



Convention on the Rights of the Child

Distr.: General
20 July 2017
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of the Child

76th session

11 to 29 September 2017

Agenda item 4

Consideration of reports submitted by States parties

List of issues in relation to the combined fifth and sixth periodic reports of Ecuador

Addendum

Replies by Ecuador to the list of issues*

[Date received: 10 June 2017]

* The present document is being issued without formal editing.



Part I

Question 1

1. Article 341 of the Constitution of the Republic provides that the State must generate conditions for the comprehensive protection of its inhabitants throughout their lives, so as to ensure the rights and principles recognized in the Constitution. Comprehensive protection must be provided through specialized systems. Accordingly, the National Decentralized System of Comprehensive Protection of Children and Adolescents was created to protect the rights of children and adolescents.

2. As stipulated in article 192 of the Organic Code on Children and Adolescents, the National Decentralized System of Comprehensive Protection of Children and Adolescents is comprised of agencies at three levels, namely, those that deal with policy design, planning, monitoring and evaluation; those that focus on defence, protection and enforcement of rights, and finally, those concerned with implementation of policies, plans and projects. In this context, it should be noted that the National Decentralized System of Comprehensive Protection of Children and Adolescents has not been replaced by the National Council for Intergenerational Equality, but rather it is part of that Council, as it is charged with designing, monitoring and evaluating intergenerational policies.

3. The National Council for Intergenerational Equality is based on the Constitution, article 156 of which describes its nature and duties. Its organizational structure is laid down in the Organic Act on National Equality Councils, which was adopted on 1 June 2014, and the General Regulations thereto, which were issued by Executive Decree No. 686, of 25 May 2015.

4. The enactment in July 2014 of the Organic Act on National Equality Councils provided a strong basis for creation of the cantonal rights protection councils. The tenth transitional provision of the Act provides for the conversion of the cantonal councils on children and adolescents into cantonal rights protection councils in those cantons where they have not yet been up. The Act also establishes the institutional and regulatory framework of the national equality councils and provides for the creation of five such councils in the following areas: gender, intergenerational issues, peoples and nationalities, disabilities and human mobility. This legislation replaces the National Council for Children and Adolescents by the National Council for Intergenerational Equality.

5. The regulations to the Act, which were issued in June 2015, provide that the National Council for Intergenerational Equality is responsible for ensuring the full observance and exercise of the rights of children, adolescents, young people, adults and older persons, as well as for intergenerational relations.

6. The National Council for Intergenerational Equality implements three macroprocesses:

1. Management of policy design, information and studies;
2. Management of mainstreaming and participation;
3. Management of observance, follow-up and evaluation.

7. With regard to specialized human resources, the National Council on Intergenerational Equality currently has a staff of 25 technicians at the territorial level and 14 technicians at the national level, as well as a technician in charge of zonal coordination in the main city of each of the nine planning areas of the executive branch.

8. The work of the technical teams in the territories consists mainly of raising awareness and training and advising the political and technical units of the decentralized autonomous governments responsible for generational and intergenerational equality policies in the territories.

9. Although the articles of the Organic Code on Children and Adolescents that refer to the National Decentralized System of Comprehensive Protection of Children and

Adolescents (arts. 190–192) remain in force, the agencies that make up the system have undergone significant changes. The National Council for Intergenerational Equality, formerly the National Council for Children and Adolescents, must now take into account the entire life cycle, i.e., all age groups. The changes in the cantonal rights protection councils are more far reaching, since these councils take the place of all the national equality councils in the cantons, and they must protect the rights of all groups: gender groups, intergenerational groups, peoples and nationalities, persons with disabilities and persons in situations of human mobility.

10. As regards the decentralized autonomous governments, the Organic Code of Land Management, Autonomy and Decentralization stipulates, in article 598, that each metropolitan and municipal decentralized autonomous government must organize and finance a council for protection of the rights enshrined in the Constitution and international human rights instruments. These councils are to be responsible for formulating, mainstreaming, enforcing, monitoring and evaluating municipal public policies on protection of rights, which must be coordinated with the public policies of the national equality councils.

11. The different autonomous provincial governments have complied with the provisions of the Constitution and the Organic Code on Land Management, Autonomy and Decentralization. They have launched a number of activities aimed at promoting the rights protection system and hence, the rights of children and adolescents. These programmes are divided into five main areas, as follows:

1. **Legislative action**, which involves drawing up ordinances and decisions in their specific and concurrent spheres of competence with a view to improving protection of the rights of children and adolescents, women and other groups;

2. **Development of local equality agendas** with the main goal of mainstreaming the focus on rights in planning and to deliver, in an objective manner, the resources set aside by law for priority groups;

3. **Institutional structure**, creating directorates, departments, units, offices and/or public enterprises (formerly known as *patronatos*) in charge of social affairs, in order to design, coordinate and implement programmes and projects for comprehensive protection of children and adolescents;

4. **Policies, programmes and projects** targeting children, adolescents and young people, some within their sphere of competence and others in the framework of national policies and leadership;

5. **Coordinated joint actions** to guarantee the rights of children and adolescents. Inter-agency agreements have been signed with the Ministry of Economic and Social Inclusion to provide services at children's centres for good living (*centros infantiles del buen vivir*), special protection projects and others.

12. An inter-agency board has been set up which is comprised of the national equality councils, the Ombudsman's Office and the Public Defender Service. In 2017, it will work on drafting a bill on the rights promotion and protection system that is currently under discussion in the National Assembly.

13. The National Council for Intergenerational Equality is reinforcing the resources and technical capacities it needs in order to fully exercise the powers and duties assigned to it by the Constitution and the law. In particular, it is focusing on improving information systems, data analysis and data processing. The Council is developing its capacity for coordination with sectoral ministries and helping key institutions mainstream the intergenerational and life-cycle approach in their policies and generate protocols and methodologies for dealing with specific issues faced by different population groups.

