



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventy-sixth session

### Summary record of the 2223rd meeting

Held at the Palais Wilson, Geneva, on Monday, 11 September 2017, at 3 p.m.

*Chair:* Ms. Winter

## Contents

Consideration of reports of States parties

*Combined fifth and sixth periodic reports of Ecuador*

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*The meeting was called to order at 3 p.m.*

### **Consideration of reports of States parties**

*Combined fifth and sixth periodic reports of Ecuador (CRC/C/ECU/5-6; CRC/C/ECU/Q/5-6 and Add.1)*

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*
2. **Mr. Saenz** (Ecuador) said that the principle of the best interests of the child was enshrined in the Constitution and reflected in various legal codes and other laws, either existing or under development. At the institutional level, various public bodies had been set up and protocols put in place focusing on children and adolescents. Furthermore, specialized children's and family courts had been established in several parts of the country. Public policies and programmes targeting children and adolescents in a number of spheres, including in relation to health care, justice, education, gender and disability, had been designed to ensure inter-institutional coordination between over 20 State agencies and ministries and an inclusive approach.
3. Children and adolescents were actively involved in the planning and decision-making processes and actions of the decentralized autonomous governments, cantonal rights protection councils, cantonal rights protection boards, community ombudsmen and other local organizations. A network of legally recognized consultative councils had been set up to provide children and adolescents with a voice in the public policymaking process. Those councils could be convened by the authorities at any time.
4. Domestic violence and the sale of illicit drugs in schools remained major concerns. However, in recent years, poverty and extreme poverty had been significantly reduced through the strengthening of education, health-care and social inclusion services and greater access to justice, among other measures. As a result of those actions and others aimed at promoting equality and equity, Ecuador had improved its Human Development Index ranking. According to the World Bank, the middle class had grown considerably in size, thanks in particular to increased public investment that had created jobs and raised incomes.
5. Over the past decade, the incidence of child labour had been reduced from 16.9 per cent to 5.5 per cent; currently, fewer than 3 per cent of children under the age of 15 years were engaged in some form of work, primarily in the home, while the corresponding figure for those aged 15 to 17 years, who were permitted to work only in exceptional circumstances, was 14 per cent. Employers had a duty to ensure that their adolescent employees received an education and did not undertake hazardous work.
6. Social spending had more than doubled in recent years, and the education, health-care and social inclusion budgets had been dramatically increased, to some US\$ 4.3 billion, US\$ 1.6 billion and US\$ 1.2 billion respectively. Mechanisms had been set up to tackle drug trafficking and use, domestic violence, bullying in schools and discrimination on the basis of, among other things, ethnic origin, sexual orientation and educational needs.
7. As a part of the National Plan to Eradicate Gender-based Violence against Women, Children and Adolescents, a number of performance indicators had been established to assess multisectoral action by the authorities aimed at preventing violence. A baseline relating to bullying in schools had been established in 2016, enabling follow-up work to be carried out that informed the policymaking process in that regard.
8. The Ministry of Public Health had recently resumed responsibility for sexual and reproductive health. Further to previous programmes in that field, including the National Intersectional Strategy for Family Planning and the Prevention of Adolescent Pregnancies, 2011-2014, and the Family Plan, 2014-2017, the Ministry was working together with the Ministry of Education and other bodies to develop a strategy to promote sexual and reproductive rights and to prevent pregnancy among girls aged 10 to 14 years.
9. Despite the progress made, challenges remained in a number of areas. His Government was aware of the need for further efforts to consolidate the children's rights protection system, including through increased funding for specialized services and improved coordination between government agencies and civil society bodies. At the same

time, public policies concerning adolescents in conflict with the law needed to be strengthened through the development of restorative justice components. The authorities needed to step up efforts to combat such problems as violence, sexual exploitation, drug trafficking and use, and alcohol consumption. Rates of infant malnutrition and obesity must be brought down and teenage pregnancy and bullying in schools eliminated.

10. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that the State party had made significant progress regarding social rights, data collection for the purposes of policymaking and universal access to education and health-care services. Furthermore, the minimum age for marriage and for de facto unions had been set at 18 years, in line with the recommendation made to that effect by the Committee in its 2010 concluding observations (CRC/C/ECU/CO/4, para. 33).

11. He asked whether the national authorities intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in accordance with the corresponding recommendation made as a part of the universal periodic review process. If not, the Committee would be interested to hear the reasoning behind that decision.

12. The Committee was extremely concerned at the current shift towards an intergenerational, life-cycle-based approach to rights. Under the new system, there was a very real risk that the specific focus on children would be lost. It would be interesting to hear whether efforts to replace the Code on Children and Adolescents with a general life cycle code had been definitively abandoned. He invited the delegation to comment on reports that, under a bill amending the Code on Children and Adolescents currently before the National Assembly, children would enjoy certain rights only if they had fulfilled a number of obligations.

13. He asked whether any measures had been taken to collect data on children aged under 5 years suffering from chronic malnutrition, on domestic violence against children and on bullying in schools. In addition, he would welcome information on any plans to establish age-based indicators relating to trafficking of children for the purposes of commercial sexual exploitation and pornography.

14. Information would also be welcome on any mechanisms put in place to guarantee that regressive budgetary measures would only be considered after all other options had been assessed and it had been ensured that children would be the last to be affected, in line with the Committee's general comment No. 19 on public budgeting for the realization of children's rights (CRC/C/GC/19). He asked how the State party intended to ensure that it maintained the current level of investment in children.

15. He asked for information on any studies carried out on the impact of budgetary measures on children and on the methodology employed in that regard. It was difficult to identify specific lines in the State party budget relating to expenditure on children in certain fields, such as health care. Information on any plans to significantly raise spending on education and health to meet the budgetary goals set out in the Constitution would be welcome.

16. In view of reports that private companies undertaking extractive activities with a significant environmental impact had failed to carry out prior consultation with local communities in that regard, he asked what measures had been taken to ensure that the rights of children and adolescents living on or near the northern border of Ecuador were respected by private sector industrial actors.

17. He asked what measures had been planned to tackle the significant level of indirect discrimination suffered by children from the Afro-Ecuadorian, Montubio and indigenous communities with regard to access to education. It was a matter of regret to the Committee that, despite moves to ban clinics offering so-called "medical treatment" for homosexuality in Ecuador, such facilities continued to operate in the State party. He asked whether any awareness campaigns had been run to address the bullying of lesbian, gay, bisexual, transgender and intersex (LGBTI) children in schools and the stigmatization of children with disabilities.

18. He enquired whether the cantonal consultative councils for children and adolescents were still operational and whether they had been consulted with regard to the shift towards an intergenerational system and other major issues affecting children over the past two years. The Committee wished to know whether it was the case that only students with high marks were allowed to stand for election as children's representatives in schools.

19. It was unclear from the State party's legislation how the best interests of the child were assessed and determined. He asked what policies had been put in place to address the alarming ongoing issue of chronic malnutrition among children under 5 years of age, as raised by the Committee in its 2010 concluding observations.

20. **Ms. Ayoubi Idrissi** (Country Task Force) said that she would welcome information on the capacity of the National Council for Intergenerational Equality and the National Plan for Good Living to focus specifically on the protection of the rights of children and infants, on the human and financial resources allocated to the Council and the Plan and on any coordination mechanisms set up in their regard. She asked whether the recently elected Government had carried out a review of the new intergenerational system and whether previous plans had been assessed as a part of work to design the Plan. She asked whether follow-up and impact-measurement indicators had been established regarding the Plan.

