



Convention on the Rights of the Child

Distr.: General
28 October 2021

Original: English
English, French and Spanish only

Committee on the Rights of the Child

List of issues prior to submission of the seventh periodic report of Ecuador*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2023. The replies should take into consideration the Committee's recommendations contained in its concluding observations on the combined fifth and sixth periodic reports of the State party,¹ adopted on 29 September 2017. The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention and the Optional Protocols thereto;

(b) Information on the measures taken to ensure the protection of children's rights in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse effects of the pandemic, in view of the Committee's statement of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

4. Please provide information on the following:

* Adopted by the pre-sessional working group on 1 October 2021.

¹ [CRC/C/ECU/CO/5-6](https://www.unhcr.org/refugees-and-migrants/2017/10/29/crc-co-5-6).



(a) How the provisions of the Convention are incorporated into national legislation, in particular the draft organic code for the comprehensive protection of children and adolescents;

(b) Whether any legal reform maintains the speciality concerning the rights of the child and protects children as right holders of all the rights set forth in the Convention;

(c) Whether a procedure has been put in place for child rights impact assessments for any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision that affects children's rights.

Comprehensive policy and coordination

5. Please provide information on the following:

(a) How the decentralized national system for the comprehensive protection of children and adolescents coordinates activities relating to implementation of the Convention in the State party at cross-sectoral, national, regional and local levels and allows for specificity with regard to the rights of the child;

(b) How the National Council for Intergenerational Equality and cantonal councils for the protection of rights reinforce and uphold the specificity and interdependence of all children's rights;

(c) National and local policies, plans and strategies affecting children, including the Plan Nacional para el Buen Vivir, 2017–2021, addressing the rights of the child as set out in the Convention, including information on financing, resources, monitoring and evaluation;

(d) Implementation of systemic reforms in areas affecting children, such as violence, child justice, reproductive health and protection of groups in vulnerable situations, including migrant children and adolescents, and lesbian, gay, bisexual, transgender and intersex children and adolescents.

Allocation of resources

6. Please provide detailed information on measures taken to:

(a) Incorporate a child rights-based approach into the State budgeting process and specify clear allocations for children in vulnerable situations, including children and adolescents from ethnic minorities, Afro-Ecuadorian children, asylum-seeking, refugee and migrant children, and children with disabilities;

(b) Establish a system to identify budget allocations and expenditure on children by specific ministries so as to guarantee an objective assessment of the adequacy and effectiveness of public expenditure on children. Please also provide information on mechanisms in place to ensure a transparent and participatory budgeting process, in particular one involving the participation of children;

(c) Ensure that children, especially those in vulnerable situations, are not affected by austerity measures or regressive measures taken in response to the COVID-19 pandemic.

Data collection

7. Please provide information on:

(a) Progress made in the data-collection system, particularly with regard to different forms of violence against children and adolescents, such as trafficking, sexual exploitation, the use of children in pornographic performances and materials, and chronic malnutrition;

(b) Progress made in setting up an effective data-collection system on the situation of Afro-Ecuadorian children and Montubio children;

(c) Advantages and challenges of the move of the National Institute of Statistics and Census under the aegis of the Office of the President of Ecuador for the purpose of collecting disaggregated data on the rights of children.

Dissemination, awareness-raising and training

8. Please provide information on measures taken to:

(a) Increase awareness among children, parents, extended family, caregivers, members of the media and professionals working with and for children, of the Convention and the Optional Protocols thereto, with an emphasis on the recognition of children as rights holders and their protection from all forms of violence;

(b) Provide systematic basic training and continuing education for professionals working with and for children, including personnel of national and local public authorities, law enforcement officers, teachers, health personnel, social workers and personnel of childcare institutions, on their responsibilities under the Convention.

Independent monitoring

9. Please provide information on measures taken to establish a child rights monitoring mechanism within the Office of the Ombudsperson mandated to propose legislation and policies on children's rights and to receive and investigate complaints by children of violations of their rights.