Question 2

14. The Council on Citizen Participation and Social Oversight is responsible for appointing authorities, including members of the National Council for Intergenerational

Equality. Accordingly, it decided to conduct virtual and personal consultations and request feedback from children and adolescents regarding revisions and adjustments that might be made to the regulations on appointment of citizens to membership of the National Council for Intergenerational Equality. This process was carried out from January to April 2016.

15. With the help of Plan International – Ecuador, the Council on Citizen Participation and Social Oversight has begun to adapt to the model of community ombudsmen’s offices, which entails including children and adolescents in decision making on mechanisms for enforcement, surveillance and social oversight of measures to protect their rights. This revised methodology is also supported by Child Fund, the Ministry of the Interior, the Ministry of Economic and Social Inclusion and the National Directorate of Special Police for Children and Adolescents.

16. The Commission on Citizen Participation and Social Oversight has begun strengthening and setting up community networks of children and adolescents. It also requires inclusion of a form for reporting on implementation of public policies on generational and intergenerational equality in the accountability reports that all public institutions in all posts and levels of government are required to submit. With this tool, the Commission can request reports on actions taken and outcomes achieved in promoting and establishing public policies embodying a generational and intergenerational approach. This information is recorded in the accountability system so as to facilitate analysis of the true status of public management in regard to services to children and adolescents. A set of guidelines for standards and indicators for evaluating compliance with the rights of children and adolescents is currently being designed, with support of Cooperación Internacional.

17. In 2015, the National Council for Intergenerational Equality handled 72 cases dealing with protection and restoration of the rights of children, adolescents, young people and older persons. In 2016, it handled 94 cases.

18. The National Council for Intergenerational Equality coordinates its work with the entities responsible for implementing public policies, i.e., the ministries of health, education and economic and social inclusion. With the experience gained over the last two years, they are coordinating their work at the national level with specific efforts involving the Council of the Judiciary, the Attorney-General’s Office, the Ombudsman’s Office and the Public Defender Service, since these entities play a key role in enabling access to the justice system.

19. In addition, the participation of children and adolescents in the advisory councils on children and adolescents has increased as the creation of such councils has been promoted and supported in all cantons. Members of the fifth Advisory Council on Children and Adolescents were elected on 9 and 10 August 2016. The goal is for the National Advisory Council on Children and Adolescents to represent as broad a population as possible through the establishment of parochial and cantonal advisory councils. These local councils will then be part of the national assembly that elects representatives at the national level.

20. The National Agenda on Intergenerational Equality 2013–2017 was drawn up in 2013 by the National Council for Children and Adolescents and the National Secretariat for Planning and Development. The Agenda was then submitted for consideration to the advisory councils on children and adolescents, and it was discussed at six workshops with adolescents, young people and older persons. It was reviewed by officials of the National Council for Children and Adolescents and the Ministry of Economic and Social Inclusion, the Ministry of Justice and Human Rights, the Ministry of the Interior and the Association of Municipalities of Ecuador (National Council for Children and Adolescents, 2014). The Agenda was presented officially in 2014.

Question 3

21. The Constitution, the Organic Act on the Ombudsman’s Office and other secondary laws assign powers to the Ombudsman’s Office that are aimed at protecting and promoting human rights as stipulated in article 215 of the Constitution, as follows:

1. To take steps, either ex officio or at the request of one of the parties, to provide protection, habeas corpus, access to public information, habeas data, non-compliance, citizen action and complaints of public or private services of poor quality or improperly provided;

2. To issue orders, which must be complied with immediately, regarding the protection of rights, and to request the competent authority to hand down decisions and order sanctions for non-compliance;

3. To investigate and issue decisions, within its sphere of competence, on actions or omissions of natural or juridical persons that provide public services;

4. To exercise and monitor compliance with due process and to prevent and immediately put a stop to torture and cruel, inhuman or degrading treatment in all its forms (Constitution of the Republic of Ecuador, 2008).

22. The Ombudsman's Office includes a Directorate-General for Guardianship which is responsible for conducting investigations relating to defence and monitoring compliance with due process and jurisdictional guarantees. The National Directorate for Priority Assistance and Liberties considers specific cases of violations of the rights of children and adolescents.

Question 4

23. In the area of education, the Ministry of Education, the Attorney General's Office and the Council of the Judiciary signed a tripartite agreement in 2013 to guarantee that educational facilities will be free of violence. In addition, a code on social harmony was drawn up and implemented in all educational institutions. The code is a public document developed by stakeholders in the community in order to encourage the entire educational community to implement mediation measures and prevent infringement of rights. In that same year, instructions were drawn up on mainstreaming the gender approach which also provide guidance on participatory construction of the social harmony code.

24. As noted in the reply to question 2, the Agenda on Intergenerational Equality adopted in 2014 proposes and outlines policies for achieving equality and good living (*buen vivir*) so as to promote the overall wellbeing of the people. The way in which this tool addresses intergenerational issues is not intended to create a new sector of reality, but rather to mainstream intergenerational relations as an emancipating factor, as well as to establish linkages to achieve equity in all aspects of life, gender, interculturality, human mobility and disability and to eliminate all types of discrimination.

25. In this context, intergenerational policies are formulated and implemented with a focus on increasing solidarity among generations and reducing all types of discrimination, especially between generational groups. The idea is to achieve greater social cohesiveness, participation, inclusion and equity and to eliminate power struggles in order to ensure that society has room for everyone of all ages and, in particular, a place of wellbeing and respectful relations in which everyone has the same opportunities. With the intergenerational approach embodied in the Agenda, other aspects are mainstreamed, such as gender, human mobility, disabilities and/or intercultural relations. Since the linkages between these situations could give rise to many serious forms of discrimination, public policies must be in place to prevent them.

26. Work is currently underway on the drafting of the *Guía de orientación para manejar la diversidad de identidad de género y orientación sexual en el Sistema Educativo Nacional* (Guidelines for dealing with gender identity and sexual orientation in the national educational system). This document is designed to encourage education free of violence for the LGBTI population through prevention, intervention and follow-up so as to prevent homophobia and transphobia. The document is currently being validated, after which it will be distributed.

