



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding observations: Ecuador

1. The Committee considered the initial report of Ecuador (CRC/C/OPAC/ECU/1) at its 1476th meeting (see CRC/C/SR.1476), held on 19 January 2010, and adopted at its 1501st meeting, held on 29 January 2010, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report. The Committee further welcomes its written replies to the list of issues (CRC/C/OPAC/ECU/Q/1 and Add.1) and appreciates the constructive dialogue with a high-level and multi-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's fourth periodic report (CRC/C/ECU/CO/4) and with the concluding observations adopted on the initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ECU/CO/1), both adopted on 29 January 2010.

Positive aspects

4. The Committee notes as positive the State party's declaration, upon ratification of the Optional Protocol, stating the minimum age for voluntary recruitment to the armed forces as 18 years.

I. General measures of implementation

Dissemination and training

5. While welcoming the agreement between the Ministry of Defence and the Ministry of Justice on human rights training for members of the armed forces, the Committee is concerned that training on the provisions of the Optional Protocol may be inadequate. It is also concerned that awareness of the Optional Protocol among the general public is low.

6. The Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and in particular among children. It further recommends that the State party strengthen human rights training for members of the armed forces with specific focus on the provisions of the Optional Protocol. Furthermore, the Committee recommends that the State party develop awareness-raising, education and training programmes on the provisions of the Optional Protocol for relevant professional groups working with children, notably prosecutors, lawyers, judges, law enforcement officers, social workers, medical professionals, teachers, media professionals, and local and district officials.

Data

7. The Committee regrets that information is lacking on the number of Ecuadorian children and asylum-seeking or immigrant children who have been recruited or used in hostilities by non-State armed groups abroad.

8. The Committee recommends that, in order to identify root causes and undertake preventive measures, the State party establish a central data collection system for the identification and registration of all children present within its jurisdiction who may have been recruited or used in hostilities by non-State armed groups abroad. Furthermore, the Committee recommends that the State party ensure that data is available regarding children, including refugee and asylum-seeking children, who may have been victims of such practices.

II. Prevention

Prevention of recruitment by non-State forces

9. The Committee welcomes the campaigns conducted by civil society on the needs of child refugees to be protected. It is however concerned at reports of non-State actors crossing the border into Ecuador and forcibly recruiting children, including refugee children, in the northern border territories of the State party. It is further concerned about the insufficient measures taken by the State party to prevent this recruitment, including awareness-raising campaigns and inspections.

10. The Committee recommends that the State party take all possible measures to prevent the recruitment of children by armed groups in the territory of the State party, especially refugee children living in areas close to the border and who are particularly vulnerable, undertake research on incidences of recruitment of children by non - State forces, allocate resources for their identification, provide for their access to education and ensure that investigations are carried out into alleged cases of forced recruitment of children.

Peace education

11. While welcoming peace workshops conducted in the northern border region of the country and noting that human rights education and peace education are present in the school curricula, the Committee is concerned that these subjects are insufficiently and not systematically taught.

12. The Committee recommends that the State party continue its work relating to peace education in the northern border region, strengthen its efforts to provide human rights education and, in particular, peace education for all children in school, including military schools, and train teachers with respect to including these themes in children ' s education.

III. Prohibition and related matters

Legislation

13. While welcoming that the Code on Children and Adolescents prohibits the recruitment and direct participation of children in armed conflicts and hostilities, both internal and international, the Committee is concerned that it does not define the term "direct participation". It is also concerned that children who lack birth certificates may be recruited, as they do not have proof of their age. The Committee is further concerned that the National Armed Forces Compulsory Military Service Act does not expressly prohibit the recruitment of children.

14. In order to further strengthen measures for the prevention of the recruitment of children and their use in hostilities, the Committee urges the State party:

(a) To r e v i s e t h e C o d e o n C h i l d r e n a n d A d o l e s c e n t s b y i n c l u d i n g a d e f i n i t i o n o f d i r e c t p a r t i c i p a t i o n i n h o s t i l i t i e s ;

(b) T o r e v i s e t h e N a t i o n a l A r m e d F o r c e s C o m p u l s o r y M i l i t a r y S e r v i c e A c t b y e x p r e s s l y p r o h i b i t i n g r e c r u i t m e n t o f c h i l d r e n , i n c l u d i n g v o l u n t a r y r e c r u i t m e n t ;

(c) T o e s t a b l i s h s a f e g u a r d s t o e n s u r e t h a t c h i l d r e n w h o l a c k b i r t h c e r t i f i c a t e s o r w h e r e t h e r e i s d o u b t a b o u t t h e i r a g e a r e n o t r e c r u i t e d ;

(d) T o e n s u r e t h a t a l l m i l i t a r y c o d e s , m a n u a l s a n d o t h e r m i l i t a r y d i r e c t i v e s a r e i n a c c o r d a n c e w i t h t h e p r o v i s i o n s o f t h e O p t i o n a l P r o t o c o l .

Jurisdiction

15. While welcoming the efforts of the State party to combat child recruitment and the use of children in armed conflicts, the Committee is concerned at the lack of legislation to prosecute cases involving non-nationals in the recruiting and use of children in armed conflicts.

16. The Committee recommends that the State party take the legislative penal measures to ensure that all perpetrators of the crime of the recruitment of children for their use in armed conflicts be brought before its national criminal jurisdiction, prosecuted and sanctioned.

IV. Protection, recovery and reintegration

Assistance for physical and psychological recovery

17. The Committee regrets the insufficient measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as inadequate measures taken for their physical and psychological recovery and social reintegration.

18. The Committee encourages the State party to take all measures to identify children who may have been recruited or used in hostilities, and take the necessary measures for their physical and psychological recovery and social reintegration. Such measures should include careful assessment of the situation of these children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child - sensitive and multidisciplinary assistance.

V. International assistance and cooperation

19. The Committee urges bilateral and multilateral international cooperation to provide support to the State party's efforts to prevent and eradicate foreign non-State actor activities in its territory and assist affected local communities.

20. The Committee, while noting with appreciation the State party's active contribution to United Nations peacekeeping operations, invites the State party to continue to ensure that its personnel are fully aware of the rights of children involved in armed conflicts, and that military contingents are aware of their responsibility and accountability.

VI. Follow up and dissemination

21. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Ministry of Defence, members of the cabinet and parliament.

22. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VII. Next report

23. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, due on 7 March 2016.

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