolled in the education system, offering support to their families and providing the children with a transportation grant and school supply kit. Poor families receive the Human Development Bond cash transfer as well as free textbooks and uniforms and take part in the family support programme, which includes psychosocial assistance.

188. In an effort to engage the corporate sector and foster a sense of shared responsibility, the authorities have issued a decree requiring all public sector procurement contracts concluded with private sector enterprises to include a clause banning child labour. Similarly, the Ministry of Labour has spearheaded the establishment of the Business Network for a Child Labour Free Ecuador whose goal is to promote social responsibility with regard to children.⁵³

189. The list of hazardous and prohibited activities was updated in 2015 pursuant to Ministerial Agreement No. 131, and the new Management Programme on the Prevention and Eradication of Child Labour and the Restitution of Child Workers' Rights for the period 2015-2017 prioritizes these issues. In order to provide personalized assistance to all children, a centralized system for keeping records on child labour is under development.⁵⁴ The system will be used to monitor cases and inform policies and programmes.

190. The goal of eradicating child labour by 2017 is a call to all sectors, to families and to society in general to coordinate their efforts and harness their determination.

⁵³ Link to the pledge of the Business Network for a Child Labour Free Ecuador.

⁵⁴ The International Labour Organization is supporting the development of the system. The SIRITI system in Colombia is being used as a model.

Children in street situations

191. Regarding paragraph 73 of the concluding observations, since 2011 the Ministry of Economic and Social Inclusion has been running a programme to eradicate begging. The programme's objectives are prevention, awareness-raising, containment and intervention in the family and community. Public and private institutions, the Church, schools, social movements, local governments, parish councils, local authorities and the governors of the country's nine administrative zones collaborate on the programme. In 2015, the Ministry cooperated with various NGOs which, through 115 service providers, reached out to 4,385 individuals who were begging and/or otherwise at risk. For the coming years, it has committed to continue working with decentralized authorities and governments to prevent and combat this problem.

Sexual exploitation and abuse

Sale, trafficking and abduction

192. In reference to paragraph 75 of the concluding observations, the Comprehensive Criminal Code (arts. 91, 92 and 94) defines the offence of trafficking in its various forms (organ harvesting, sexual exploitation including forced prostitution, sexual tourism, child pornography, labour exploitation, promise of marriage, debt bondage, illegal adoption, begging, forced recruitment). The Code establishes the principle of non-punishment for victims.

193. In September 2011, the Ministry of the Interior, through the Office of the Under-Secretary for Democratic Safeguards, assumed oversight responsibility for public policies related to the social issue of trafficking in persons. These policies have four focus areas: (a) prevention and the promotion of rights; (b) investigation and punishment; (c) special protection and comprehensive redress for victims; and (d) national and international inter-agency coordination. The inter-agency committee set up in previous years is being kept operational to implement, monitor and assess activities in these areas.⁵⁵

194. To ensure effective follow-up of complaints of trafficking in persons filed with the investigative police, the Attorney General's Office or the National Council of the Judiciary, a software programme for geographical and social mapping and managing information on trafficking known as Infotrata has been developed. In addition, a baseline for monitoring sexual offences against children in the context of tourism has been set in 13 provinces (2011).

195. The Ministry of Tourism is one of the parties responsible for the Regional Action Plan to Combat Trafficking in Persons⁵⁶ and the leader of the project to prevent the sexual exploitation of children and adolescents in travel and tourism. In coordination with the Attorney General's Office, the media and the tourism sector, a baseline for monitoring sexual offences against children in the context of tourism has been set in 13 provinces (2011).

196. In addition, in 2012, in conjunction with the cantonal rights protection councils, workshops on the role of institutions that regulate and oversee the tourism sector were carried out at the national level. The aim of the workshops was to develop roadmaps and protocols for restitution of the rights of children and adolescents in situations of sexual

⁵⁵ Progress report, by focus area, of the National plan for the prevention and punishment of trafficking in persons and comprehensive victim protection in Ecuador, 2012: <http://www.ministeriointerior.gob.ec>. Consulted on 8 January 2016.