Question 5

27. On the matter of institutional care, the regulations on placement in institutions are aimed at regularizing residential care for children and adolescents under 18. There are two sub-types of arrangements for care: foster care and institutional care. The regulations on foster care seek to regularize the operation of foster homes for children and adolescents under 18. This has made it possible to shorten the adoption process, from two years to eight months on average.

28. With regard to special protection, the Office of the Under-Secretary for Protection of the Ministry of Economic and Social Inclusion is responsible for planning, coordinating, managing, monitoring and evaluating policies, plans, programmes, strategies, projects and services in the area of special protection by preventing the infringement of rights and protecting and supporting the restoration of citizens' rights throughout the life cycle. In particular, its actions are focused on children, young people, older persons and persons with disabilities, who are at risk and poor, as well as priority groups needing care. At the same time, citizens are encouraged to share responsibility. Following are some of the most important accomplishments:

- Models of residential care, foster care, adoption and clarification of legal status for children deprived of a family environment; special protection services in cases of violence and gradual eradication of child labour and street begging;
- 2,475 children and adolescents deprived of their family environment assisted and living in residential care, per year;
- 3,500 children and adolescents whose parents are deprived of their liberty are cared for in foster homes;
- 32,159 children and adolescents in situations of child labour or at risk are cared for;
- 38,385 cases of domestic violence and violence against children are handled through Special Protection Services; assistance is provided to families and children;
- 6,083 persons in situations of street begging are assisted through *Da Dignidad* (Give Dignity), donations are mobilized; it is estimated that in 2016, around 100,000 persons participated in this effort; begging was reduced by 80 per cent, and support was provided in sending areas;
- 2,864 families were reunited;
- 656 adoptions were processed;
- 41,853 persons were sensitized and trained in prevention of rights violations and domestic violence; 830 technicians received training in eradication of child labour and begging and in foster and institutional care;
- 24,560 parents and high school students were sensitized about prevention of drug use;
- Technical standards for institutional care, foster care, Special Protection Services, eradication of child labour and eradication of begging were updated and validated with international cooperation agencies specializing in human rights and equality councils. The new technical standards were developed with the cooperation of the United Nations Children's Fund (UNICEF), the United Nations Refugee Agency (UNHCR) and national non-governmental organizations.

29. With regard to measures taken to prevent separation of children and adolescents from their families, a report issued in July 2016¹ describes follow-up actions on

¹ Report of the Directorate of Adoptions and Clarification of Legal Status of Children and Adolescents showing the situation nationwide as of 30 June 2016. The clarification of legal status is discussed later on, bearing in mind its regulatory impact and the important role it plays in decisions on judicial protection measures, as well in the deinstitutionalization process.

clarification of legal and social status of children and adolescents by the Directorate of Adoptions and Clarification of Legal Status of Children and Adolescents. As shown in the report, 85 entities provide residential care; of these, 10 provide direct services under the Ministry of Economic and Social Inclusion;² 49 operate under agreements with the Ministry through the special protection services, and 26 are private institutions.

30. As of February 2016, 2,457 children and adolescents were in institutional care; of those, 266 were in services directly operated by the Ministry of Economic and Social Inclusion, 1,617 were cared for by private agencies operated under agreements with the Ministry, and 574 were in the care of private agencies that did not have agreements with the Ministry. The report for February 2016 includes information on 83 institutions; this is pertinent because the monthly information gathered by the Directorate of Adoptions and Clarification of Legal Status is still pending.

31. The Ministry of Economic and Social Inclusion is actively working on development of an online system for registration and information³ on children in foster homes that is used by the courts in deciding on protective measures for children and adolescents. The Ministry is also working to coordinate technical oversight of implementation of technical standards by the Directorate of Special Protection Services and the Directorate of Adoptions and Clarification of Legal Status.

32. The family support model is designed to strengthen families so as to prevent abandonment and unjustified separation of children and adolescents from their family environment.⁴ In keeping with the Convention on the Rights of the Child, the following family support services are provided by the Office of the Under-Secretary for Families of the Office of the Deputy Minister for Economic Inclusion:

1. Strengthening the capacities of primary caregivers to guarantee the rights of children and adolescents;
2. Preventing early abandonment arising from situations of social inequity or lack of support by principal caregivers;
3. Preventing unnecessary placement in alternative care, either institutional or family- and community-based; and,
4. Eliminating institutionalization of children under age 3.

33. Between October 2014 and February 2017, follow-up was provided in 152 cases of Ecuadorian children and adolescents separated from their families (owing to situations of domestic violence, socioeconomic problems and conflicts between couples or between parents and children) in Italy. Guardianship has been restored for 60 children and adolescents. Of these, 13 Ecuadorian children and adolescents sought assistance through the assisted return programme and are now in the care of their relatives in Ecuador (see annex 6).

Technical Standards on Disabilities

34. Pursuant to article 87 of the Organic Act on Disabilities, the Ministry of Economic and Social Inclusion, in coordination with the decentralized autonomous governments, is responsible for promoting social inclusion of persons with disabilities and their families. To this end, it coordinates policy formulation, implementation, monitoring and evaluation with

² Direct institutional care services were provided by the Directorate for Protection of Minors, which included the *hogares de protección* (shelters), later called *casas hogar* (group homes) and now known as *centros de acogimiento institucional* (institutional care centres).

³ A similar experiment is the database (SENAINFO) of the National Children's Service of Chile, which includes online information on the network of services provided. The Colombian Family Welfare Institute operates a similar system, where the adoption process can be followed online. In Uruguay, the Institute on Children and Adolescents maintains an information system on the national foster family plan which has been in operation since 2011.

⁴ See information on the foster care model of Red Latinoamericana de Acogimiento Familiar (RELAF) and UNICEF, 2016.

public and private entities at the central and deconcentrated levels, with the participation and shared responsibility of families and communities.

(a) Types of care

1. *Day centres for comprehensive development of persons with disabilities*

35. These centres provide institutional care and promote development of skills for persons with physical, intellectual and/or sensory disabilities by working together with families and communities.