21. She requested information on any measures taken to address the March 2015 recommendations of the Global Alliance of National Human Rights Institutions (GANHRI), in particular regarding the dismissal of the Ombudsman in cases of mental or physical incapacity and the requirement that the Ombudsman must hold a doctorate of law from a recognized university. She asked whether indigenous children and children deprived of liberty, with disabilities or living in isolated areas had real access to the Ombudsman's Office, in particular given that the Office had recently stated that it would no longer work with individual complainants.

22. She asked whether public prosecutors, judges, law enforcement officials, health-care staff and other actors working with or for children received sufficient training on the Convention, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It would be useful to have information on any mechanisms put in place to ensure the dissemination of information on those instruments to children of all age groups and in minority languages, on the number of children reached as a part of those dissemination efforts and on the training of trainers. Lastly, it would be interesting to know how the State party ensured ongoing and constructive cooperation with civil society. She asked whether civil society groups had participated in the preparation of the State party report currently under consideration and whether they received government funding.

23. **Mr. Pedernera Reyna** (Country Task Force) said that the Committee had been informed that the Organic Act on Identity and Civil Data Management contained provisions that had a detrimental impact on the right of children and adolescents to their name and identity. He asked why the Organic Act allowed for the amendment of birth registrations through a simple administrative procedure; why, within 90 days of the birth of a child, its parents could alter its birth certificate; and why organizations taking charge of abandoned children could register them directly, in contravention of the Code on Children and Adolescents.

24. On numerous occasions in the past, the Committee had praised Ecuador for its efforts to promote the participation of children in the decision-making process. However, with the recent adoption of an intergenerational system, a number of concerns had arisen. He asked how child representatives were elected for service on the new National Intergenerational Equality Council and how its proposals were effectively implemented as a part of public policies. He asked why, under Ministerial Resolution 382 of 2011, only students with extremely high marks could be elected to student councils. The Committee would be interested to hear whether the State party considered that such an approach promoted the participation of children and whether it enjoyed the support of students.

25. The State party was to be congratulated on having set up the Council for Citizen Participation and Social Control. Information on how the right of children to be heard was

guaranteed within the justice system and in other fields not covered by the National Council for Intergenerational Equality would be welcome. He asked how many children received due legal assistance when appearing before the courts.

26. He asked whether children were being consulted with regard to the ongoing process of legislative change and whether their opinions were taken into account in that regard. Information on any measures taken to increase the extremely low rate of participation of girls in the decision-making process would be useful.

27. The Committee welcomed the introduction of a number of instruments combating violence against, and sexual abuse of, children, including the National Plan to Eradicate Gender-based Violence against Women and Children and Adolescents. However, violence against girls remained widespread, while the number of official complaints of such mistreatment was low and the corresponding sanctions were rarely imposed. He asked what measures had been taken to assess public policies on gender-based violence and what aspects of the issue had been earmarked for special attention. Updated statistics on the impact of sexual abuse on children would be useful. He asked whether any specific proposals had been drawn up on bullying in schools, in particular regarding LGBTI children. The Committee would be interested to hear what measures had been planned to tackle the widespread mistreatment and abuse of children in Ecuador, to investigate such cases and to prosecute and to sanction the perpetrators and to provide victims with reparation and assistance. He asked whether the State party intended to extend the scope of the ban on the use of corporal punishment and torture in educational establishments to cover children when they were not in school. Information on the current status of draft legislation in that area would be welcome.

28. He asked whether any policies had been prepared to protect children living on or near the northern border of Ecuador who were exposed to the activities of armed groups and criminal gangs. Had a study been carried out into the impact of the raising of the minimum age of marriage in order to identify any issues that might remain, in particular in isolated or rural areas?