Children's rights and the business sector

10. Please describe the measures taken to establish a clear regulatory framework for companies under the State party's jurisdiction, in particular in the oil and mineral sectors, to ensure that their activities do not negatively affect human rights or endanger environmental or other standards, especially those relating to children's rights.

B. General principles (arts. 2–3, 6 and 12)**Non-discrimination**

11. Please provide information on measures to ensure full protection against discrimination, including to:

(a) Address disparities in access to education, health services and a minimum standard of living by children belonging to indigenous peoples and nationalities, Montubio children, Afro-Ecuadorian children, children with disabilities and children of families living in poverty;

(b) Eliminate patriarchal attitudes and gender stereotypes that discriminate against girls in all areas of life, including de facto discrimination against pregnant girls and adolescent mothers in education;

(c) Adopt clear guidelines for public authorities aimed at ensuring non-discrimination against children on any grounds and combating stigma against children of single-parent families, children born to persons deprived of their liberty, children in families composed of same-sex couples, and lesbian, gay, bisexual, transgender and intersex children and adolescents.

Respect for the views of the child

12. Please provide information on:

(a) The rules and procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, including in civil and criminal courts, migration and asylum-seeking processes, and institutionalization;

(b) Measures in place to guarantee the right of the child to be heard, in particular with regard to the drafting of legislation impacting children, including the draft organic code for the comprehensive protection of children and adolescents, alternative care placement and the development of climate change policies;

(c) Training for all relevant professionals, in particular teachers and child rights representatives, on the right of the child to be heard, and the measures taken to promote and enhance the participation of children at school;

(d) Efforts to address norms, harmful beliefs and attitudes that discourage children's active participation in society, the family, school, and social and judicial settings.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Right to identity and birth registration

13. Please inform the Committee about measures taken to:

(a) Ensure birth registration of children in rural, coastal and border areas in the provinces of Guayas, Manabí and Esmeraldas;

(b) Protect the child's right to identity, and prevent de facto and/or legal amendment of the identity names of children, in particular as regards the Organic Law on Management of Data and Civil Information.

Freedom of association and peaceful assembly

14. Please describe measures taken to promote, protect and facilitate freedom of association and peaceful assembly of children, including the withdrawal of laws and regulations that allow for sanctions in connection with the exercise of the right to freedom of association and peaceful assembly. Please also indicate if there is an official protocol on how to deal with children in the context of public demonstrations and if a related complaints mechanism has been created.

Access to appropriate information

15. Please describe the measures taken to:

(a) Improve digital inclusion for children, especially those who live in remote and rural areas, children with disabilities, children belonging to indigenous peoples and nationalities, Afro-Ecuadorian children, and migrant, refugee and asylum-seeking children;

(b) Protect children and adolescents from violence and harmful information and products in the digital environment.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence

16. Please provide information on measures taken to:

(a) Expedite the adoption of the draft organic law for a childhood and adolescence free from physical punishment and degrading treatment, and strengthen efforts to eradicate corporal punishment in practice;

(b) Implement the national plan for the prevention of violence against children and adolescents and the promotion of positive parenting of 2018, the national policy for school coexistence of 2021 and the amended Organic Law of Intercultural Education;

(c) Adopt an adequately resourced and comprehensive strategy to prevent and eliminate all forms of violence, abuse and neglect against children and adolescents in all settings with specific measures addressing violence against children belonging to indigenous peoples and nationalities and Afro-Ecuadorian children;

(d) Ensure that child victims of violence have access to effective child-friendly reporting mechanisms, psychological counselling, rehabilitation and health services, including mental health services, and redress and compensation.