⁵⁶ Ministry of Tourism, 2009, Regional Action Group for the Americas for the protection of children and adolescents in tourism: www.southamericantaskforce.gob.ec/. Consulted on 11 February 2016.

exploitation linked to tourism. The Ministry of Tourism is currently involved in implementing the national prevention plan led by the Ministry of the Interior. Under the Accommodation Regulations (Official Gazette No. 465 of 2015), tourist accommodation establishments are prohibited from allowing children and adolescents to enter their premises for the purpose of sexual or labour exploitation or trafficking in persons. The National Tourist Board has the authority to conduct inspections at any time without prior notification.

197. The new national plan for the prevention and punishment of trafficking in persons and comprehensive victim protection, which was launched in 2012, takes into account the Committee's recommendations and involves local governments and civil society organizations. The Anti-Trafficking and Migrant Smuggling Unit of the criminal investigation police is responsible for implementing the plan, with support from the International Organization for Migration (IOM) and other national and international organizations.

198. Pursuant to the plan, workshops were held in 2012⁵⁷ that attracted over 900 participants, including journalists. Training courses for staff of the migration service, members of civil society organizations, public servants, police officers, prosecutors and judges have also been held and the Anti-Trafficking Group of the National Directorate of the Special Police for Children and Adolescents gives presentations on prevention for parents, children, teachers and students.

199. Training has also been provided for staff of the 1800-Delito crime reporting telephone hotline, for legislative, regulatory and oversight bodies, for officers of the criminal investigation police and for the National Directorate of the Special Police for Children and Adolescents. With the cooperation of IOM, the first national conference on trafficking in persons and migrant smuggling was held, which focused on gender, access to justice, human rights and public policies,⁵⁸ among other actions. In addition, between 2012 and 2014, the "Open Our Eyes campaign" was carried out and classes and workshops on the prevention of trafficking in persons and migrant smuggling were organized for students, border control officers of the migration service and officers of the specialized police.

200. Salient outcomes of the anti-trafficking plan include: the establishment of a case registration system; the formulation of a consular protocol for victim assistance; the completion of research into the phenomenon in nine cities; and the signature of a bilateral victim assistance protocol with Peru. A memorandum of understanding on the prevention and investigation of the offence of trafficking in persons, victim assistance and protection was signed in 2012 with Colombia. In addition, in conjunction with local governments, seven cantonal policies for the prevention and punishment of this offence have been drawn up. A consolidated national protocol on protection and comprehensive assistance for victims of trafficking and a manual on the investigation and prosecution of trafficking offences were developed in 2013, again with the support of IOM.

201. Between 2012 and 2014, the Anti-Trafficking and Migrant Smuggling Unit of the criminal investigation police undertook actions at the international level with support from

⁵⁷ The institutional framework has been strengthened since 2011, when the Anti-Trafficking and Migrant Smuggling Unit of the criminal investigation police was established. In 2012, the establishment of the Guayaquil agency of the Unit was approved. The National Directorate of the Special Police for Children and Adolescents has an Anti-Trafficking Group that commenced operations in 2004.

⁵⁸ In attendance were 260 people from 100 State institutions, civil society and international cooperation entities.

the National Central Bureau of INTERPOL.⁵⁹ As a result, 282 victims were rescued and 168 persons detained in 2012. In the same year, 119 child victims of trafficking, pornography, sexual exploitation and labour exploitation were rescued by the National Directorate of the Special Police for Children and Adolescents and the Anti-Trafficking and Migrant Smuggling Unit of the criminal investigation police. Some 73 people were rescued in 2013, and 70 in the following year. In 2014, coordinated efforts were made with protection institutions to ensure the return of 14 underage victims to Ecuador.⁶⁰

202. As part of its duties, the Ministry for the Coordination of Social Development has set up an automated migration management and monitoring system, whose objective is to improve border controls. The Council of the Judiciary, in coordination with IOM and the Ministry of Foreign Affairs and Human Mobility, runs programmes to promote and ensure access to justice for victims of trafficking and to improve the skills and knowledge of judicial officials.