*The meeting was suspended at 3.50 p.m. and resumed at 4.15 p.m.*

29. **Mr. Saenz** (Ecuador) said that, when introducing the National Intergenerational Equality Council, the national authorities had taken great care to ensure that the specific focus on children was not lost. The Council was made up of an equal number of representatives of the State and of civil society; the latter group included one teenage boy and one teenage girl among its number. Under the previous system, children and adolescents had been represented by adults. Minors wishing to serve on the National Intergenerational Equality Council must first undergo a competitive merit-based process administered by the Council for Citizen Participation and Social Control. Successful candidates in the most recent competitive process had previously sat on the National Advisory Council for Children and Adolescents. The cantonal consultative councils for children and adolescents had been replaced by an even greater number of cantonal rights protection councils, all of which included children and adolescents among their membership. Each municipality decided on the form that the participation of minors in the work of the corresponding council would take.

30. The activities of the National Advisory Council for Children and Adolescents had not been reduced. In fact, the Council had been strengthened and, together with the Children's and Adolescents' Movement, it participated regularly in various forums and in the proceedings of the National Assembly when bills related to children's rights were discussed. Children's issues were increasingly taken into account in the development of new social legislation; some 30 new laws, often on general matters such as transportation, included intergenerational components.

31. The cantonal rights protection councils had gained recognition that went far beyond that of the cantonal consultative councils for children and adolescents and dealt with a broader range of problems affecting the population at large. The focus on intergenerational questions did not lead to a loss of specificity, but was intended as a way of establishing equal and equitable relationships and interaction between people of different age groups and breaking the patterns of adult centrism that would otherwise continue to prevail. Since

embarking on that effort, the country had made significant progress in ensuring collaboration between adults and young people and in establishing a constructive entente between them, without in any way jeopardizing the specificity that was required in protecting the rights of children. Institutions protecting those rights, including juvenile and family courts, had in fact grown in number, and the focus on intergenerational aspects had revealed new areas that required attention. In intergenerational representative bodies, it was very often the children and adolescents who were the most active and vocal. The process aimed at strengthening local bodies had empowered the cantonal rights protection boards, benefiting all groups requiring protection, and, above all, children. There had been no loss of specificity in the protection of children's rights, but he agreed with the Committee that it would be desirable, in the context of the intergenerational dialogue, to more explicitly take into account the best interests of the child.

32. The Ministry of Education had issued a new regulation on student councils to encourage participation. The National Intergenerational Equality Council had promoted and encouraged the establishment in all the country's cantons of cantonal rights protection councils and consultative councils for children.

33. **Mr. Cardona Llorens** said that there were currently two adolescents on the National Intergenerational Equality Council, and two on each of the cantonal councils. It could be assumed that those bodies also had members with disabilities, women, migrants and a number of representatives of the other groups requiring protection. He asked how the specificity of protection for children could be ensured when there were just two adolescents represented on those bodies, all the more so as they were likely to feel inhibited in such large and varied forums. What body was responsible for coordinating youth policy in the protection system?

34. **Mr. Pedernera Reyna** said that the Committee would welcome information on the human and financial resources made available to the various councils. What percentage of the national budget was invested in ensuring children's participation in such bodies?

35. **Mr. Saenz** (Ecuador) said that the question of whether specificity was lost or synergies were gained was of the utmost importance. The ultimate aim was to encourage mutual support among the groups represented on the councils, but a group that restricted its aims to its own interests alone would have less opportunity for participation. At the national level, as there were five councils for equality, the National Intergenerational Equality Council included only representatives of the various age groups and had prepared three agendas for action, addressing children and adolescents, youth and older persons respectively, along with another specific to intergenerational issues. It had thus demonstrated its concern to maintain the specificity of its action while at the same time ensuring its comprehensive nature. At the cantonal level, the councils included representatives of a large number of groups, but the presence of adolescents who had already gained participative experience on those bodies ensured that the issues they raised were not overlooked.

36. In the field of education, the Minister of Education had identified three priorities: improving the quality of instruction, raising the education coverage rate and ensuring the protection of rights within the education system. The enrolment rate for basic general education was currently around 98 per cent and 76 per cent for the secondary education *bachillerato*, which was high for the region, but still left room for improvement. The Constitution specified that basic general education was compulsory, and efforts were being made to ensure that the local authorities would find and incorporate into the education system those children who dropped out or otherwise fell through the cracks.

