



Convention on the Rights of the Child

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Written replies by the Government of Ecuador to the list of issues (CRC/C/ECU/Q/4) prepared by the Committee on the Rights of the Child in connection with the consideration of the fourth periodic report of Ecuador (CRC/C/ECU/4)*

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Part I

Question 1: Please explain to the Committee how the contents of the new Constitution approved in 2008 affect the implementation of the rights of the child set forth in the Convention and provide details about the National Decentralized System of Comprehensive Protection for Children and Adolescents.

1. The Constitution of the Republic approved in September 2008 marks a step forward in guaranteeing the rights of children and adolescents. The main references to children and adolescents contained in the new Constitution are listed below:

<i>Rights principles relating to children and adolescents in the Constitution</i>	<i>Articles</i>
Ratifying principles and rights for all human beings recognized by the 1998 Constitution.	Arts. 3 (Obligation to respect and guarantee rights), 277 (State obligations regarding “Good Living”), 6 (Social citizenship), 9 (Universal citizenship), 10 (Possession of rights), 11 (Principles of application and interpretation of rights) and 417 (Principles of human rights for international treaties).
Ensuring provision of services guaranteeing rights.	Art. 11, No. 9 (Principle of objective State responsibility) and 85 (Guarantees of public policies, public services and citizen participation).
Quality control system for messages broadcast by the media.	Child protection is established but it is left to the law to regulate the system. Art. 46, No. 7 (Protection of children and adolescents in their right to information and image).
Ratifying the specific principles and rights of children and adolescents recognized by the 1998 Constitution.	Arts. 44 (Principles of comprehensive protection), 45 (Specific rights of children and adolescents), 46 (Child development and special protection) and 175 (Specialized legislation and administration of justice).
Increasing the rights of children and adolescents, respect for multiculturalism and inclusion of children and adolescents with disabilities.	Art. 45 (Right to be educated in their own language and within their specific cultural context) and 46 (Inclusion of children and adolescents with disabilities).
Multicultural elements in the Hispanic education system and the progressive merger of the two systems.	The progressive merger of the two systems has not been achieved but there has been success in guaranteeing multiculturalism and the State’s guardianship role. Arts. 27 (Distinctive features of the right to education) and 347, Nos. 8 and 9 (Multicultural system and progressive inclusion of traditional languages).

<i>Rights principles relating to children and adolescents in the Constitution</i>	<i>Articles</i>
Linking the education system with other care and rights protection systems.	Arts. 340, 341, 342 (National system of social inclusion and equity) and 347, No. 2 (Schools as early diagnosis centres).
Guaranteeing multicultural health care.	Arts. 363, No. 3 (Guarantee of traditional methods and practices)
Universalizing social security.	Arts. 367–374 (Universal security).
Extending the concept of family to units formed by women heads of household, single parents and the extended family.	Arts. 67 (Family protection) and 40, Nos. 1 and 6 (Extended and transnational families).
Including the right to be registered at birth.	It is not expressly included but the right to identity, name and citizenship is recognized. Art. 45 (Specific rights of children and adolescents).
Recognizing participation as a right extending beyond the politico-electoral arena.	Title IV, chap. I (Participatory democracy).
Optional voting for adolescents between 16 and 18 years of age, in local authority voting.	The vote is extended to all election authorities. Art. 62, No. 2.
Guaranteeing opportunities for social participation and organization.	Arts. 95–99 (Social participation and collective organization).
Guaranteeing social participation in public policies.	Art. 85 (Guarantees of public policies and services and citizen participation).
Creating a national rights protection system.	The proposal was not accepted because the system of social inclusion and equity was created on a macro level and the National Equality Councils were monitored for equality. Arts. 340, 341, 342 (System of social inclusion and equity) and 156 (National equality councils).
Public audit of the judiciary.	Arts. 204 and 208, No. 4 (Transparency and public audit).
Establishing the National Office of the Ombudsman.	Arts. 191, 192 and 193 (National Office of the Ombudsman).
Establishing procedures for the election or appointment of justices of the peace.	Art. 189 (Justices of the peace).
Guaranteeing social investment through permanent, stable and progressive sources.	Arts. 283 (Economic system), 293 (General budget), 348 (Financing education) and 366 (Health financing).

Rights principles relating to children and adolescents in the Constitution

Articles

Legal consequences for public officials who do not transfer resources for social sector.

Implemented. **Arts. 11, No. 9** (Principle of objective State responsibility) and **85** (Guarantees of public policies and services and citizen participation) and **348** (Sanctions in reference to transfers in education).

Extending the right to bring an action under the constitutional remedy of *amparo* to any person who has knowledge of the act.

Art. 86 (General rules for judicial guarantees).

Enabling children and adolescents to bring an action under the constitutional remedy of *amparo*.

Art. 86 (General rules for judicial guarantees).

Knowledge of judicial action on the protection of children and adolescents by constitutional judges.

The constitutional remedy of *amparo* was established as a “Protection Measure” and has similar features. **Arts. 84 and 88** (Protection Measures and Special Protection Measures).

Question 2: In particular, please explain to the Committee what role the Equality Councils established under the new Constitution will assume in relation to the National Council for Children and Adolescents (CNNA) and other mechanisms for implementation of the Convention. How will the cantonal councils for children and adolescents and the cantonal rights protection boards function? How will they be coordinated with the executive bodies responsible for implementing social policy, particularly social policy for children? Does the State party plan to continue expanding the coverage provided by the boards? Has the operation of the existing boards been evaluated?

2. Article 156 of the Constitution of the Republic provides for the establishment of the national equality councils and defines their structure and functions under the Constitution. The sixth transitory provision of that legal body states:

The national councils for children and adolescents, persons with disabilities, women, indigenous peoples and nationalities, Afro-Ecuadorians and Montubios will become national equality councils, whose structure and functions will be adapted in line with the Constitution.

3. The sixth transitory provision has not been implemented; political efforts towards achieving transition have begun.

4. With respect to the second question referring to the local bodies of the National Decentralized System of Comprehensive Protection for Children and Adolescents (cantonal councils for children and adolescents and cantonal rights protection boards), nothing is mentioned in the new Constitution.

5. In response to the third question, the executive bodies responsible for social policy have a level of coordination called the Ministry of Coordination of Social Development, which includes the ministries of Finance, Labour and Employment, Public Health, Economic and Social Inclusion, Education, Urban Development and Housing, Agriculture, Livestock, Aquaculture and Fisheries, the National Secretariat for Planning and Development and the National Secretariat for Migrants. Specifically, the National Council

for Children and Adolescents continues to provide an opportunity for concerted action on comprehensive protection policies.

6. As for the fourth and fifth questions, as part of the reform of the Children and Adolescents Code, which was enacted on 28 July 2009 and concerns a change in the judicial process regarding child maintenance payments, the twelfth transitory provision envisages the nationwide establishment at local government level of cantonal rights protection boards for children and adolescents, thus representing an expansion of rights protection coverage by those boards. An evaluation of existing boards is currently being carried out and will be completed at the end of this year.

Question 3: Please indicate how the new legislation on respect for the rights of the child is being harmonized with previously existing laws, the timetable for harmonization, and whether the corresponding regulations have been adopted. Please indicate to what extent the Criminal Code and the Children and Adolescents Code have been harmonized.

7. New legislation is currently being harmonized but no deadline has been set for completing this task.

8. No amendments have been made to harmonize the Children and Adolescents Code with the Criminal Code. The Under-Secretariat for Legislation, which comes under the auspices of the Ministry of Justice and Human Rights, will propose an Organization Code of Criminal Guarantees to create one body for substantive, procedural and implementation legislation on criminal matters.

Question 4: Please inform the Committee whether any review of the 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents has been carried out since it was launched in 2004, whether its objectives have been achieved and what problems have been encountered. Will the Plan be reworked? How?

9. The 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents 2004–2015 has been reviewed in progress reports to June 2009 prepared on the implementation and launch of the “Social Agenda for Children and Adolescents 2007–2010”.