2. *Inclusive centres for referral and care*

36. These centres provide institutional care with special attention to and specialized care for persons with disabilities or persons with no family who are at risk and need support, either temporarily or permanently.

3. *Care at home and in the community*

37. These services are for persons with disabilities who, because of their intellectual, physical and/or sensory disability and their geographic location, are not able to go to day centres or other services.

(b) Outcomes

38. The Ministry of Economic and Social Inclusion has entered into 312 agreements with decentralized autonomous governments and non-governmental organizations. For more information on outcomes, please see annex 1.

Question 6

39. Article 253 of the Code on Children and Adolescents establishes sanctions for anyone who violates the right of children and adolescents to freedom of association and meeting or assembly as provided in the Code, and for the National Police as an institution charged with protecting rights, liberties and guarantees.

40. The Commission on Citizen Participation and Social Oversight, which promotes the right to citizen participation, has included in its training modules for children and adolescents specific content and methodologies for enabling them to fully understand the right of participation. The Commission has also asked non-governmental organizations and the United Nations for assistance with development of a protocol and training module for police officers assigned to public demonstrations that involve the participation of children and adolescents.

Question 7

41. To combat all forms of violence, the Organic Code on Children and Adolescents includes a chapter specifically devoted to protection against ill-treatment, abuse, sexual exploitation, trafficking and loss of children and adolescents. The Code defines ill-treatment, sexual abuse, sexual exploitation, trafficking of children and loss of children and adolescents. It establishes the obligation to report such cases of violence, to provide protection in cases of ill-treatment and to prevent ill-treatment in institutions, and it prohibits cultural practices involving ill-treatment, transfer and unlawful retention of children and adolescents.

42. In addition, article 79 of the Organic Code on Children and Adolescents lays down the judicial measures that must be taken to guarantee protection for children and adolescents.

43. In the administrative sphere, the Code calls for the establishment of cantonal rights protection boards as agencies charged with enforcing and protecting the rights of children and adolescents.

44. Decree No. 620, of 2007, calls for development of a National Plan for the Eradication of Gender Violence against Children, Adolescents and Women. This entails coordinating the work of the ministries of education, health, economic and social inclusion, justice and the interior, with a view to eradicating gender violence throughout the country. The Plan outlines five strategic lines of action, namely, transformation of sociocultural patterns, strengthening of the comprehensive protection system, single registry system, access to justice and institutionalization of public policies.

45. The Organic Act on Intercultural Education guarantees, as one of its principles, the right of individuals to an education free of gender violence that promotes respect for their physical, psychological and sexual integrity. This principle governs all public policies implemented by the education authorities.

46. In addition, several articles of the Act make it obligatory for all members of the education community, including parents, to report to the courts all cases of violence committed or known to have been committed in educational institutions (art. 8 (l), art. 11 (l) and (s), art. 14). This has made it possible to take action to improve the response when such situations are reported.

47. The Act also provides for the creation of district conflict resolution boards to settle disputes within the educational system. The boards, which are interdisciplinary in nature, are made up of three professionals appointed directly by a competent authority: the district director, the chief of human resources and the chief legal counsel. These authorities have the power and responsibility to handle, either *ex officio* or in response to a complaint or report by a competent authority, cases of violation of the rights and principles established in the Act and to resolve at the administrative level all cases of violation of the rights and principles established in the Act. A specific procedure is followed when dealing with cases of violence within an educational institution.

48. In 2011, the Ministry of Education launched the National Plan for the Eradication of Sexual Offences in the Educational Environment. The Plan outlines specific actions to be taken to eradicate this type of violence in the educational environment.

49. In order to deal with cases that are especially complex because of the violence involved, in December 2012, the Council of the Judiciary signed the Framework Agreement on Inter-Agency Cooperation between the Attorney-General's Office and the Ministry of Education. The aim is to promote inter-agency action so as to effectively investigate and punish sexual offences against children and adolescents in the educational environment and prevent revictimization.

50. The Council of the Judiciary has helped develop protocols and road maps for dealing with violent acts and/or sexual violence that is detected or committed in establishments of the national educational system.

51. In the context of the aforementioned Agreement, 185 complaints were received and acted on during the period 2015–2016; indictments were issued in 111 of these cases, and decisions were handed down in 52. In the latter 52 cases, 20 defendants were found not guilty, and the remaining 32 were found guilty. Twenty-two additional complaints are currently in pretrial hearing stage.

52. The Comprehensive Criminal Code defines offences that involve the violation of human rights, especially the rights of priority groups, including children and adolescents. Chapter Three, Article 558 (12), on protective measures for crime victims, provides that when there is evidence of offences involving violence against women or members of the nuclear family, offences involving sexual and reproductive integrity or personal safety and liberty, or human trafficking, the prosecutor must, as a matter of urgency, ask the court to order one or more protective measures on behalf of the victims, and the court must immediately order such measures.

53. Article 78 of the Comprehensive Criminal Code provides for five comprehensive reparation mechanisms: (1) restitution, (2) rehabilitation, (3) compensation for material and non-material damage, (4) measures of satisfaction or symbolic measures, and (5) guarantees of non-repetition.

54. The Ministry of Education has developed the following tools:

- ***Guía práctica para el abordaje del acoso escolar (Practical guidelines for dealing with bullying at school)***: guidelines for eliminating all forms of violence in educational spaces;
- ***Rutas de atención en violencia (Roadmaps for dealing with violence)***: steps and procedures to be followed in cases of violence within the educational system.

55. The Organic Act on Intercultural Education provides for the creation of student counselling departments in educational institutions to provide assistance, prevent violations of and promote and restore human rights within educational institutions. The counselling departments are staffed with psychologists and social workers who are trained to identify social problem and provide assistance; in particular, they attach priority to dealing with all forms of violence. Additional information on student counselling departments is provided in the reply to question 11.