37. For the first time, the education system had explicitly adopted a programme in support of rights as a programme priority. The Minister of Education had declared a zero-tolerance policy for sexual abuse as part of a programme aimed at supporting a culture of peace in schools. The programme updated standards for detecting and preventing sexual violence; imposed new psychological examination standards for the certification of private school teachers; introduced measures to bring cases of sexual violence or threats at schools to justice without delay; strengthened the participation of student councils in specific programmes defending students' rights; and involved work to prevent sexual violence

undertaken by the Ministry of Education together with students' families and communities. The programme also aimed to eliminate from schools all other types of violence and drug abuse.

38. The President of Ecuador had clearly stated that there would be no budget cuts in social programmes and specifically not in education or health, and the budget proposals currently under consideration were in keeping with that commitment. They would have no adverse effect on those programmes.

39. **Mr. Cardona Llorens** pointed out that the Committee, while welcoming the maintenance of funding for social programmes, had many concerns that went beyond those specific budgetary questions, including aid for victims of violations of children's rights, access to justice and freedom of expression. Cuts in the budget for the judicial system could have effects on juvenile courts, for instance. While the President's declaration was a positive step, the State party should adopt legislation and standards that would ensure that the best interests of the child would be consistently protected.

40. **Ms. Peñafiel** (Ecuador) said that she had personally been a member of the National Assembly and the Constituent Assembly and had been elected from a small, rural community, which gave her a unique perspective on the legislative process and the protection of the rights of children, women and minorities. The Constitution included provisions that protected the rights of the child, and over 50 laws with a bearing on children's rights had been adopted, always in a democratic and participative process, with consultation of children on the part of parliamentary groups. Extensive consultations had been held with children and civil society organizations in preparation for the amendment of the Civil Code to bring the age of consent for marriage to 18. A bill was currently before the National Assembly to ensure that children would not be subjected to corporal punishment or degrading punishment or treatment. She was confident that the legislature would never take a decision detrimental to the best interests of the child, but the passage of such initiatives required the support of the public and civil society organizations. Another legislative initiative drawn up with participation by civil society was aimed at reducing and eliminating violence in all its forms, and gender violence and violence against children in particular, and had only recently been presented to the legislature by the executive branch. The legislature had established a specific commission to deal with all forms of violence, which was now considering that bill.

41. Violence constituted a violation of human rights and thus required an indivisible, holistic and multisectoral approach to protect children, young persons and adults and older women. A number of mechanisms had been adopted, including a plan of action to eliminate violence, which had been adopted with participation by the executive and judicial branches and prosecutors. The Code on Children and Adolescents had a specific chapter on mistreatment and abuse, sexual exploitation and trafficking, which included definitions of the various forms of violence and established the obligation to report any suspected cases and the duty of citizens to protect children when cases of abuse were observed. The Code included provisions to prevent institutional child abuse and the illicit transfer or detention of children; it also established judicial and administrative measures to protect children.

42. The Organic Act on Intercultural Education provided follow-up mechanisms for implementation that made it possible to evaluate the law's practical consequences and whether it was having the desired effect.

43. Efforts had been made to assess the impact of legislation on intercultural matters, the effectiveness with which that legislation was being implemented and the extent to which it was fit for purpose. In that regard, a series of actions had been carried out to assess the impact of the Intercultural Education Act on, inter alia, the accessibility of intercultural education and the ability of all children and adolescents to enjoy a life free of violence. In the education system, steps had been taken to ensure that the rights enshrined in the Constitution, international law and the Code on Children and Adolescents were being upheld.

44. In 2011, the Ministry of Education had issued the National Plan to Eradicate Sexual Offences in the Education System, which set out specific measures and mechanisms to

address the problem. In collaboration with the Ministry of Justice, steps were taken to monitor and follow up on cases of sexual offences that came to light.