10. In this report,¹ which records progress on and challenges to guaranteeing the rights of children and adolescents, the following conclusions and actions are noteworthy:

Policy 1: “No child shall die from preventable causes within the first 28 days of life”

11. Progress has been made in achieving policy 1 targets through the National Plan to Accelerate the Reduction of Maternal and Neonatal Mortality and the National Plan for the Prevention of Teenage Pregnancies.

12. Main actions taken to June 2009:

- (a) 633,784 antenatal appointments for pregnant women (461,536 pregnant women; the optimum number is three antenatal check-ups per pregnant woman);
- (b) 71,918 attended deliveries (461,536 pregnant women; 46 per cent coverage);
- (c) 71,309 post-birth check-ups (410,536 women gave birth; 18 per cent coverage);

¹ Progress report on achievement of the policy targets of the Social Agenda for Children and Adolescents 2007–2010.

(d) 340,114 check-ups on babies under 1 year (274,869 live births; 124 per cent coverage);

(e) 457,403 gynaecological check-ups on adolescents between 10 and 19 years of age (50,354 adolescent births; 182 per cent coverage).

Policy 2: "No child or adolescent shall suffer from hunger or malnutrition"

13. Progress has been made in achieving policy 2 targets through a national plan to accelerate the reduction of child malnutrition. It is important to note that responding to nutritional deficiencies is a priority for the Ecuadorian State for two reasons. One, high levels of malnutrition have been detected among 0- to 5-year-olds in different sectors of the population. Two, the eradication of chronic malnutrition and the overall reduction of malnutrition has a significant impact on children's lives in terms of their development and the enjoyment of all of their rights.

14. Main actions taken:

(a) Construction, renovation and refurbishment of 280 child development centres;

(b) 1.385 million children and adolescents provided with school breakfast and lunch and 150,000 children with a cold drink or snack;

(c) 350,000 children under 5 years of age are taking part in the national food and nutrition programme (PANN 2000) and the Ecuador Alimentate food programme (PAE) (1,474,188 children aged 0 to 5 years);

(d) 163,048 pregnant women receive food supplements (461,536 pregnant women; 35.33 per cent coverage).

Policy 3: "Every child or adolescent shall have an education"

15. The Ecuadorian State has created optimum conditions by lifting the barriers to access so as to guarantee the right to education, e.g. exemption from voluntary contributions, provision of free textbooks and school uniforms, teacher assessment and training, improvements in infrastructure.

16. Main actions taken:

(a) 570,000 children catered for in various forms of child development (70 per cent of children living below the poverty line);

(b) 303,000 children per year enrolled in the first year of basic education;

(c) 1,656,947 students from the first to the seventh year of basic education exempt from payment of US\$ 25 (197,202 children attend the first year of basic education; 96 per cent coverage);

(d) 2,566,425 children in general basic education receive school textbooks (1,890,642 children and adolescents in extreme poverty; 100 per cent coverage);

(e) 5,489,032 children in general basic education receive school uniforms (1,890,642 children and adolescents in extreme poverty; 34 per cent coverage).

Policy 4: "No child or adolescent shall be ill-treated"

17. There is a plan for the elimination of gender-based violence and a national plan for the elimination of sexual offences in schools to ensure that the rights of children and adolescents are more effectively guaranteed.

18. Main actions taken:

- (a) Establishment of 46 cantonal rights protection boards, with 13,800 complaints received of threat to or violation of rights;
- (b) Establishment of 23 rights protection centres, with 34,500 complaints handled;
- (c) 1,100 children aged over 3 years of age have left adult prisons.

Policy 5: “No child or adolescent shall perform prohibited or hazardous work”

19. Progress has been made in formulating and implementing public policies aimed at eliminating prohibited and hazardous child and adolescent labour.

20. Main actions taken:

- (a) Strengthening the Child Labour Inspection System Unit;
- (b) Inspections of productive units by the Child Labour Monitoring and Inspection Unit;
- (c) Training of child labour inspectors and monitors;
- (d) Raising awareness among persons and institutions on the elimination of child labour;
- (e) Production of reports on child labour;
- (f) Elimination of child labour in rubbish dumps; it is hoped to remove 500 children and adolescents from the country’s 37 rubbish dumps by the end of 2009.

Policy 6: “To foster social participation and citizenship-building”

21. Main actions taken:

- (a) Establishment of 260 Offices of the Ombudsman in the community, with 3,900 adult human rights defenders;
- (b) Establishment of 62 cantonal advisory councils in partnership with 1,240 children and adolescents;
- (c) 450,000 children and adolescents with birth certificates and identity cards.

22. As part of efforts to determine public policies, the National Council for Children and Adolescents will harmonize the 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents and its instruments for the next four years with the National Plan for Good Living 2009–2013.

Question 5: We understand that the Constitution provides for the establishment of the Office of the Ombudsman (*Defensoría del Pueblo*). Has the Ombudsman now been appointed and provided with adequate human and financial resources, as the Committee requested in its concluding observations in 2005 (CRC/C/15/Add.262, para. 19)?

23. The Office of the Ombudsman was created in the 1998 Constitution but its functions were amended slightly in the Republic’s new Constitution. The new Ombudsman has not been appointed because the Council for Citizen Participation and Social Monitoring is expected to carry out the task but has still to appoint citizen selection committees to organize the respective recruitment competition.

24. The Office of the Ombudsman continues to function as before and with the same budget allocation for 2009 of US\$ 8,918,016.40.

Question 6: Please explain what steps have been taken to eliminate disparities in the distribution of public social and economic expenditure and of budgetary allocations among the provinces and between urban and rural areas, with special emphasis on the rights and needs of children and families forming part of campesino, Afro-Ecuadorian and indigenous communities. In this context, please provide information about the development voucher (*Bono de Desarrollo*) and indicate whether or not it is being used as an affirmative action mechanism on behalf of indigenous and Afro-Ecuadorian families.

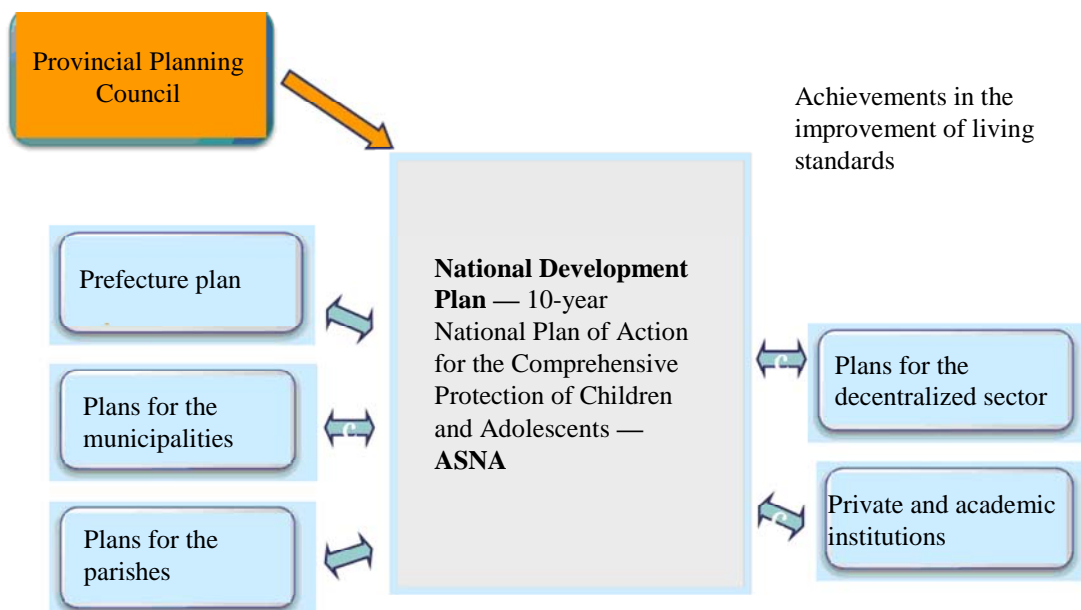
25. To ensure a better distribution of public expenditure and budgetary allocations between urban and rural areas and in keeping with the spirit of the new Constitution of the Republic, which provides the framework for decentralization and local government autonomy, the Ecuadorian State advocates:²

- (a) Shared responsibility at government level;
- (b) The promotion of citizenship and social participation and monitoring in order to forge a new democratic culture.