Child sexual abuse and gender-based violence

17. Please indicate what measures are being taken to:

(a) Raise awareness on the harmful effects of child sexual abuse among the public and professionals alike and to establish mandatory reporting, effective investigation and prosecution of cases of child sexual abuse and exploitation;

(b) Adopt a nationwide strategy to eliminate sexual violence against girls at home and in the education system and ensure that girls have access to information about their sexual and reproductive rights;

(c) Expedite judicial proceedings against alleged perpetrators of sexual violence against girls and ex officio investigations, as agreed by the Ministry of Education and the Office of the Attorney General, concerning sexual violence in school settings, and gather data disaggregated by age, geographic area, and national origin and/or ethnic status;

(d) Adopt clear standards for the provision of remedies and redress for girl victims of sexual violence and abuse, including psychosocial redress and counselling, reparations, compensation and guarantees of non-repetition;

(e) Combat online sexual exploitation and abuse, including production, possession and distribution of child sexual abuse material.

Harmful practices

18. Please describe concrete actions taken to end child marriage, in particular in indigenous communities where girls who become pregnant due to rape may be forced to marry their aggressors.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**Children deprived of a family environment and adoption**

19. Please provide information on measures taken to:

(a) Implement the technical standard of family support, family custody and foster care of the Special Protection Services Directorate of 2019 in public and private care entities;

(b) Promote the deinstitutionalization of children, family-based care and family reintegration of children whenever it is in the best interests of the child.

G. Children with disabilities (art. 23)

20. Please provide information on:

(a) The status of implementation of the Organic Law on Disabilities;

(b) Access of children and adolescents with disabilities to health, support and protection services and inclusive education.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**Health and health services**

21. Please inform the Committee about the following:

(a) Measures to ensure equal access to essential health services, including universal vaccination coverage, as well as programmes to combat infant, child and maternal mortality, malnutrition and infectious diseases, in particular with regard to children living in marginalized situations;

(b) Specific strategies in place to ensure access to safe water and sanitation for all households, schools and health facilities.

Adolescent and mental health

22. Please inform the Committee on measures taken to:

(a) Implement the policy for the prevention of pregnancies in girls and address the high adolescent pregnancy rate while protecting the rights of pregnant teenagers, adolescent mothers and their children;

(b) Ensure that girls who have become pregnant as a result of rape have access to voluntary termination of pregnancy, in accordance with Constitutional Court Ruling No. 34-19-in/21 of 28 April 2021 and in full respect of their rights;

(c) Implement national mental health and suicide prevention policies and programmes, and identify, prevent and address suicide risk factors among children and adolescents;

(d) Address the prevalence of drug use and alcoholism among adolescents;

(e) Put in place programmes providing access to HIV testing for all adolescents, strengthen the implementation of HIV/AIDS prevention policies and protect children and adolescents living with HIV/AIDS.

Impact of climate change on the rights of the child and environmental health

23. Please provide information on the implementation of the nationally determined contribution for 2020–2025 and how the particular needs and views of children are being integrated into related policies and programmes.

Standard of living

24. Please provide information on the measures taken or envisaged to:

(a) Ensure that public policies in the areas of housing, safe drinking water and sanitation, health and education adequately address the rights of children belonging to indigenous peoples and nationalities, Afro-Ecuadorian children and Montubio children;

(b) Hold targeted consultations with families, children, children's rights organizations and civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children's rights in poverty reduction strategies.

I. Education, leisure and cultural activities (arts. 28–31)

25. Please provide information on measures taken to:

(a) Increase secondary school enrolment and access to early childhood development programmes, and encourage the return to school following the school closures that occurred in response to the COVID-19 pandemic;

(b) Address any disproportionate impact on the rights of children in disadvantaged situations, with a particular emphasis on policies and programmes aimed at children and adolescents in rural areas, children belonging to indigenous peoples and nationalities, Montubio children, Afro-Ecuadorian children, and migrant, refugee and asylum-seeking children;

(c) Implement strategies aimed at combating discrimination and xenophobia in schools, in particular against migrant, refugee and asylum-seeking children;

(d) Ensure that schools establish, as a matter of priority, programmes and awareness-raising activities against violence, abuse, harassment and bullying in school, promote respect for life and physical integrity among children and disseminate information among children, parents, caregivers, teachers and staff working with children on complaint mechanisms and remedies in cases of bullying, harassment and abuse in school settings;

(e) Integrate comprehensive sexuality education in the national curriculum as part of the national policy for the prevention of pregnancies in girls for 2018–2025, including

awareness-raising activities directed at parents and teachers, to ensure that the subject is addressed objectively and through a human rights lens;

(f) Introduce a system of compulsory screening and background checks for all professionals and staff working with and for children in public and private schools.