203. The Ministry of Economic and Social Inclusion, through technical and financial cooperation agreements with civil society organizations, provides specialized accommodation services for victims of trafficking including housing, food, psychological assistance and emotional support. In terms of collaboration with local governments, there are a few initiatives, such as the shelter project for victims of slavery and trafficking in children and adolescents sponsored by the Cuenca Cantonal Rights Protection Council and the youth project run by the Pájara Pinta Foundation. In Machala, the International Labour Organization and the Quimera Foundation are working on a project whose objective is to rescue victims and provide them with legal assistance.⁶¹

204. Since 2013, the Attorney General's Office has been prioritizing improvements to the criminal prosecution process for sexual offences and offences of trafficking in persons involving children and adolescents. In that connection, it has implemented the following measures:

- The adoption of regulations for the new case processing departments, under which two units have been established to handle trafficking cases, namely the Office of the Special Prosecutor for Sexual and Domestic Violence and the Office of the Special Prosecutor for Organized Crime;
- The adoption of an agreement between the Attorney General's Office, the Ministry of Education and the Council of the Judiciary to ensure the effective investigation of sexual offences in the education sector;
- The establishment of 185 complaints bureaux which, whenever an offence whose alleged victim is a child is detected, bring in comprehensive expert units made up of physicians, social workers and forensic doctors;⁶²
- The training of 232 field staff of the specialized investigative prosecution units in transnational and international organized crime;

⁵⁹ A procedural model called Spartacus has been developed for search and rescue operations for victims of trafficking in persons.

⁶⁰ Ministry of the Interior. Report of the activities of the Anti-Trafficking and Migrant Smuggling Unit, 2014.

⁶¹ Escobar, A. Ministry of Labour, 2015.

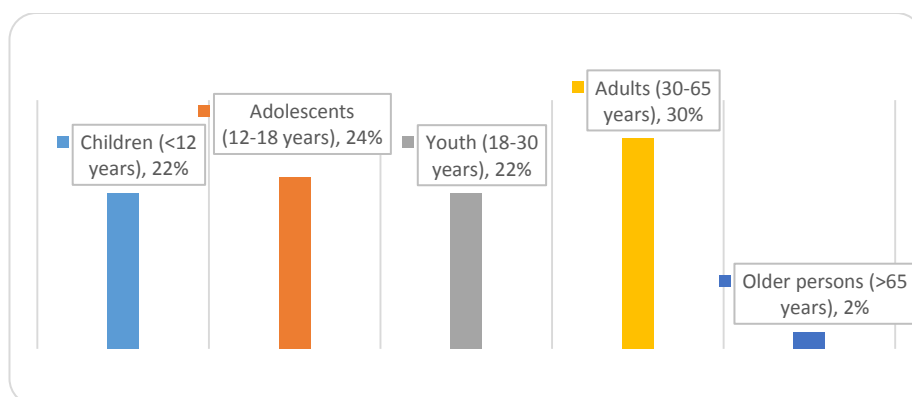
⁶² An average of 5,000 expert examinations are performed on children and adolescents each year. Of the 3,460 reports received by the Attorney General's Office in 2014, 25.23 per cent are in the investigation phase, charges have been laid in 27.14 per cent of cases, and 569 convictions have been handed down by the lower courts (Attorney General's Office, 2015).

- The development of protocols for the health-care system, the integrated expert units of the Attorney General’s Office and the forensic specialists accredited by the Council of the Judiciary.⁶³

205. In reference to paragraph 77 of the concluding observations, the National Victim and Witness Protection and Assistance System⁶⁴ has since been established. For victim protection, the System used the State-run shelter facilities and special protection services. Statistical information on this topic provided by the Attorney General’s Office is given below.⁶⁵

206. According to the statistical data obtained from the National Victim and Witness Protection and Assistance System contained in figure 10, in the period 2012-2015, an average of 790 children and adolescents received protection through the System. In percentage terms, this means that 46 per cent of all persons under protection belonged to this highly vulnerable age group.

Figure 10
Average number of persons under protection, by age group 2012-2015



Source: National Victim and Witness Protection and Assistance System. August 2015.

207. Over the same period (2012-2015), two thirds of the total number of people under protection were female, meaning that 66 per cent of the child and adolescent age group were girl victims and witnesses.