26. The Ecuadorian State planning process has been restored following the formulation of the National Plan for Good Living, which embodies the 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents, the Social Agenda for Children and Adolescents and other plans and agendas relating to children and adolescents, which will be instruments to reduce disparities in the distribution of expenditure and budgetary allocations (see Figure 1).

Figure 1

National and local plans and agendas



27. As for budgetary emphasis on rights and needs, the distribution of resources to the decentralized autonomous governments will be enhanced by legislation, following an improvement in living conditions, implementation of development plans and fiscal and administrative efforts in line with Ministry of Finance regulations.

² Constitution of the Republic of Ecuador, art. 3.

28. Other measures taken by the Ecuadorian State at the local level are:

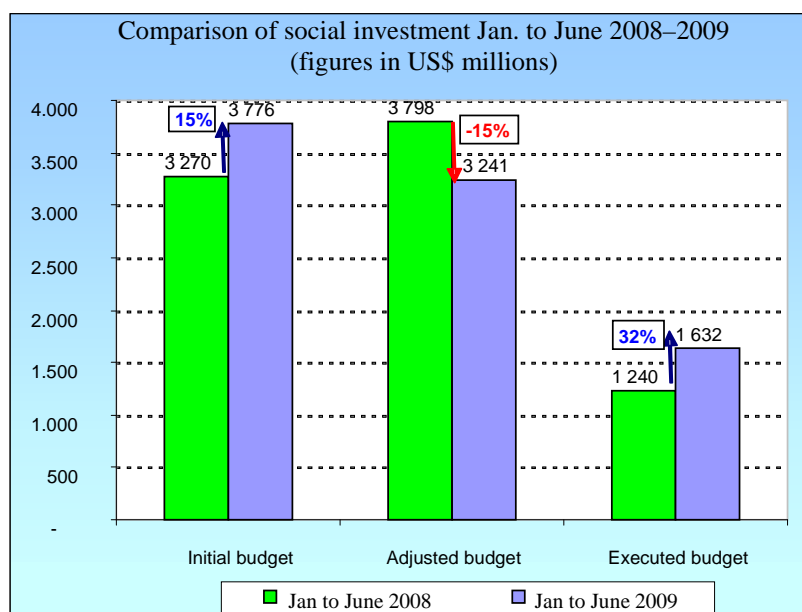
- (a) Raising socio-economic baselines;
- (b) Institutional restructuring and strengthening;
- (c) Decentralization of responsibilities and resources;
- (d) Pursuit of shared responsibility at all government levels in order to achieve nationwide “Good Living”;
- (e) Creation of national leadership, promoting development;
- (f) Unite citizens nationwide in expressing their desire for democracy.

29. It is important to analyse the budget, since it is a valuable instrument in helping to achieve universalization and guarantee rights and an economic policy tool that can shape the welfare conditions of the people. It determines the kind of education governments will provide for children, the health care they will offer and how they will try to bridge the gap between rich and poor with specific social programmes.

30. The initial budget to June 2008 was US\$ 3.270 million, while for 2009 it is up by 15 per cent. The adjusted budget is of relevance because it is effectively the amount on which institutions rely and for the first half of 2008 it was US\$ 3.798 million but for the same period in 2009 it was reduced by 15 per cent to US\$ 3.241 million. With respect to the execution (executed budget) for the period, from January to June 2008 US\$ 1.240 million had been executed whereas for the same period in 2009 US\$ 1.632 million has been executed, which reflects an execution of 32 per cent up on 2008. Although it is clear that the adjusted budget is 15 per cent down this year compared to 2008, it should be emphasized that despite a reduction in social investment due to the global economic crisis that affected the beginning of the year, priority has been given to social expenditure and investment in health, education, social welfare, housing and employment (see Figure 2).

Figure 2

Budget execution 2008 – January to June 2009



Source: Ministry of Finance.

Preparation: CNNA.

31. An analysis of each sector shows that for the budget period under review the sector with the highest allocation is Education, representing more than 50 per cent of the Social Sector budget during the period, followed by Health with an allocation of 25 per cent.

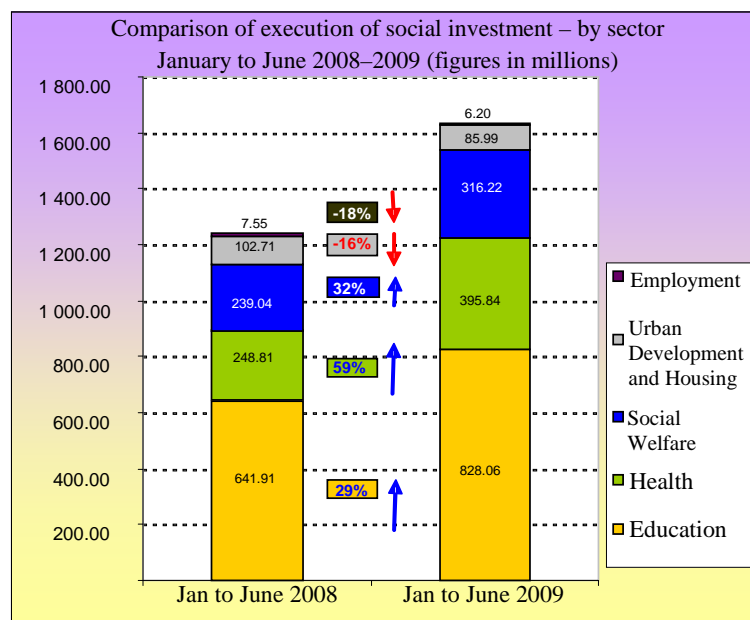
32. Moreover, the Social Welfare Sector, which maintains its allocation of around 20 per cent, has gained ground in terms of actual amount and allocation. The Employment Sector has had an allocation of 1 per cent since 2007 and that will continue for this period (see Figure 3).

33. It is pertinent to compare the increase or decrease in execution by sector, whereby we have the Education Sector during the first half of the year increasing its execution by 29 per cent compared to the same period in 2008.

34. The Health Sector increased its execution for 2009 by 59 per cent in relation to the first half of 2008, the Social Welfare Sector increased its execution by 32 per cent for the same analysis periods, while the Housing and Employment sectors reduced their execution by 16 per cent and 18 per cent respectively. It is important here to review the reasons for this situation for these two last sectors.

Figure 3

Comparison of budget execution by sector Jan to June 2008 and 2009



Source: Ministry of Finance.

Preparation: CNNA.

35. The human development voucher is a monthly cash subsidy paid to families who are living below the poverty line. It is means tested and offers basic health care to children aged between 0 and 4 years 11 months and school assistance for children and adolescents aged between 5 and 18 years.

36. Families also have access to a human development loan, which was created to encourage productive activities lasting for a minimum of six months.

37. The development voucher also includes an element of welfare benefit comprising a personal monthly cash payment for all older persons and persons with a disability rating of 40 per cent or higher who are living below the poverty line.

38. Persons who receive the development voucher and the welfare benefit for older persons and persons with disabilities are also eligible for the “Family Protection Cover” subprogramme. Should a person entitled to these subsidies die, assistance is available for mortuary and transfer service costs. There is also the option of changing representative, should the need arise, to ensure that the family does not lose the voucher.

39. If the head of household dies, a family protection voucher equal to the monthly value of the development voucher will be paid.

40. Considering that 92 per cent of persons living below the poverty line are indigenous and Afro-Ecuadorian peoples, any technical assistance of this kind is therefore of direct benefit to this population group.