45. Studies of the impact of legislation on child marriage indicated that, as a result of the legislation, girls who might otherwise have been married were attending school and participating in all the activities normally associated with childhood.

46. **Ms. Ayoubi Idrissi**, commending the State party on its adoption of legislation to combat sexual violence in schools and of an action plan on the implementation of the corresponding national strategy, said that she was struck by information indicating that no action had been taken in response to a significant number of complaints of sexual violence.

47. She requested further information on the mechanisms implemented to ensure that children's testimonies were heard. What value was accorded to such testimonies and what measures were taken to ensure that children were not revictimized?

48. **Mr. Cardona Llorens**, noting that the bill on the prohibition of corporal punishment had been blocked by the National Assembly, said that he wished to know what steps could be taken to ensure that the bill would be adopted. He asked whether children who had witnessed gender-based violence in the home would be classed as victims under the bill on the prevention of gender-based violence.

49. **Ms. Peñafiel** (Ecuador) said that the Government had taken concrete steps to implement legislation that protected the rights of the child and enshrine those rights in the Constitution.

50. The bill on the prohibition of corporal punishment, rather than being blocked, was being discussed by the newly constituted Assembly. It was hoped that a report on the outcome of the debate would be issued so that a vote on whether to adopt the bill could soon be held.

51. To ensure that adolescents' right to participation would be upheld, spaces had been established in which they could express their views and take decisions on the drafting and impact of legislation. Under the Constitution, the rights to freedom of expression, assembly, association and participation were protected.

52. **Mr. Pedernera Reyna** said that he was pleased to hear that the bill on the prohibition of corporal punishment was progressing through the National Assembly as, according to information received by the Committee, the Collective Rights Commission had been intending to drop it.

53. **Ms. Peñafiel** (Ecuador) said that, although certain sectors might believe otherwise, the Collective Rights Commission had not decided to drop the bill on the prohibition of corporal punishment. Observations on the bill had recently been submitted by various bodies, including the United Nations Children's Fund (UNICEF), and it was hoped that it would soon be adopted.

54. **Mr. Tamayo** (Ecuador) said that the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been referred to the Constitutional Court, which would subsequently issue a legal opinion on the question of its ratification.

55. Local committees had been established to address the danger posed to children by criminal activities in border areas, particularly in the north and east of the country. The committees in question, which included representatives of the Ministry of the Interior, the Ministry of Economic and Social Inclusion and local governments, had launched information and awareness-raising campaigns on trafficking in persons for the purposes of sexual or labour exploitation and recruitment into armed groups. Under the Programme for Human Security, specific projects had been undertaken in the provinces of Esmeraldas and Sucumbíos in northern Ecuador. Furthermore, the Ministry of Economic and Social Inclusion was collaborating with the Colombian Institute for Social Welfare to establish a binational plan for the care of children and adolescents and to register cases involving the two countries. A specific protocol on the provision of care for unaccompanied or separated children and adolescents had been established.



56. **Mr. Pedernera Reyna** said that he would welcome further information on the measures taken by the ministries concerned in relation to the “Principito” and “Aampetra” cases and the measures that had initially been taken when the cases had first come to light.

57. He wished to know what mechanisms were in place to enable adolescent victims of torture to file complaints and whether those mechanisms were independent, expeditious and effective.

58. Lastly, he wondered what progress had been made in the investigations into acts of torture and abuse allegedly perpetrated against adolescents in the detention centres of Quito, Machala and Ambato and in the Sierra Sur Turí regional centre for adolescents.

59. **Mr. Rodríguez Reyes** said that he would welcome further information on measures taken to assess the effectiveness of the various social programmes and plans that the State party had implemented, including the extent to which they succeeded in preventing families from breaking up. He asked whether sufficient staff had been allocated to such social programmes, whether such staff had received training in matters relating to human rights in general, and the rights of the child in particular, and whether the programmes covered the whole of Ecuador, including the north of the country.