56. In 2014, the Ministry of Education launched a nationwide campaign entitled *Nadie nunca más, educación sin violencia sexual* (“Nobody else, ever, education without sexual violence”). The main purpose of the campaign was to raise awareness among the educational community about this serious problem and to encourage the public to report cases of violence in educational institutions. The campaign disseminated tools for dealing with violence in all its manifestations (roadmaps and protocols).

57. In 2017, the Ministry of Education presented the findings from the first nationwide investigation of school bullying to show the extent of the problem and take action to prevent it. It was found that one of every five students between the ages of 11 and 18 has been a victim of bullying at school. With this information, it will be possible to plan action for dealing with and preventing this type of violence in educational institutions.

Question 8

58. In the area of education, a number of domestic and international laws guarantee an education for persons with disabilities within the national education system. The subject is dealt with, in particular, in article 348 of the Constitution; Section Three, Education, articles 27 and 28 of the Organic Act on Disability; and article 47 of the Organic Act on Intercultural Education.

59. Ecuador has an inclusive system of special education with classrooms that are suitable for children and adolescents with disabilities. Special education is designed for children and adolescents with light or moderate educational needs who are functionally independent and fully able to communicate; thus, they take part, with accommodations, in regular educational activities. The second type of special education is designed for children and adolescents with intellectual, sensory or psychomotor disabilities who are somewhat functionally dependent; these students are placed in special education centres. The third type of special education is for children and adolescents who are sick or undergoing treatment in a hospital setting.

60. With regard to in-hospital education, the Ministry of Education and the Ministry of Public Health reached an inter-agency agreement on implementation of a model of hospital classrooms in order to ensure that patients are able to continue their education. At present, 26 hospitals and three group homes serve 3,974 students (January-October 2016) with 59 teachers and 29 professionals from the district units on inclusion. At present, the system serves 42,872 children (approximately 8,000 more than last year).

61. One hundred three public special education facilities have been established, as well as the National Diversity Resources Centre.

62. The measures taken to guarantee quality inclusive education have produced the following outcomes, among others:

- 18,621 students with disabilities were included in the national educational system during the 2015/16 academic year;
- 140 district units on inclusion provided support and advice to educational institutions in connection with the inclusion of students with disabilities, up to April 2017;
- The units on inclusion conducted psychological and pedagogical testing in order to place students in appropriate types or levels of regular and special education, based on the educational needs of individual students;
- 16,393 public and private educational institutions are required to be inclusive by the Organic Act on Intercultural Education. As of 2016, 5,503 educational institutions had persons with disabilities;
- In-hospital and home schooling were provided in 2016. In addition, 32 in-hospital classrooms were added nationwide to meet the special education needs of children and adolescents with disabilities or handicaps;
- In 2016, models of special education and of bicultural bilingual education for deaf persons were developed; they are currently under review prior to their implementation in special education institutions;
- 51,431 teachers received training on disabilities in 58 courses using the virtual platform of the National Council for Persons with Disabilities.

63. The Ministry of Education has trained 58,700 teachers and students and raised their awareness about disabilities. It has also developed a public policy to facilitate access to inclusive education (see details in annex 2).

64. In compliance with the Organic Act on Health (Executive Decree No. 1138 of 19 April 2012), coverage of the Joaquín Gallegos Lara voucher scheme was extended to persons who were found by the Ministry of Public Health to have catastrophic, rare or orphan diseases, and whose socioeconomic situation was critical.

65. Coverage was also extended to children and adolescents under 14 who are living with HIV/AIDS, as required by Executive Decree No. 1284 of 30 August 2012.

66. Breakdowns by province, self-identified ethnicity, age group, type of disability and percentage of disability may be found in annex 3.

Question 9

67. Under the Constitution of 2008 and the National Plan for Good Living 2013–2017, the Ministry of Public Health is required to guarantee the right to health for everyone, bearing in mind gender, intercultural and generational aspects.

68. In this context, the Comprehensive Family, Community and Intercultural Health Care Model was developed to organize the National Health System in such a way that it can respond to the health needs of individuals, families and the community, thus ensuring full coverage of the health care network. Health care is provided with due regard for the specific characteristics and needs of each age group and gender, so as to guarantee comprehensive care throughout the life cycle.

69. The Ministry is carrying out the following programmes, among others, for children and adolescents.

Reducing malnutrition in children and adolescents

70. The goals of the National Plan for Good Living 2013–2017 are to eradicate chronic malnutrition among children under 2, increase the prevalence of exclusive breastfeeding during the first six months of life and reduce the number of new cases of overweight and

obesity. At the national level, it pursues a number of strategies relating to provision of services, promotion of health, health and epidemiological surveillance and formulation of public policies directly linked to improvements in nutritional status.

71. The measures implemented may be summarized as follows.

1. *Measures in the area of health services to improve nutrition*

72. The Ministry of Public Health applies strategies, standards and protocols for maternal and child health, especially in the aftermath of the 2016 earthquake, as a result of which it is implementing an emergency protocol for dealing with acute malnutrition and updating standards for care of children aged between 0 and 9 years.

73. One of the strategies is the plan for accelerated reduction of chronic malnutrition, especially during the first 1,000 days. This ensures early care for pregnant women, at least five prenatal check-ups, monitoring of the child's development, immunizations, delivery of micronutrients both to pregnant women and to children under 5. The plan also includes health education including prenatal education, feeding during pregnancy, breastfeeding, supplementary feeding, consumption of one egg per day to prevent malnutrition starting at 7 months, hygiene, hand washing and development of the child up to age 5.

74. Primary health-care professionals play an important role in this strategy, as they are responsible for individual follow up of pregnant women and children at risk for mortality and malnutrition. At the national level, under an agreement with the public technical institutes, the Ministry of Public Health has trained and hired 1,500 primary health-care professionals; in order to facilitate care with an intercultural approach, 50 per cent of these professionals belong to different peoples and nationalities.

75. The Guardians of Life strategy is designed to promote action through local citizens' health committees that advocate for elimination of child malnutrition in their territories through community surveillance and support for at-risk pregnant women, newborns and malnourished children in the community.