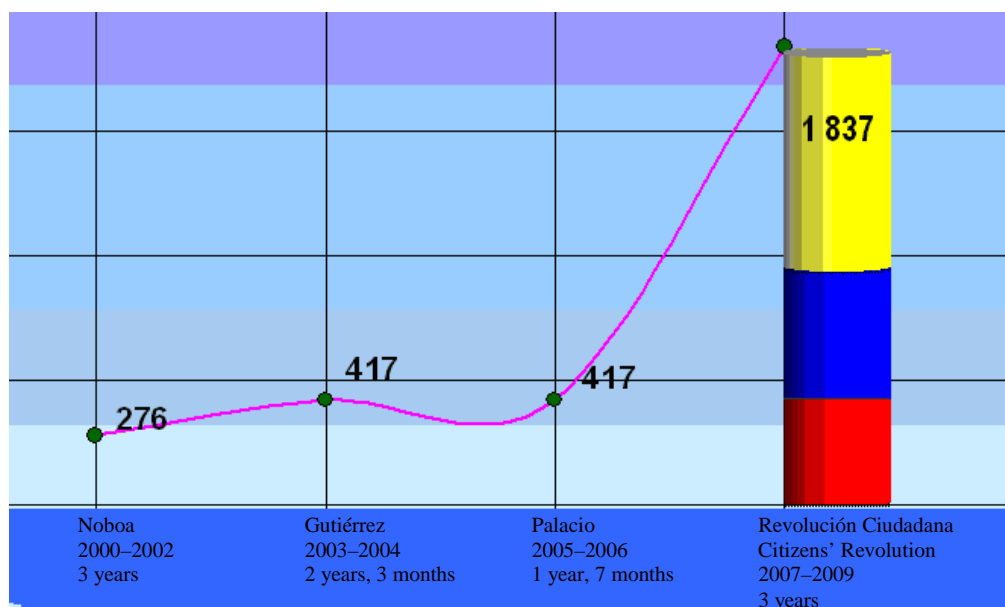
Question 7: Is the considerable level of social investment that the State party has been making in recent years (including such elements as the development voucher) sustainable despite the instability of the international economic situation and its adverse effects on the Ecuadorian economy? Please give details on the relevant fiscal and budgetary measures that have been adopted.

41. Results for the first quarter of 2009 confirm the upward trend in the allocation and execution of social investment resources that has been gaining ground since 2007. This significant change is due to the online sectoral budget execution to each of the ministries and to the commitment to the timely transfer of financial resources from the Executive.

42. The international crisis and the slump in the price of oil curtailed execution of investment projects, improvements to the coverage of basic services and expansion of the social infrastructure in the first quarter. However, a positive trend has been maintained in comparison with the social investment of the four past governments (see Figure 4), which is consistent with the counter-cyclical handling of the economy and expenditure on the implementation of social policies.

Figure 4

Investment in Ministry of Economic and Social Inclusion/Ministry of Social Welfare (MIES-MBS) by past four governments (US\$ millions)



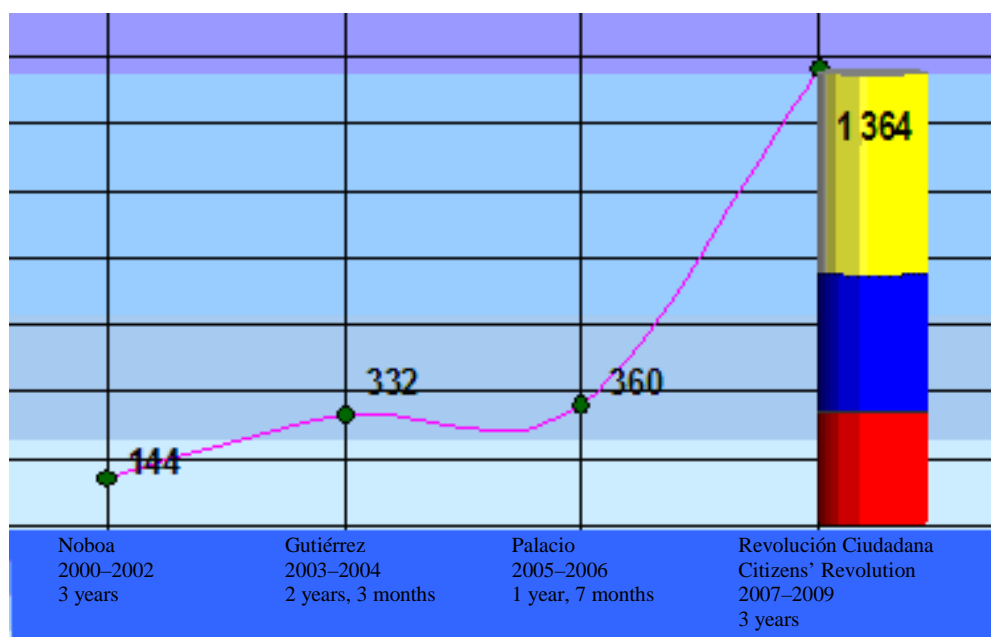
Source: Ministry of Finance.

Preparation: Ministry of Economic and Social Inclusion (MIES).

43. It is clear from the aforementioned and from amendments to the Organization Act on the recovery of the State's oil resources and the administrative rationalization of borrowing processes, together with amendments to the Reform Act on tributary equity, that the development voucher and social investment are well-resourced and are a priority for the current Government (see Figure 5).

Figure 5

Investment in Human Development Voucher/Ministry of Economic and Social Inclusion/Ministry of Social Welfare (BDH-MIES-MBS) by past four governments (US\$ millions)



Source: Ministry of Finance.

Preparation: MIES.

Question 8: Please provide specific information on measures and programmes relating to the Convention on the Rights of the Child which are aligned with the principles set forth in the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and which the State party has undertaken in response to the request made by the Committee in its concluding observations (CRC/C/15/Add.262, para. 30). How have the programmes succeeded in reducing disparities between indigenous children and Spanish-speaking children in terms of access to and quality of education, nutrition, neonatal mortality, maternal mortality and other such parameters?

44. Measures taken are detailed below.

45. The 2008 Constitution recognizes Ecuador as a plurinational and multicultural State,³ which marks a significantly important step forward in the politico-legal sphere.

46. Specific guarantees relating to the full enjoyment of the rights of children and adolescents as a population deserving priority attention are also enshrined in the Constitution.⁴ This recognition reaffirms the Ecuadorian State's obligation to apply the principles established in the Convention on the Rights of the Child and the doctrine of

³ Ibid., art. 1, Founding Principles of the State.

⁴ Ibid., title II, chap. 3, fifth section.

comprehensive protection in all its actions, such as the best interests of the child, absolute priority, progressive realization, non-discrimination, etc.

47. As for measures taken to reduce disparities between children and adolescents belonging to indigenous peoples and nationalities, it should be noted that:

48. In 2008 the National Council for Children and Adolescents began a process to join together organizations of indigenous peoples and nationalities in the province of Chimborazo in order to strengthen the formulation of cantonal agendas for children and adolescents to reflect the true cultural diversity in which Ecuadorian children and adolescents live.

49. This process was extended nationwide and, as a result, in 2009 the National Council for Children and Adolescents reached an historic agreement with the indigenous peoples of the mountainous region of Ecuador, represented by the Confederation of Peoples of the Quechua Nationality of Ecuador (ECUARUNARI). The agreement is being implemented under the “Minimum Agenda for the Rights of Indigenous Children and Adolescents of Ecuador”, through which requests have been made to the State to implement their rights from the point of view of their own cultural vision and backgrounds.

50. In order to put the aforementioned institutional alliance into operation, a plan has been developed within the State Agreement — Indigenous Peoples and Nationalities for Children and Adolescents — called “Building Sumak Kawsay (‘Good Living’) from the Beginning of Life”, whose main goal is to ensure that the agencies of the National Decentralized System of Comprehensive Protection for Children and Adolescents take on board the Founding Principles of plurinationality and multiculturalism.

Dissemination of general observation No. 11

51. The National Council for Children and Adolescents has begun a process to disseminate widely the recommendations contained in this international human rights instrument. Operators of the agencies in the National Decentralized System of Comprehensive Protection for Children and Adolescents and leaders of the country’s grass-roots organizations of indigenous peoples and nationalities have been familiarized with the instrument.

52. This dissemination process is continuing at local government level to ensure that policies are formulated and actions initiated to guarantee that the collective and individual rights of children and adolescents are fully enjoyed by the indigenous peoples and nationalities of Ecuador.