26. With reference to the Committee's general comment No. 17 (2013), please describe measures taken to ensure the right of the child to rest, leisure, play, recreational activities, cultural life and the arts in a manner that is respectful of different cultural backgrounds and fully accessible for children with disabilities and children in rural areas. Please also provide information on budget allocations and awareness-raising efforts to address this right.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

27. Please provide information on:

(a) Financial, technical and human resources allocated for the implementation of the protocol for the assistance of children, adolescents and their families in contexts of human mobility in Ecuador, with regard to services provided to refugee, asylum-seeking and migrant children;

(b) Measures to prevent the refusal of entry of unaccompanied children at the border, and detention of asylum-seeking children at airports;

(c) Measures to ensure the prompt enrolment in the civil registry and identification of refugee children;

(d) Awareness-raising and information campaigns on protection mechanisms available to children;

(e) Strengthened opportunities for asylum-seeking, refugee and migrant children for timely integration into society.

Economic exploitation, including child labour

28. Please provide information on specific measures taken to eradicate child labour, especially hazardous work, including any partnerships with the private sector and programmes at the local and cantonal levels to implement the national strategy against child labour.

Administration of child justice

29. Please inform the Committee on measures taken to:

(a) Increase the legal age for the application of measures for deprivation of liberty;

(b) Ensure that children in conflict with the law are provided with appropriate legal support, including trained juvenile judges, psychosocial counselling and health care at all stages of the proceedings;

(c) Review the normative framework related to administrative procedures involving children in conflict with the law and reform the system requiring the serving of 60 per cent of the term under deprivation of liberty for children in conflict with the law;

(d) Ensure appropriate and periodic monitoring of rehabilitation centres in which children are deprived of their liberty and establish independent child-sensitive complaint mechanisms in such centres.

K. Optional Protocol on the sale of children, child prostitution and child pornography

30. Please inform the Committee of measures taken to implement the recommendations of the Committee contained in its concluding observations on the combined fifth and sixth periodic reports of the State party,² which recall the recommendations made by the Committee in its concluding observations on the report of the State party submitted under article 12 (1) of the Optional Protocol,³ including efforts to:

- (a) Strengthen its measures to combat the sale of children, including by establishing early warning systems and search mechanisms for missing children, in particular girls;
- (b) Establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol.

L. Optional Protocol on the involvement of children in armed conflict

31. Please inform the Committee of measures taken to implement its previous recommendations,⁴ which recall the more detailed recommendations made by the Committee in its relevant concluding observations on the report of the State party submitted under article 8 of the Optional Protocol,⁵ including progress made in peacebuilding efforts, preventing child recruitment by non-State armed groups and organized crime groups in the northern border area and the prosecution and conviction of cases of recruitment and use in hostilities of persons under 18 years of age by non-State armed groups, including through the exercise of its extraterritorial jurisdiction over all crimes under the Optional Protocol.

III. Statistical information and data

32. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

33. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44 (6))

34. Please provide information on the budget lines regarding children and the social sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

B. General principles (arts. 2–3, 6 and 12)

35. Please provide data, disaggregated as described in paragraph 32 above, on the following:

- (a) Cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on perpetrators;

² CRC/C/ECU/CO/5-6, para. 45.

³ CRC/C/OPSC/ECU/CO/1.

⁴ CRC/C/ECU/CO/5-6, para. 46.

⁵ CRC/C/OPAC/ECU/CO/1.