76. The Guardians of Life coordinate their work with comprehensive health-care teams, providing individual follow-up through home visits to at-risk pregnant mothers, newborns and malnourished children in the community who have not gone for medical check-ups. To date, the Guardians of Life have visited a total of 14,937 children under age 2.

2. *Measures recommended for promoting, protecting and sustaining breastfeeding*

77. Parallel to the plan for accelerated reduction of chronic malnutrition, an intensive campaign is being carried out to promote exclusive breastfeeding which entails certifying mother- and child-friendly health establishments. Certification requires establishing guidelines for care of mothers and newborns through adequate delivery methods, reduction of Caesarean sections, immediate bonding between mother and infant, start of breastfeeding within the first hour, delayed cutting of umbilical cord and obligatory compliance with the international code on marketing of by-products of breast milk, among others.

78. It should be noted that there are contraindications to breastfeeding, such as when there has been perinatal exposure of the infant (children of HIV-positive mothers). In such cases, the infant should be fed solely with formula, since one of the forms of mother-to-child transmission of HIV is through breastfeeding. A free supply of baby formula is guaranteed from birth up to 18 months.

3. *Measures relating to regulation, tax policy, education and nutrition information*

79. In the fight against malnutrition, a key policy was set by health regulation No. 5103 on colour-coded labelling of processed foods. Implementation of this measure has brought labelling practices in line with other public policies regulating the sale of food in schools. No educational institution in the country is allowed to sell products with a high content of sugar, salt or fat.

Reducing child and teenage pregnancies

80. Through the comprehensive health-care model, the Ministry of Public Health has been working to integrate programmes for adolescents, including through measures for dealing with teenage pregnancy. Following are some of the lines of action pursued.

Policies and regulations

81. Compliance with health regulations is compulsory for all health establishments in the national system that provide comprehensive sexual and reproductive health care focusing on adolescents.

- The National Sexual and Reproductive Health Plan 2017–2021 includes eight strategies and 60 indicators to be applied in the National Health System. A specific strategy and nine indicators have been developed for comprehensive care of adolescents;
- Regulations on access to contraception (Ministerial Decision No. 2490) were issued and implemented;
- The package of regulations for care of adolescents (2009) was updated. It includes guidelines for organizing services with emphasis on sexual and reproductive health, a standard and protocol for comprehensive care of adolescents and rules and procedures for comprehensive health-care for adolescents;
- Guidelines for monitoring the health of adolescents were issued and implemented (2014);
- The *Manual de Asesoría en Salud Sexual y Salud Reproductiva* (2017) (Handbook for Advisory Services in Sexual and Reproductive Health), which includes a section specifically devoted to advice for adolescents, was developed, issued and implemented;
- The *Manual de salud sexual y salud reproductiva en población con discapacidad* (Manual of sexual and reproductive health for persons with disabilities) has been developed and is currently being validated and reviewed by technical experts.

Services

Inclusive health establishments

82. Inclusive health establishments are primary care facilities that have been certified as inclusive health services after they have complied with at least 85 per cent of the standards for discrimination-free and pollution-free participatory facilities that promote healthy activity, as well as the relevant categories, components and verifiers.

83. The aforementioned certification process entails adding to the aforementioned services the certification of adolescent-friendly comprehensive services, which are required to adopt minimum standards of adolescent-friendly care.

Health promotion

- Strategy for sharing advisory services in health promotion through hotline 171 option 2;
- Health promotion activities throughout the country during the week for prevention of teen pregnancies;
- Methodology for promoting sexual and reproductive health (updating materials);
- Translation of materials on promotion of sexual and reproductive health into Braille in order to include persons with disabilities;
- Work with teen clubs set up in health establishments; there are currently 983 such clubs.

Research

84. The binational diagnostic study of sexual and reproductive health services on the border between Ecuador and Colombia was completed. This study contributes to development of the binational roadmap for sexual and reproductive health care in the border area. One of the objectives of the study is educational communication in sexual and reproductive health for adolescents and young people (2016–2017).

85. A research study entitled *Costos de Omisión en Salud Sexual y Reproductiva en Ecuador* (Costs of omission in sexual and reproductive health in Ecuador) was conducted between 2014 and 2017. The objective is to compile information that will be helpful to the State in generating and implementing legislation and investment policies in sexual and reproductive health.

Question 10

86. The State has an internal protocol for identifying, registering and protecting unaccompanied and separated child asylum seekers and applicants for refugee status (see annex 4). It also keeps a record of unaccompanied or separated child refugees (see annex 5).

87. The following special protection services are provided for all separated or unaccompanied children:

- Specialized psychological care and social assistance to restore the rights of children and adolescents and persons who have been victimized, through the Special Protection Service, which assists an average of 2,400 persons per month;
- Assistance to children and adolescents who are deprived of their family environment through foster families up to the fourth degree of consanguinity until the family is strengthened and the children or adolescents can be reunited with their biological families.

88. Along with increasing efforts to regulate applications for refugee status for unaccompanied children and adolescents, in February 2017, the National Assembly enacted the Organic Act on Human Mobility. Section IV, article 99 (9), on procedures for recognizing refugee status, establishes due process guarantees for unaccompanied children and adolescents and those who have been separated from their legal representatives. The article stipulates that the competent authority must coordinate the appointment of a guardian or legal representative and, in the case of the authority responsible for human mobility, he or she must notify the Public Defender Service which should then represent the unaccompanied child or adolescent.

89. Regarding measures for identifying, registering and protecting separated child asylum seekers and refugees, Ecuador has implemented international agreements on protection of children from international abduction. It is a party to the Hague Convention on the Civil Aspects of International Child Abduction and the Inter-American Convention on the International Return of Children.

90. As part of the Human Security Programme, mechanisms were put in place to protect the lives and physical safety of children and adolescents in the northern border area and to prevent recruitment by irregular armed groups and the various forms of gender violence against children and adolescents, as well as murders and disappearances.