Administration of juvenile justice

208. Regarding paragraph 79 of the concluding observations on the full implementation of juvenile justice standards, titles IV and V of the Comprehensive Criminal Code provide for amendments to the Organic Code on Children and Adolescents which raise the minimum age of criminal responsibility for adolescent offenders to 18 years. The amendments guarantee that all children who have not reached the age of criminal responsibility and are in conflict with the law are treated in keeping with the Convention. The amendments also enumerate the situations in which judges may order preventive and socio-educational measures for adolescents who have committed criminal offences and set out the duties of juvenile offender centres and zonal units for the comprehensive

⁶³ See Resolution No. 073-FGE-2014 regarding the manuals, protocols, instructions and forms of the Integrated Specialized Investigation, Pathology and Forensic Science System.

⁶⁴ The Attorney General’s Office has a national directorate and 24 provincial branches.

⁶⁵ Reyes, Ariadna. Information from the National Victim and Witness Protection and Assistance System, and the trafficking in persons report, 2014, Attorney General’s Office.

development of juvenile offenders, as the entities responsible for enforcing custodial and non-custodial socio-educational measures.

209. The amendments to the Organic Code on Children and Adolescents (art. 377) stipulate that the Ministry of Justice is responsible for judicial affairs and human rights and is the lead executive body for public policy on relevant in-force legislation. Accordingly, the Office of the Under-Secretary for the Comprehensive Development of Juvenile Offenders was established in September 2013 pursuant to Ministerial Agreement No. 0093.

210. The model for the management and enforcement of non-custodial socio-educational measures for juveniles and the procedural regulations for the use of such measures were adopted through Ministerial Agreement No. 0849 (2015). The model for the provision of comprehensive social, psychological and pedagogical assistance in juvenile offender centres was adopted through Ministerial Agreement No. 0850 (2015) and provides for preventive measures, referral and protection. In all cases, the fundamental principles that should guide the treatment of children in conflict with the law, as described in the Committee's general comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10, 2007), have been taken into account.

211. There are currently 11 internment centres for juvenile offenders nationwide, 9 for boys and 2 for girls. As at December 2015, there were 205 teenagers in the centres under the preventive system, which allows a maximum stay of 90 days, although the total population of the centres was 628 and the average length of stay is 20 months. The centres are divided into sections: children under 15; adolescents aged 15 to 18; young adults aged 18 to 24; and adults over 24. The comprehensive socio-educational care model introduced by the Ministry of Justice, Human Rights and Religious Affairs encompasses five areas of action: self-esteem and autonomy; family and emotional ties; education; health; and employment. There is no possibility of abuse or ill-treatment of adolescents in this context. Should such a case occur, the persons responsible would be punished in accordance with the law.

212. The specialized justice system currently consists of 73 doctors, 98 psychologists, 123 social workers and 302 judges nationwide. The Judicial Training College runs in-service training programmes for justice system professionals. In 2014, training on the guidelines for restorative juvenile justice⁶⁶ was organized for justice officials, in which 648 people, including judges, prosecutors and defence attorneys, took part. This work will continue in 2015-2017, addressing the topics of comprehensive protection doctrine, general procedure and the application of reparative, socio-educational and non-custodial measures.

213. To strengthen its efforts in this area, the Ministry of Justice, Human Rights and Religious Affairs signed various cooperation agreements between 2014 and 2015, including agreements with the Council of the Judiciary for the harmonization of information systems, the development of protocols to guarantee due process and the coordination of preventive actions and an agreement with the Directorate General of Civil Registries, Identification and Identity Card Issuance intended to guarantee the right to an identity and identification documentation.

214. In parallel to the Ministry's efforts, the Council of the Judiciary's National Department for Access to Justice and Legal Pluralism is implementing a plan to improve the management of cases involving children and adolescents in at-risk situations whose rights are under threat. Since 2009, the Public Defender Service has been providing tailored

⁶⁶ With the technical and financial support of the Terre des Hommes child relief agency, a paper entitled "Guidelines on juvenile justice with a restorative focus" (2014) was drafted to be used by judges in their daily work as a source of reference and to facilitate the resocialization of adolescent offenders.

assistance to adolescents in conflict with the law in all provinces of the country and, between 2012 and 2015, its experts provided services to 9,989 individuals.

H. International human rights instruments

215. Regarding paragraph 84 of the concluding observations on the ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, it should be noted that the National Assembly has acceded to this instrument (Official Gazette No. 222 of 2010). The Optional Protocol to the Convention against Torture was unanimously accepted on 28 October 2009 and has been ratified by the executive branch and published in the Official Gazette (Official Gazette No. 417 of 2011).