60. He wished to know whether the “schools for families” mentioned in the report (CRC/C/ECU/5-6, para. 64) were still in existence, what results those schools had achieved, whether any other services provided training to parents and what information was imparted to parents during the training sessions. Noting that plans were in place to include references to children’s obligations in the reformed version of the Code on Children and Adolescents, he asked whether there was a risk that parents who received training in the Code might be led to believe that only children who behaved well had rights.

61. He asked whether bullfighting was legal in Ecuador and, if so, whether children were permitted to attend bullfights.

62. In view of the fact that a significant number of children continued to be institutionalized in large institutions, he asked what measures were being taken to facilitate family reunification, to assess the situation of institutionalized children and to find alternative means of protecting children and returning them to their families. He asked whether measures were in place to check the quality of the care provided to children in institutions, whether any independent body was responsible for monitoring such institutions, whether children in institutions were able to file complaints of mistreatment and, if so, what procedures were employed to address such complaints.

63. Noting that children deprived of a family environment were usually placed in an institution or put up for adoption, he asked what procedures governed the adoption of children and whether those procedures were administrative or legal in nature. In view of the fact that plans were in place to reduce the time allocated to the adoption process to 90 days, he asked whether, within those 90 days, there would be sufficient time to obtain consent from the parties concerned, assess the family that was receiving the child and consider the views of the child concerned.

64. He wondered whether training was provided in the area of the international return of children, whether such training, if it existed, was available in accessible formats and whether the general public knew how the process functioned.

65. The Committee wished to know whether children belonging to vulnerable groups, such as Afrodescendent and indigenous children, benefited from measures to increase the inclusiveness of the education system, including in the north of the country, and whether facilities for persons with disabilities were provided in sports centres. Noting that plans had been made to reduce the number of educational institutions from 19,023 to 5,189 by means of a merger process, he asked whether school transportation would be offered to children forced to travel further to school, whether the safety of such journeys would be ensured, whether food would be provided at schools and whether, in view of the increased distances that children would have to travel, they would still have the right to rest and recreation. The Committee wished to know what steps were being taken to address the problem of sexual violence in schools.

66. He wondered what steps were being taken to support child asylum seekers and refugees, whether efforts were made to determine whether such children were subjected to discrimination, whether they had access to education, social security and health care and whether they could obtain identity documents and integrate into society. Lastly, he asked what measures were taken to prevent children from joining armed gangs and paramilitary groups.

67. **Ms. Ayoubi Idrissi** said that she wished to know what steps were being taken to increase spending on health care, to improve access to health care, particularly in isolated and rural areas, to improve the provision of vaccination and to combat malnutrition and stunting.

68. Despite the measures taken to combat the problem of sexual violence, the Committee remained concerned by the degree to which it appeared to be socially accepted. It was also concerned by the high level of early pregnancy, which was mainly caused by acts of sexual violence committed within the family, and by the fact that 9 out of 10 girls who became pregnant ceased to attend school. Action plans designed to combat the problem should address every aspect of it, including sexual education and awareness-raising, and be aimed at all the groups involved. The Committee wished to know what steps, aside from the measures already mentioned, were being taken to tackle the problem on the ground.

69. Noting that abortion was banned in the State party, she asked whether the Government would consider introducing an exception to the ban for girls who had been raped and whether discussions on that subject were taking place at a national level. Would sexual, reproductive and emotional education be reintroduced in schools to help girls protect themselves against sexual violence?

70. In view of the fact that children were forced to carry their belongings in transparent bags as part of the State party's efforts to combat substance abuse, the Committee wished to know how the State party sought to balance its efforts to tackle that problem against the need to respect children's right to privacy. More information should be provided on measures to tackle substance abuse that did not address the problem from a security perspective. With regard to the question of mental health, and the troubling level of suicide among adolescents in the State party, she wished to know what steps had been taken to follow up on the national mental health plan, which had been drawn up in 2014.