91. In the context of the Human Security Programme, during 2015 and 2016, the Ministry of the Interior took steps to prevent human trafficking in the provinces of Esmeraldas (cantons of Esmeraldas, Eloy Alfaro and San Lorenzo) and Sucumbios (cantons of Lago Agrio, Putumayo and Shushufindi), including the following:

- (a) The rights-promotion strategy was implemented; this effort was coordinated with local human mobility boards (Esmeraldas) and human rights boards (Sucumbios); provincial plans on prevention were developed on the basis of the national strategy.

(b) In 2017, the decentralized autonomous governments of Esmeraldas and Lago Agrio carried out prevention programmes, as well as training and awareness-raising workshops.

(c) Educational and communication materials on prevention of trafficking for purposes of sex, work and recruitment for armed conflict were developed. One radio spot, three radio microprogrammes and three television shorts were developed. Information on these may be found on the following Internet platforms:

<https://www.youtube.com/watch?v=nrIDzA7obhE>
https://www.youtube.com/watch?v=_y5AA_BQPE8
<https://www.youtube.com/watch?v=nChmKm8c47E>

(d) Work was carried out with grassroots and civil society organizations involved in programmes for young people, and tools for identifying cases were provided. A methodological guide including key elements was developed.

Question 11

92. The following outcomes have been achieved through the agenda for the International Decade for People of African Descent and the Agenda for Afrodescendent People-Ecuador Chapter:

- The Decade recognizes as a priority the need for ethno-education of Afro-Ecuadorians. The coordinators of Afrodescendent organizations are determined to make every effort to strengthen and guarantee access for Afro-Ecuadorian children to ethno-education at the preschool, primary, secondary and tertiary levels;
- Goals have been set for eradicating illiteracy in all its forms among the Afrodescendent population; this will benefit children and adolescents;
- Plans are in place for monitoring and improving the quality of education, with the focus on improving the performance of adolescents who take the National Examination for Higher Education which is required for admittance to the university.

93. The Ministry of Education has reinforced the staffs of student counselling departments that work on prevention of psychological and social problems and strengthening of social harmony within educational institutions. To date, 1,768 public educational institutions are offering counselling services through an overall staff of 4,110 psychologists, psychological and pedagogical counsellors and social workers; 3,097 professionals have received training that will help them break down stereotypes based on differences in gender, sexual identity and economic, social or cultural background. This training deals with prevention of violence, prevention of drug use and abuse, protocols for action in cases of violence committed or detected in the educational system, promotion of skills and preventive strategies such as personal development, human rights, inclusion and diversity, culture of peace, affectivity, gender relations and sexuality.

94. The Ministry of Education has recognized the need for and is currently implementing ethno-education for Afro-Ecuadorians in the national educational system, as required by Ministerial Decision No. MINEDUC-ME-2016-00045-A, of 20 May 2016. This decision outlines a number of actions to be taken to include the development of Afro-Ecuadorian culture in teaching and learning programmes and highlight the history, knowledge and traditional practices of Afro-Ecuadorians as essential aspects of national educational programmes.

95. In the area of bilingual intercultural education, bilingual intercultural national curricula, which are based on the bilingual intercultural education model and the national curriculum for 2016, are used throughout the system, from early childhood community and family education to bilingual intercultural *bachillerato* (secondary) programmes for the following 14 indigenous nations in the country: Achuar, A'i (Cofán), Andwa, Awa, Baai (Siona), Chachi, Eperera siapidara, Kichwa, Paai (Secoya), Sapara, Shiwiar, Shuar and Tsa'chi y Wao (Ministerial Decision No. MINEDUC-MINEDUC-2017-00017-A, 23 February 2017).

96. The early childhood community and family education curricula, which include units devoted specifically to knowledge, know-how and fields related to the worldview of the people group concerned, will be developed for teachers and students at all levels. The teaching materials are written in the ancestral languages of the people groups (including a Spanish translation), and innovations designed to fit the student body concerned are allowed. Their use is compulsory in the bilingual intercultural education system.

97. Financing for the bilingual intercultural education system was provided by the project on Strengthening of Bilingual Intercultural Education; in addition, ongoing, deconcentrated and cross-cutting services were provided by the Ministry of Education. Continuing teacher education courses were offered for 444 professionals in 2014 and 142 in 2016, using four bilingual intercultural education modules. Licentiate (*licenciatura*) degrees were granted to 229 graduates representing 14 people groups. Publications were issued which include dictionaries of useful plants, textbooks for bilingual intercultural education in 14 ancestral languages, children's stories in the languages of the Shuar and Kichwa nations and dictionaries in the Kichwa, Shuar, Sapara, Chachi and other languages.

98. Ecuador has nine zonal directorates, 21 district directorates and 190 circuits for bilingual intercultural affairs, all staffed with managers and technical teams from the people groups concerned (Decision No. 020-12 and Ministerial Decision No. 484-12 of 18 November 2012, on establishment of technical and teaching teams).

Question 12

99. The Public Defender Service has specialists in juvenile justice who provide free and timely guidance, assistance, advice and legal representation when defendants cannot afford such services. In January 2017, there were 733 public defenders, including 200 specialists in legal services for children and families.

100. With regard to criminal defence for adolescent offenders in conflict with the law, in January 2017, the Public Defender Service had 12 specialized public defenders in Pichincha and Guayas to advise and defend adolescents in conflict with the law and their families. In the other provinces, public defenders who are competent in several areas are available to assist in such cases. This staff has been trained and has received the technical tools they need for their work.

101. The Attorney-General's Office has 30 prosecutors nationwide who specialize in cases involving adolescent offenders and 157 prosecutors who are competent in several different areas.

102. To meet the needs of justice system, the Council of the Judiciary has set up technical units to assist the judges who deal with issues affecting families, women, children and adolescents. These technical units are staffed with doctors, psychologists, social workers and other specialists in work with children and adolescents. They are responsible for conducting technical examinations ordered by judges, and their reports qualify as expert testimony.

103. The following table shows the coverage of courts that deal with families, children, adolescents and adolescent offenders, as well as of technical teams.