I. Follow-up on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

216. In Ecuador, the prevention and punishment of offences covered under this Optional Protocol have been strengthened. Thus, in its development plans, i.e. the National Plan for Good Living for 2009-2013 and 2013-2017, the State recognizes trafficking in persons as an issue of transnational crime and sets forth strategies to combat it from a security standpoint.

217. Since the entry into force of the Comprehensive Criminal Code in 2014, Ecuador has been bringing its criminal legislation into line with the Optional Protocol. These offences are covered in article 91 of the Code, on trafficking in persons, which falls within the section on serious human rights violations.

218. Regarding penalties, the Anti-Trafficking and Migrant Smuggling Unit obtained 52 convictions between 2010 and 2014.⁶⁷ As to the professionalization of the Public Prosecution Service, it should be noted that resources for investigating trafficking offences has been strengthened and that the Attorney General's Office now has 140 prosecution units.⁶⁸ In addition, the Office provides tailored protection to victims of trafficking in persons who have been registered with the System for the Protection of Victims, Witnesses and other Persons involved in Criminal Proceedings, which has a national directorate and 210 provincial directorates. The relevant ministry has drawn up a specific plan⁶⁹ to coordinate efforts to prevent the sexual exploitation of children and adolescents in travel and tourism.

219. Concerning international cooperation, the United Nations Development Assistance Framework 2015-2018, its Development Results Group and the actions described in the results matrix constitute a key framework for action for the application of the Optional Protocol.⁷⁰

⁶⁷ Annual reports on the national plan for the prevention and punishment of trafficking in persons and comprehensive victim protection: <http://www.ministeriointerior.gob.ec/informes/>.

⁶⁸ <http://www.fiscalia.gob.ec/index.php/sala-de-prensa/3773-26-sentencias-contra-la-trata-de-personas.html>.

⁶⁹ Publications can be found at: <http://grupodeaccionregional.gob.ec/ecuador.html>.

⁷⁰ United Nations Development Assistance Framework in Ecuador and related results matrix (2015-2018).

J. Follow-up on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

220. Ecuador is a peaceful nation.⁷¹ During the reporting period, there was no internal armed conflict that would place children and adolescents at risk. However, Colombia, which borders Ecuador to the north, has continued to experience such conflict. In response to that situation, preventive action has been stepped up.

221. The Armed Forces Personnel Act establishes that members of the armed forces can only take up their duties once recruitment requirements are satisfied, in keeping with article 2 of the Act's implementing regulations, which expressly states that military obligations for male Ecuadorians begin at age 18 and end at age 55. Military age is considered to have been reached for purposes of the Act when the person's date of birth falls within the calendar year, in other words between 1 January and 31 December of a given year.

222. In criminal law, the recruitment of children and adolescents is covered in article 127 of the Comprehensive Organic Criminal Code. Under articles 14 (1) and 15 of the Code, offences committed in the territory of Ecuador by an Ecuadorian or foreign national are processed in accordance with the Code. Forced recruitment for armed conflict or the commission of acts considered offences under the Code constitute, in accordance with article 91 (7) of the Code, an independent offence under article 127.

223. As a preventive measure, and to address related situations, in 2015, the Ministry of Defence trained 21,611 members of the armed forces in topics such as human rights, the rights protection and safeguard system, equality, the progressive use of force and international humanitarian law. According to the Joint Command of the Armed Forces,⁷² these lectures form part of the general curricula of the various regular military courses that are necessary for graduation as either an officer or an enlisted member.

224. In the decade since its establishment in 2006, the National Commission for the Application of International Humanitarian Law has been the only intersectoral body providing training in this topic — in the form of the annual Mariscal Antonio José de Sucre course on international humanitarian law run with support from the International Committee of the Red Cross — for civil servants, high-ranking officers of the armed forces, the national police force and civil society. There have been seven editions of the course to date and specific themes explored have included the protection of vulnerable populations and the use of child soldiers (2014).

225. According to the instruction unit of the armed forces on peace missions, which provides specialized training, 88 officers and 392 enlisted members were trained as peacekeepers in 2015.

⁷¹ Constitution, art. 5.

⁷² Directorate of Human Rights and International Humanitarian Law of the Ministry of Defence, 2015.