(b) Deaths of children caused by abuse, neglect, violence, substance abuse and suicide.

C. Civil rights and freedoms (arts. 7–8 and 13–17)

36. Please provide data, disaggregated as described in paragraph 32 above, on the current birth registration rate.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

37. Please provide data, disaggregated as described in paragraph 32 above, on the following:

(a) Children who have been victims of violence and neglect, including corporal punishment, physical abuse, domestic violence and sexual exploitation and abuse, the cases that have been reported to the authorities, investigated and prosecuted and the sanctions imposed on perpetrators, further disaggregated by type of offence;

(b) The number of children who have received protective measures and multidisciplinary remedies as victims and/or witnesses of violence and neglect, in particular physical and sexual abuse and exploitation;

(c) The number of child marriages;

(d) Cases of children reported missing.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

38. Please provide data, disaggregated as described in paragraph 32 above, on the following:

(a) Children in residential care, the number of institutions and group homes and the length of stay;

(b) Children in family-based and community-based care.

F. Children with disabilities (art. 23)

39. Please provide data, disaggregated as described in paragraph 32 above, on children with disabilities who:

(a) Are receiving or who have received economic and other types of support services;

(b) Are or have been living with their families;

(c) Are or have been living in family-based and community-based care;

(d) Are or have been living in residential care, the number of group homes and the length of stay;

(e) Are attending or have attended regular schools and separate schools;

(f) Have reported violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

40. Please provide data, disaggregated as described in paragraph 32 above, on the following:

- (a) Mortality rates among infants and children under 5 years;
- (b) Immunization rates;
- (c) The number of adolescent mothers and the maternal mortality rates among children and adolescents;
- (d) Sexual and reproductive health services available to adolescents;
- (e) Paediatric and mental health services and professionals specializing in young children and adolescents, in particular in rural areas.

H. Education, leisure and cultural activities (arts. 28–31)

41. Please provide data, disaggregated as described in paragraph 32 above, on the following:

- (a) Children who are not attending or who have not attended primary and secondary school;
- (b) Children who have dropped out of school, including children with disabilities, girls and teenage mothers;
- (c) Cases of bullying, violence, suicide, sexual abuse and harassment in schools.

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

42. Please provide data, disaggregated as described in paragraph 32 above, further disaggregated by accompanied or unaccompanied status, on the following:

- (a) Asylum-seeking, refugee and migrant children;
- (b) Asylum-seeking, refugee and migrant children who are or who have been in detention;
- (c) Asylum-seeking, refugee and migrant children who are or who have been attending school and who have or who have had access to health care;
- (d) Children who have an irregular migration status.

43. Please provide data, disaggregated as described in paragraph 32 above, on the following:

- (a) Children who are or who have been working in hazardous conditions;
- (b) Cases of child labour investigated and leading to prosecution and the sanctions imposed on employers found to have been involved in child labour;
- (c) Children who are or who have been in street situations.

44. Please provide data, disaggregated as described in paragraph 32 above, further disaggregated by type of crime, on the following:

- (a) Children who are or who have been in detention, including in pretrial detention, and the average length of stay;
- (b) Children who have been referred to diversion and non-custodial sentencing options;
- (c) Children who have been provided with access to rehabilitation and reintegration services.

J. Optional Protocol on the sale of children, child prostitution and child pornography

45. Please provide data, disaggregated as described in paragraph 32 above, on the following:

(a) Cases of the sale of children, sexual exploitation of children in prostitution and child sexual abuse material that have been reported, investigated and prosecuted and for which the perpetrators have been sanctioned;

(b) Children who have been victims of such crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol on the involvement of children in armed conflict

46. Please provide data, disaggregated as described in paragraph 32 above, on the following:

(a) Asylum-seeking, refugee and migrant children who have entered the State party from areas where children may have been recruited or used in hostilities;

(b) Children who may have been recruited or used in hostilities abroad who benefit from physical and psychological recovery and social reintegration measures.