Number of justice officials working with families, women, children, adolescents and adolescent offenders

<i>Judges</i>		<i>Technical teams assigned to judicial units</i>			<i>Total</i>
<i>Have specific competence</i>	<i>Are familiar with the subject</i>	<i>Doctors</i>	<i>Psychologists</i>	<i>Social workers</i>	
326	223	62	111	119	841

Source: National Directorate for Innovation, Development and Continuing Improvement of the Judiciary.

Prepared by National Directorate of Access to Justice Services. June 2017.

104. In accordance with the model for the provision of comprehensive social, psychological and pedagogical assistance, juvenile offenders in detention centres are separated by age group in collective dormitories. The following criteria are applied:

- Age and type of measure: male and female adolescents are separated according to the preventive and socio-educational measure applied. They are also separated by age groups;
- Degree of integration and acceptance: Similar groups in terms of place of origin, educational interests and participation in workshops;
- Behaviour: Signs of violent behaviour and withdrawal symptoms;
- Special rooms are set aside for adolescent mothers with children aged under 3 who are placed in a day-care programme while their mothers participate the centre's social, psychological and pedagogical activities;
- Young people aged 18 or older who are complying with socio-educational measures in centres for adolescent offenders are housed in collective dormitories for adults.

105. With regard to procedures for reporting infringements of rights and the means by which adolescents can obtain information on the judicial proceedings related to their case and on their reintegration into society, the coordinator and the person in charge of legal affairs in centres for adolescent offenders are responsible for monitoring the duration of preventive and socio-educational measures. Adolescents may address requests and queries to the legal department regarding the duration of measures and the analysis needed to request a change of regimen, as stipulated in article 380 of the Organic Code on Children and Adolescents. Once a change has been requested, a technical team that is familiar with the legal issues and the adolescent's progress in the areas of health, education, family ties, self-esteem and job-related issues prepares a technical report describing the adolescent's development and performance. Once the technical report has been issued, the coordinator of the centre sends to the court in charge of the case a request for a change in the plan, along with the report in question.

106. Adolescents may submit their request for a change to the court through a private lawyer or a public defender. Public defenders visit the centres for adolescent offenders to study and process the adolescents' cases in order to deal with situations in which the rights of the adolescents may have been infringed.

107. During the phase of preparation for release envisioned in the model for comprehensive social, psychological and pedagogical assistance, the technical team generates conditions to allow for the continued inclusion of adolescents in the areas of education, jobs, health and family ties.

Question 13

108. Child pornography is defined as an offence in articles 103 and 104 of the Comprehensive Criminal Code. Child prostitution is defined in articles 105, 173 and 174 of the Code, and trafficking of persons committed against children and adolescents as an aggravating circumstance is defined in articles 91 and 92 of the Code.

109. Furthermore, in order to protect children and adolescents, the National Directorate of Special Police for Children and Adolescents, a police unit specializing in defence procedures to ensure respect for the human rights of at-risk children and adolescents, was created by Executive Decree No. 908, of 3 December 1997, which was published in *Registro Oficial* No. 207.

110. The National Directorate of Special Police for Children and Adolescents is present in the 24 sub-zones of the national territory with 644 police officers who are trained in procedures for assisting children and adolescents with emphasis on the Organic Code on Children and Adolescents, international agreements, conventions and treaties and the legislation currently in force.

111. More than 327,000 people are trained every year, including 1,398 are students in different kindergartens, elementary schools and high schools throughout the country. The training is designed to generate a culture of respect and enjoyment of rights.

112. At the national level, the National Directorate of Special Police for Children and Adolescents has carried out operational activities which involve receiving complaints, conducting investigations, conducting intervention of adolescents in the course of operations, providing assistance, detaining adolescents for offences and misdemeanours, and other activities aimed at preventing infringement of the rights of children and adolescents.

Question 14

113. The internal protocol for dealing with cases of children arriving in the territory who may have been recruited or used in hostilities by armed groups is described in annex 4.

Part II

Question 15

(a) New bills or enacted pieces of legislation and their accompanying regulations

114. A bill amending the Code on Children and Adolescents was submitted by the executive branch to the National Assembly on 18 May 2017. It is currently under consideration by the Committee on Justice of the Assembly.

115. A bill proposing an organic act on children and adolescents free of physical punishment and degrading treatment and penalties was submitted in January 2016.

(b) New institutions, their mandates and funding

116. The National Council for Intergenerational Equality focuses on generational and intergenerational equality and non-discrimination in public policy and institutional and social practices.

117. The National Agreement for the Eradication of Gender Violence against Children, Adolescents and Women was signed in November 2014. The Agreement includes a mandate to provide protection of children and adolescents who are victims of gender-based physical, psychological and/or sexual violence, including forced prostitution of girls and adolescents. As of April 2016, 41 locations — shelters and assistance centres — had been set up in the Network of Assistance to Women Victims of Gender Violence.

118. The public policy on eradication of gender violence against children, adolescents and women is to be implemented through allocations for the strategic line of action for the comprehensive protection system, as follows:

- US\$600,000 to operate the specialized comprehensive care centres;
- US\$1,578,450 to strengthen specialized centres and shelters;
- US\$585,000 for improvements in police stations for women and families.

(c) Recently introduced policies and programmes and their scope in the State party

119. During the last three years, Ecuador has made significant progress with protective measures to promote and guarantee the rights of children.

- The *Plan Toda Una Vida* (All Your Life Plan) was adopted by Executive Decree No. 11 of 25 May 2017. The Plan includes the following line of action on children and adolescents:
 - *Misión Ternura* (Tender Loving Care Mission), the purpose of which is to provide comprehensive health care, nutrition and stimulation during the first 1,000 days of life, monthly prenatal check-ups, neonatal screening and day care. The main objective is to eradicate child malnutrition within four years.

(d) Recent ratifications of human rights instruments

120. The ratification by Ecuador of International Labour Organization (ILO) Domestic Workers Convention, 2011 (189), which refers to child labour, was published in *Registro Oficial* No. 393 of 9 December 2014.