Question 9. Kindly indicate whether or not the minimum age for marriage with parental consent continues to be 12 for girls and 14 for boys. Please state whether there are plans to eliminate this differential and to raise the legal minimum age, as was previously recommended by the Committee.

53. The minimum age for marriage remains the same. The National Council for Children and Adolescents is drafting a proposed amendment to the Civil Code to correct this oversight, which will be submitted at the end of this year.

Question 10. Please indicate whether the principle of the best interests of the child has been expressly incorporated into new or revised national legislation relating to children.

54. Yes, it has been incorporated into article 44 of the Constitution of the Republic and article 11 of the Children and Adolescents Code.

Question 11. Please detail how respect for the views of children is put into practice in the home, in the community, in schools, and in relevant judicial and administrative institutions and procedures. Since citizen participation is a cornerstone of the new Constitution, please comment on how the right of the child to be heard is reflected, taking into account the Committee's general comment No. 12.

55. Following the entry into force of the Children and Adolescents Code and the recent approval of the Constitution of the Republic, care institutions, the community, family and national and foreign public and private institutions are developing practical initiatives in the following areas to guarantee the right of children and adolescents to express opinion:

In the family

56. National codes of conduct are being drafted by the Ministry of Education and the National Council for Children and Adolescents to enable family members to express opinions and establish rules for coexistence within the family, based on a horizontal relationship between adults and children.

In the community

57. Local institutions formed 260 new community Offices of the Ombudsman nationally to promote and enhance the adoption of the doctrine of rights protection, aiming to get family groups and the organizations with which they work to assume the function and responsibilities of social monitoring institutions and to promote the implementation of the rights of children and adolescents.

58. Community plans have been developed for "Good Living" in partnership with children and adolescents. In addition, community Offices of the Ombudsman carry out activities for the dissemination, promotion, monitoring and enforceability of rights in partnership with children and adolescents in the community.

In the education system

59. There are several strategies in place in schools to guarantee the right to participation and to be heard:

- (a) Participatory formulation and implementation of codes of conduct;
- (b) A democratic, participatory and creative process to appoint and operate school governing boards (primary schools) and student councils (secondary schools);
- (c) Citizen monitoring structures in the education system, for specific issues.

60. The National Council for Children and Adolescents created a methodology for the codes of conduct in educational communities, which was piloted in the province of Sucumbíos.

In the institutions

61. The National Advisory Council for Children and Adolescents, together with 162 cantonal advisory councils and children's movements, provide platforms for advice and complaints in order to guarantee the rights of children and adolescents to express opinion and to participation in all national affairs. They are developing participatory processes at the local and national levels for the election of the new National Advisory Council for Children Adolescents.

62. The National Council for Children and Adolescents and the National Child and Family Institute promote the participation of children and adolescents and social actors

working for their rights through financing projects for children's and adolescents' organizations.

In the political arena

63. The campaign "My Future and Present as a Constituent" launched two national activities called "My turn to speak" and "Turn the country around". These general activities organized as part of the information campaign and proposal on rights achieved their goal of nationwide coverage, both through the media and a campaign tour of 52 towns and cities, collecting a total of 10,000 messages from children and adolescents addressed to National Constituent Assembly, in support of the proposal submitted to it on children and adolescents.

64. The Ecuadorian State adopted into its legal framework the right to optional voting for 16-year-olds. In this respect, the campaign "If you are 16 years of age, you can vote" was conducted to ensure that adolescents can exercise their right to vote, resulting in 540,000 adolescents registering to vote.

In legal and administrative proceedings

65. The amendments to the Children and Adolescents Code regarding child maintenance payment procedure, enacted on 28 July 2009, provide that adolescents over the age of 15 years may be fully involved in the process by exercising their right against their parents or persons entrusted with their care.

Question 12. Please inform the Committee what measures have been adopted to reduce and eliminate cases of violence, abuse and neglect involving children, including legal proceedings (an issue already addressed in the 2005 concluding observations). How are the perpetrators of such acts prosecuted and punished? How are victims protected and supported in terms of redress and services?

66. The National Child and Family Institute has established 23 rights protection centres nationwide for children and adolescents requiring special protection, which provide legal advice and psychological and social care.

67. The Ministry of Economic and Social Inclusion maintains inter-institutional cooperation agreements with civil society organizations to provide specialized technical assistance to women, children and adolescents in situations of domestic and sexual violence. Different methods and procedures of providing care are being implemented, taking into account the three perspectives of the user, the professional and the outside institutional observer, in order to improve the quality of services offered by care centres and refuges.

68. Indicators for the monitoring and assessment of rights protection centres have been applied and quality standards formulated so as to have a common methodology, and care protocols for refuges offering shelter to women and children victims of domestic and sexual violence have been formulated.

69. The existence of comprehensive protection networks operating nationwide guarantees the social sustainability of these types of services. Much of the experience gained derives from the coordinated efforts of these networks in partnership with civil society.

70. The Ecuadorian State has a national plan for the elimination of gender-based violence against children, adolescents and women, implemented by the government ministries of Health, Justice, Education, Education and Social Inclusion. The plan's actions are aimed at strengthening the comprehensive protection system.

71. Violence, abuse and negligence are constituent elements of offences such as assault, rape, sexual intercourse with a minor, kidnapping, sexual harassment, indecent assault, trafficking, illegal organ extraction and trafficking, child pornography and the procurement, corruption and sexual exploitation of children. They are provided for in Ecuadorian criminal legislation, which prescribes a process for the investigation, judgement and punishment of such offences, including provision for custodial sanctions.

72. The offence of trafficking and smuggling, with a maximum of 25 years imprisonment, carries the longest sentence.

Question 13. Information is requested on legislation relating to the prohibition of corporal punishment and other forms of violence in different settings, such as the home, schools, residential institutions, the community and the workplace, and on the enforcement of such legislation.

73. Article 46, No. 4, of the Constitution of the Republic stipulates that children and adolescents have a right to be protected against all forms of violence, abuse and sexual exploitation or negligence leading to such violations. Similarly, article 66, No. 3 (b), recognizes the right to a life, in public and in private, free from violence as part of the right to personal integrity, especially for women, children and adolescents, older persons, persons with disabilities, etc.

74. The same provision stipulates that the Ecuadorian State will formulate public policies to eliminate the aforementioned violations. Title IV of book I of the Children and Adolescents Code provides for the prevention of ill-treatment in all areas of life.

75. The Ecuadorian State has incorporated into the aims of its national plan for “Good Living” nine strategies to eliminate violence and ill-treatment in all areas of life and has also formulated the following plans:

- (a) National Plan for the Eradication of Sex Crimes in the Education System;
- (b) National Plan for the Elimination of Gender-based Violence against Women, Children and Adolescents;
- (c) National Plan to Combat Human Trafficking, Smuggling of Migrants and the Sexual and Labour Exploitation of Women, Children and Adolescents;
- (d) National Plan for the Prevention of the Commercial Sexual Exploitation of Children and Adolescents in Tourism.

Question 14. With regard to the juvenile justice system, please specify what steps have been taken to establish mediation mechanisms and other alternative informal approaches that place priority on educational measures and guarantee due process.

76. In June 2008, the Ministry of Economic and Social Inclusion handed over responsibility for young offender institutions to the Ministry of Justice and Human Rights.

77. Article 77, No. 13, of the Constitution states that there will be a system of socio-educational measures for young offenders, proportional to the offences committed. Similarly, it states that the law should establish custodial and non-custodial measures and that the former should be applied as the exception rather than the rule.

78. In addition, there is a guarantee that young offenders will be held in places of detention separate from adults. The implementation of the aforementioned provisions is specified in book IV of the Children and Adolescents Code, which establishes the guarantees, institutions and special procedures in the judicial process for adolescents in conflict with the Criminal Act.

Question 15. In view of the large number of children living in institutions after being abandoned by their parents for reasons connected with migration, displacement or other factors, kindly explain what measures have been adopted to ensure that basic standards are maintained in terms of services in and oversight of private residential facilities for children.