71. Noting that adolescents under the age of 18 could obtain access to testing for HIV/AIDS only if they were accompanied by their parents, she asked what steps were being taken to broaden that access.

72. The fall in the price of raw materials had brought about a reduction in spending on social security, with the result that the number of families who benefited from cash transfer programmes had decreased from 900,000 to 300,000. The Committee wished to know what steps were being taken to address that situation and to increase access to drinking water, which had been adversely affected by the earthquake that had struck the country.

73. She asked what steps were being taken to adopt a system that would enable domestic legislation to be brought into line with international treaties, thereby bringing an end to the confusion that existed in domestic legislation between the definitions of trafficking in persons and people smuggling. She asked what measures were being taken to monitor the crime of trafficking in persons and to implement relevant public policies containing indicators and means to assess their impact, what human and financial resources were allocated to the various sectors responsible for implementing the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and what efforts were being made to train judges and magistrates in listening mechanisms, the avoidance of revictimization, the training of other actors and the detection of child victims of sexual violence. Lastly, she asked what measures were being taken to ensure that children recruited into paramilitary groups in Colombia would be rehabilitated and reintegrated into society on their return to Ecuador.

74. **Mr. Rodríguez Reyes** said that he wished to know whether, in accordance with public policy on homeless children, such children were placed in institutions or whether

they had the possibility of integrating into society, entering the education system or undertaking some productive activity.

75. **Mr. Pedernera Reyna** said that he wished to know what measures were being taken to address the high rate of death from pneumonia, which was the second most common cause of death among children in Ecuador. He asked whether it was the case that vaccination campaigns were being cut back and, if so, why that was happening and what measures the State party intended to take to address the situation.

76. Following the adoption of certain laws, an increasing number of children were being criminalized by the juvenile criminal justice system. In view of that situation, he asked what steps were being taken to reduce the effects of harsher sentencing, which included problems of violence and overcrowding in detention centres and an increase in the number of persons in detention who were under 18 years of age. Lastly, he asked what specific training was given to so-called “multi-competent” judges, who were able to try a broader range of cases than the eight judges that specialized in juvenile criminal justice.

77. **Mr. Cardona Llorens**, noting that there appeared to be inconsistencies in the data on children with disabilities presented in the report and the replies to the list of issues (CRC/C/ECU/Q/5-6/Add.1), said that he would welcome clarification of the figures concerned. Noting that the overwhelming majority of children with disabilities received in-home and community-based assistance, he asked what form that assistance took and how it was provided. In view of the fact that only children with disabilities who had strong communication skills were included in mainstream education, he asked what steps were being taken to provide inclusive education to children with intellectual disabilities who were excluded by the existing regulations. The Committee wished to know what accommodations were being made in mainstream education to ensure that children with disabilities were able to exercise fully their right to an education and what steps were being taken to ensure that cultural facilities were accessible to such children.

78. He asked why there had been such drastic reductions in the funds made available to children with disabilities through the Joaquín Gallegos Lara voucher scheme and in the number of families that benefited from the Human Development Bond Cash Transfer scheme.

79. He wondered what steps were being taken in the area of restorative justice to reduce the number of children and adolescents who were deprived of their liberty and whether changes would be made to ensure that the system for victims and witnesses addressed the needs of children who were victims of certain offences, such as acts of gender-based violence in the home, but were not party to the proceedings. The Committee wished to know whether protocols had been established to ensure that teachers and other persons were made aware of the actions that they should take to assist, and avoid revictimizing, children subjected to acts of sexual violence. He asked what steps were being taken to address the fact that some child victims of trafficking in persons and sexual exploitation did not receive specialized care as they were placed in shelters with children who were there for other reasons.

80. Lastly, he asked what measures were being taken to ensure the provision of quality bilingual and intercultural education and to listen to the views of indigenous children living in areas where extractive projects were to be carried out.

*The meeting rose at 5.55 p.m.*