79. The measures adopted by the Ecuadorian State are:

(a) Care institutions providing children and adolescents with different forms of care require an operating licence issued by the cantonal council for children and adolescents in the canton in which they operate. In order to obtain the operating licence and to be listed on the Care Institution Register, certain requirements should be met, including complying with the minimum standards for the provision of quality comprehensive care;

(b) The National Child and Family Institute has designed, implemented and monitored the application of quality care standards in public and private institutions providing care to children and adolescents;

(c) The Institute oversees and monitors institutions providing residential care for children and adolescents deprived of their family environment. National and local bodies of the system of comprehensive protection for children and adolescents undertake the monitoring, follow-up and oversight of public policies and of those institutions;

(d) The State administrates and finances care institutions directly through the Ministry of Economic and Social Inclusion.

Question 16. Please indicate what issues relating to children the State party considers to be high priorities requiring the most urgent attention with regard to the implementation of the Convention.

80. As a consequence of a long process promoted by the social movement for the defence of children's and adolescents' rights, on 23 March 2007 the President of the Republic delivered the Social Agenda for Children and Adolescents, which is the public policy instrument to direct and prioritize the actions of the bodies making up the National Decentralized System of Comprehensive Protection for Children and Adolescents during the period 2007 to 2010.

81. The public policies of the Social Agenda for Children and Adolescents are:

(a) No child shall die from preventable causes within the first 28 days of life (right to survival);

(b) No child or adolescent shall suffer from hunger or malnutrition (right to survival);

(c) Every child or adolescent shall have an education (right to development);

(d) No child or adolescent shall be ill-treated (right to protection);

(e) No child or adolescent shall perform prohibited or hazardous work (right to protection);

(f) To foster social participation and citizenship-building (right to participation).

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:

New bills or laws, and their respective regulations

82. Ecuador has drafted the following legislation in connection with the rights of children and adolescents:

- (a) Participation Act (scheduled for second debate);
- (b) Communication Act – a bill is under preparation by a special committee;
- (c) Education Act – a bill has been put forward and is being examined by a special committee, together with the Sports Act and Culture Act;
- (d) Public Service Act – the plan is to include the same provisions as are contained in the Labour Code;
- (e) Office of the Ombudsman Act – published in the Judicial Function Act;
- (f) Data Register Act (bill submitted);
- (g) National Decentralization and Designation of Responsibilities (held in second debate);
- (h) Culture Act – a bill is being examined by a special committee;
- (i) Sports Act – a bill is being examined by a special committee.

83. The following legislation has been enacted:

- (a) Organization Act on judicial guarantees and constitutional oversight;
- (b) Reform of the Act on the teaching profession and national teacher ranking system;
- (c) Reform of the Criminal Code;
- (d) Reform of the Children and Adolescents Code;
- (e) And the previous bill on the Organization Code of Criminal Guarantees.

84. Ecuador has enacted the following Presidential Decrees and Ministerial Decisions:

- (a) Presidential Decree No. 1170 of 24 June 2008, through which the National Child and Family Institute (INFA) was created and assigned to the Ministry of Economic and Social Inclusion, and which merges the Operation Child Rescue (ORI), Childhood Development Fund (FODI), Comprehensive Care for Children and Adolescents (DAINA) and National Child and Family Institute programmes;
- (b) Official Gazette No. 286 of 3 March 2008. Transfer of CEREPS oil fund resources to the Ministry of Public Health in order to finance permanent and priority health programmes and projects;
- (c) Official Gazette No. 310 of 7 April 2008. State Declaration of national emergency in education sector;
- (d) Official Gazette No. 311 of 8 April 2008. Ratification of the International Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (e) Official Gazette No. 322 of 23 April 2008. Use of CEREPS oil fund resources of US\$ 3,305,125.32 to finance the Ministry of Education's "School texts" project;
- (f) Official Gazette No. 379 of 11 July 2008. Creation of the Inter-institutional Coordinating Committee for the Implementation of the Criminal Process System;
- (g) Official Gazette No. 384 of 18 July 2008. Declaration of emergency in the system of disability prevention, care and provision of technical assistance and medical supplies and other assistance to persons with disabilities;

- (h) Official Gazette No. 428 of 18 September 2008. The Ministry of Justice and Human Rights is given the responsibility of coordinating the execution of judgements, precautionary and temporary measures, decisions, et al.;
- (i) Official Gazette No. 432 of 24 September 2008. Creation of the Emergency Voucher, which is a unique, direct and non-refundable subsidy that the Ecuadorian State will grant through the Ministry of Urban Development and Housing;
- (j) Official Gazette No. 457 of 30 October 2008. This issues regulations for the Organization Act on Health;
- (k) Official Gazette No. 472 of 21 November 2008. Empowers the Ministry of Economic and Social Inclusion to determine the procedures for the selection of the beneficiaries of the Ecuador Alimentate food programme;
- (l) Supplementary Official Gazette No. 510 of 20 January 2009. For the 2009 fiscal year, the basic salary of national teaching staff will be increased by US\$ 10 as from January 2009;
- (m) Decree No. 1585 of 18 February 2009. The Bilingual Multicultural Education System is brought into line with national educational policies to ensure an effective strategy for education;
- (n) Official Gazette No. 541 of 5 March 2009. Amendment of article 218 on the General Regulations of the Education Act;
- (o) Official Gazette No. 565 of 7 April 2009. Empowers the Ministry of Economic and Social Inclusion to create and organize the food provision programme;
- (p) Official Gazette No. 601 of 29 May 2009. Repeals Presidential Decree No. 3535, published in Official Gazette No. 745 of 15 January 2003, through which the National Council for Women was created, and creates the Transition Committee to determine public institutionalism;
- (q) Official Gazette No. 615 of 18 June 2009. Ratifies the agreement between the States parties of MERCOSUR and associate States on regional cooperation to ensure protection of the rights of children and adolescents in vulnerable situations;
- (r) Official Gazette No. 8 of 20 August 2009. Delegates to the Ministry of Social Development Coordination the task of establishing a social register of individualized information on families, as part of the selection process for beneficiaries of social programmes (SELBEN);
- (s) Ministerial Decision No. 282 of 27 August 2008. Allocation of teaching posts for rural schools at elementary and basic levels;
- (t) Ministerial Decision No. 375 of 12 December 2008. To provide for national educational institution authorities to commission, within a period not exceeding 20 days from the date of this decision, the design of a student card for students who are legally enrolled;
- (u) Ministerial Decision No. 482 of 10 December 2008. To guarantee the right to education for children, adolescents, men and women victims of human trafficking for the different purposes identified in the Criminal Code and Children and Adolescents Code (e.g. sexual exploitation, labour exploitation, begging, armed conflicts), as members of the population requiring priority educational assistance, by adapting the regulations governing the national education system to their special characteristics and circumstances to ensure that they have access to and are able to remain in and progress through the different levels and forms of education;

(v) Ministerial Decision No. 25-09 of 26 January 2008. To implement a national system of assessment and accountability in order to monitor the quality of the national education system;

(w) Ministerial Decision No. 436 of 21 November 2008. To prohibit authorities at the various levels and forms of public and private educational establishments within the national education system to demand that students undergo any kind of medical test or examination for HIV/AIDS as a prerequisite for enrolment, registration, progression to the next year, graduation or for any other school situation, since that would constitute a violation of human rights;

(x) Ministerial Decision No. 066-09 of 18 December 2009. Issued regulations on the bilingual multicultural education system;

(y) Ministerial Decision No. 316-09 of 14 August 2009. To make provision for the children of personnel of the Ecuadorian armed forces and national police, who are obliged to move to different parts of the country when their parents are transferred to another place of work, to exercise their right to enrol in schools on a temporary basis, provided that the relevant documentation is produced;

(z) Resolution 032 National Council for Children and Adolescents – 2008. Determines the guidelines for the organization, structure and operation of cantonal rights protection boards;

(aa) Resolution 026 National Council for Children and Adolescents – 2008. Amends the Resolution on adoption mediation bodies;

(bb) Resolution 016 National Council for Children and Adolescents – 2008. To issue regulations on the type of work prohibited for adolescents who are legally able to work for others or for themselves;

(cc) Resolution 012 National Council for Children and Adolescents – 2008. To determine the guidelines that will regulate the powers of bodies that mediate in international adoption in Ecuador;

(dd) Resolution 002 National Council for Children and Adolescents – 2008. To regulate the use of images of children and adolescents;

(ee) Resolution 06 National Council for Children and Adolescents – 2009. Guidelines for community Offices of the Ombudsman;

(ff) Resolution 09 National Council for Children and Adolescents – 2009. Child development and elementary education;

(gg) Resolution 014 National Council for Children and Adolescents – 2009. Approval and issue of minimum child maintenance payments' schedule.

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>
Home-spun development: school uniforms	Free provision of school uniforms; students from 12,587 rural State schools nationwide, 464,449 for coastal schools and 389,290 for schools in the mountainous region.	Craft workshops incorporated into the programme Craftsmen and operators trained in the manufacture of uniforms Children who receive school uniforms made by small producers

Source: Information System for the Democratic Governance (SIGOB) statement to June 2009.

Ministry of Education

85. According to the Information System for Democratic Governance, Ministry of Education programmes have a budget of US\$ 158 million (US\$ 158,431,310), distributed as follows:

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted budget target</i>
Updating of statistical information on educational institutions	To have timely, accurate, effective and reliable information that contributes to determining education policy and decision-making for all institutions, projects and units of the Ministry of Education, in the education community and society.	Educational institutions updating their details in the main archive	1 080 250
Allocation of human resources for the education system	To recruit new teachers into the education system and thus reduce the accumulated lack of teaching staff.	New managerial posts created by splitting the posts of retired teachers	6 million
		Teaching posts allocated to educational establishments	
		Teachers recruited by contract	
		Teachers recruited to the system through referral	
		“Wheel of change” processes implemented to fill vacancies in the education system	
		Students assessed by cycles and learning levels	
		Teachers’ methods assessed under teaching performance standards	
Development and implementation of the national assessment system	The programme aims to design and implement a new national education assessment system, which includes assessing learning aims, teacher performance, institutional management and the curriculum. The results of this system will enable the goals of Policy 6 of the 10-Year Education Plan to improve the quality of education to be achieved. The system will provide information for decision-making on teaching policies to be implemented to improve the quality of education.	Schools assessed under institutional management standards	7 296 500
		Students catered for through the bilingual multicultural education system	
		Educational centres in the bilingual multicultural education system	

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted budget target</i>
Bilingual multicultural education	To promote the coordination and multiculturalization of Hispanic and bilingual education subsystems, strengthening the sense of a multicultural, multi-ethnic and multilingual community in the education system, with the aim of strengthening national unity through its diversity.	Teachers recruited for the bilingual multicultural education system Assessed and updated bilingual multicultural education model Teachers trained in specific teaching methods Trained administrative-financial personnel Quality and educational management of bilingual multicultural education centres strengthened in line with the education model Students from the first to seventh years of basic education exempt from payment of US\$ 25 Students from the eighth and tenth year of basic education and from the first to the third year of pre-university studies exempt from the payment of US\$ 30	1 481 545
Elimination of voluntary contributions	To transfer necessary resources, US\$ 25 per family for children from the first to seventh years and US\$ 30 per student from the eighth to tenth year of general basic education and from the first to third of pre-university studies.	Educational establishments equipped with ICT technology Provision of IT equipment to statistics units of the provincial directorates to update the archive	44 616 115
IT equipment, systems and packages	To build up the Ministry of Education's information system so that information processed in the ministry is organized, comprehensive and consistent, both in the central offices and in the provincial education directorates, implemented within a high technology infrastructure that supports a distributed database architecture, developed with the concept of business intelligence systems. This is in addition to the regulation of the integration of technology into education systems through the new comprehensive technology system for schools and the community (SITEC).	Provincial directorates and regional sub-secretariats Children in general basic education who receive free school uniforms School uniforms delivered on time (up to 45 days after the beginning of the school year)	2 million

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted budget target</i>
Home-spun development: free school uniforms	1. To contribute to the elimination of barriers to enrolment in the State school system by providing free school uniforms to children in the country's rural areas. 2. To create an economic inclusion model with a view to creating associative links with the craft industry sector.	Establishments involved Replica schools with restored and renovated infrastructure	16 million
Improvement to the education infrastructure	To provide quality school infrastructure, equipment, production and commercialization of educational materials at the national level, through the use of appropriate technology, in order to meet the demand of the Education Sector.	Refurbished and equipped libraries to support teaching and learning Personnel trained as reading assistants	77 256 900
Improvement of the public library network	To turn 56 public libraries into educational remedial centres and community cultural centres and improvement of 540 public community libraries to support the formal education system; providing information centres and places for educational advice and support.	Structured and functioning education districts Structured and functioning education systems	300 000
New education system management model	To implement the new education system management model, which has the general aim of guaranteeing universal access to a quality education through an effective system that promotes the development of the nation and brings services and procedures closer to the nation's inhabitants.	Organizational function in force	2 400 000
			158 431 310

Source: SIGOB statement to June 2009.

Ministry of Health

86. According to the Information System for Democratic Governance, Ministry of Health programmes have a budget of approximately US\$ 71 million (US\$ 71,663,183.90).

Children and adolescents have two specific programmes within the Ministry of Health, which are as follows

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted target</i>
Life cycles: Comprehensive care for adolescents	To contribute to guaranteeing quality, timely and progressive comprehensive health care for adolescents through the national health system, taking into consideration the health profiles, illnesses, needs and expectations of persons through the adolescent life cycle within the care model framework.	Care for adolescents (from 10 to 19 years of age) Ministry of Public Health operative units with differentiated services for adolescents Health professionals trained in care standards for adolescents	295 420
Life cycles: Comprehensive care for infants	To contribute to guaranteeing integrated quality and timely comprehensive health care for children under 10 years of age within the care model framework in order to improve their quality of life and guarantee their development and full enjoyment of their rights.	Health check-ups carried out on infants (under 1 year of age) Regular check-ups on growth and development [during first year of life] for infants under 1 year of age Preschool health check-ups carried out (children from 1 to 4 years of age) Regular check-ups on growth and development for children from 1 to 4 years of age School health check-ups carried out Health professionals trained in childcare standards Health units that comply with neonatal care standards and protocols Functioning Essential Neonatal Obstetric Care (CONE) networks Functioning human milk banks Benefits for children covered under the Act on free maternity care	1 584 324

Source: SIGOB statement to June 2009.

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted target</i>
Comprehensive development of children under 5 years of age	The National Child and Family Institute's goal for this year is to provide care cover for children under 5 years of age who are at risk and vulnerable, i.e. approximately 500,000 children.	<p>Children under 5 years of age assisted by child development services</p> <p>Children and adolescents assisted by the National Child and Family Institute are registered on the Civil Register</p> <p>Community personnel who work in child development centres</p> <p>Trained parents in the community</p> <p>Child development centres in operation</p> <p>Child development centres that meet 90 per cent of quality standards</p>	41 561 091
Special protection for children and adolescents	To guarantee actions to prevent any threat to and to reinstate the rights of children and adolescents when those have been violated. To ensure mechanisms to activate social protection programmes with State bodies in order to respond to economic situations that might lead to the violation of or threat to their rights. In addition, to use judicial and justice system mechanisms to penalize persons who have violated the rights of children and adolescents.	<p>Children and adolescents cared for under the special protection measure</p> <p>Rights protection centres implemented</p> <p>Strengthened social organizations</p>	41 million
Ecuador Aliméntate nutrition and food programme	The aim of the Ecuador Aliméntate food programme is to work towards ensuring that the Ecuadorian people, in particular those who are excluded or unprotected, enjoy nutritional and healthy food. Those efforts are assisted by a public management system to support and help them to become self-sufficient as far as food and food safety is concerned.	<p>Children between 3 and 5 years, 11 months receiving quarterly food rations</p> <p>Children in comprehensive child development centres (CDIs) in areas of high malnutrition that receive food supplements under the CHIPAZ programme</p> <p>Child development centres advised on the elimination of anaemia</p> <p>Older persons receiving quarterly food rations</p> <p>Older persons who receive the fortified product Vilcabamba</p>	19 969 822

<i>Programme</i>	<i>Aim</i>	<i>Indicator</i>	<i>Adjusted target</i>
		Persons with disabilities quarterly food rations	
		Diverse food rations handed out to children under 6 years of age, older persons and persons with disabilities	
		Persons who attend food and nutrition workshops	
		Persons who attend community events	
		Rural parishes receiving diverse food rations	
Programme for the elimination of the worst forms of child labour	The programme of prevention and elimination of the worst forms of child labour seeks the progressive prevention and elimination of child labour, with emphasis on its worst forms.	Children and adolescents (under 15 years of age) withdrawn from hazardous work	300 000
		Inspections of productive units by the child labour monitoring and inspection system	
		Trained child labour inspectors and monitors	
		Persons familiarized with child labour issues	
		Reports produced on child labour	

Source: SIGOB statement to June 2009.

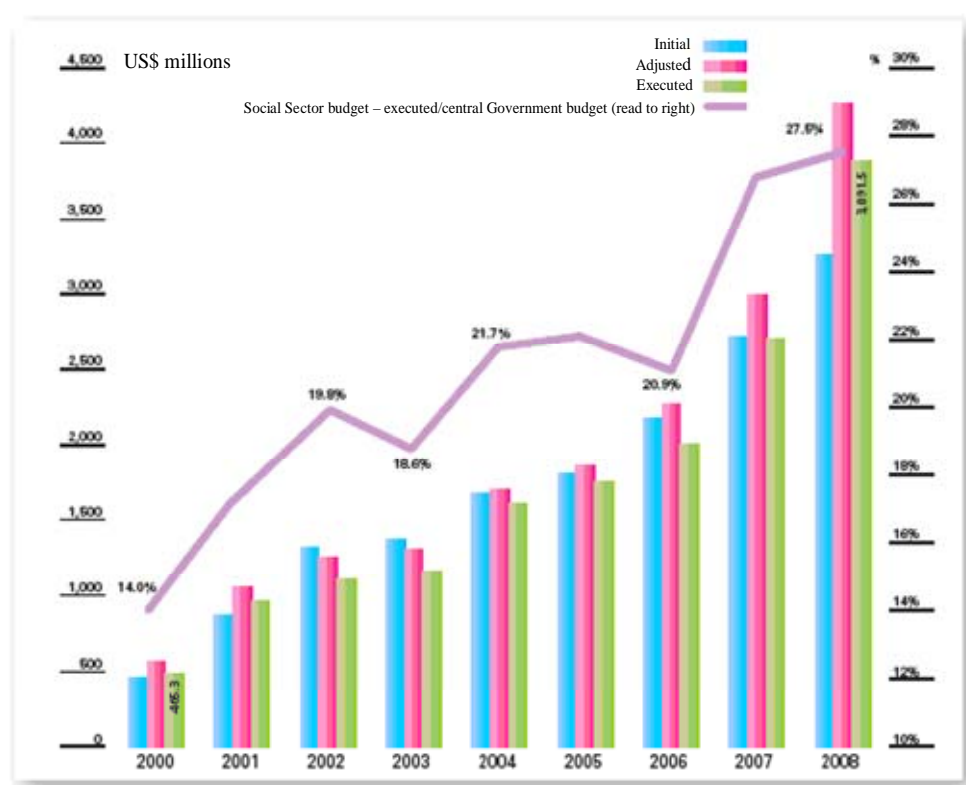
Part III

Statistical and other information, if available

1. In the light of article 4 of the Convention, please furnish up-to-date information on 2007, 2008 and 2009 budgetary allocations (including an analysis of fluctuations in those allocations) for implementation of the Convention.

Development of social investment 2000–2008

**Initial adjusted and executed budget
(US\$ millions and percentages)**



Source: Ministry of Finance/Ministry of Social Development Coordination (2000–2008).

87. Social investment in Ecuador between 2000 and 2008 shows a marked upward trend in the initial, adjusted and executed budgets, taking into consideration both amounts allocated and executed. While, for 2000, executed resources for the Social Sector increased only to US\$ 465.3 million, for 2008 they reached US\$ 3,891.5 million, registering an increase of 736.3 per cent in this period.

88. This increase in the allocation and execution of resources for social investment is evident in the overall central Government budget, increasing from 14 per cent in 2000 to 27.5 per cent in 2008.

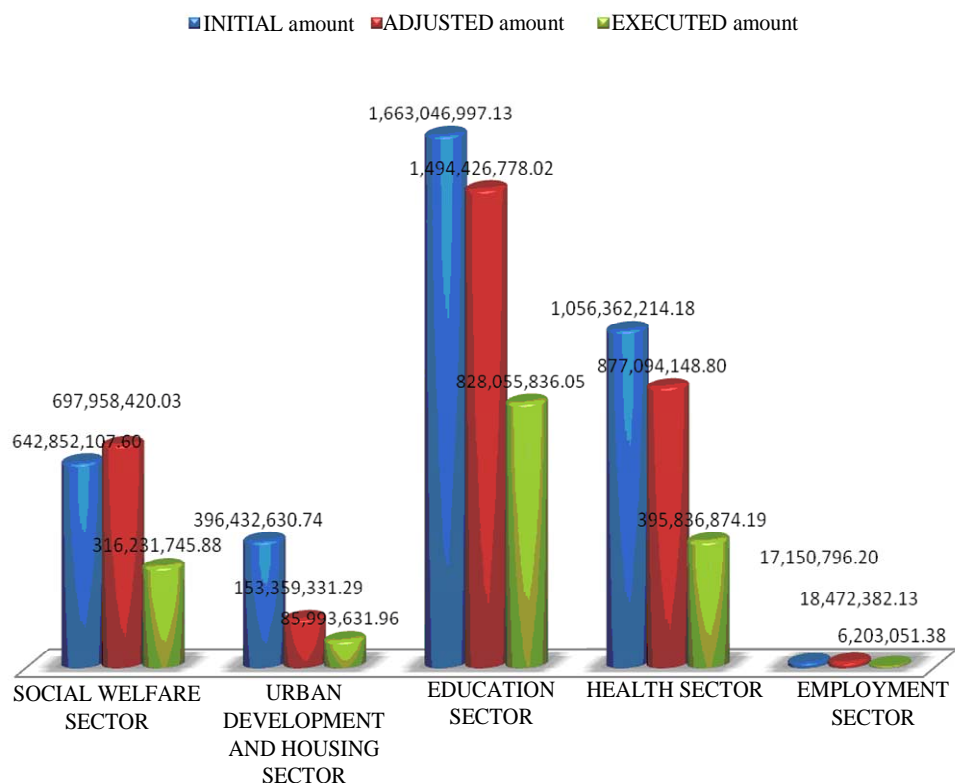
89. The fixed increase in resource allocations to the sector demonstrates a clear commitment of the central Government faced with the challenges of protecting social investment, which is an important factor in the sector's increased performance.

90. The Ecuadorian State, thanks to amendments to the Organization Act on the recovery of the State's oil resources and the administrative rationalization of borrowing processes, together with amendments to the Reform Act on tributary equity, made a budgetary allocation of US\$ 3,891.5 million in 2008 to the Social Sector. For 2009, the initial budget is US\$ 3,775.8 million, of which US\$ 1,632.3 million have been executed to June 2009.

91. The sectors of Education, Health and Social Welfare allocate substantial resources to the social welfare of children and adolescents.

92. In fact, the Education Sector, with US\$ 1,663 million (44 per cent of the social investment budget), and the Health Sector, with US\$ 1,056.3 million, are the sectors allocating most resources to children and adolescents in particular.

Figure 6



Source: Ministry of Finance.

Preparation: CNNA.

2. Please provide up-to-date information for 2006, 2007 and 2008 on the number of persons below 18 years of age held in custody. Also please inform the Committee how many cases there have been of abuse or ill-treatment of children in the course of their arrest and/or detention and what follow-up action has been taken in such cases.

93. In 2008, the Ministry of Justice and Human Rights assumed responsibility for the administration of young offender institutes and secure training centres and is currently working on the development of a comprehensive system with the Special Police Department for Children and Adolescents (DINAPEN) and youth courts in order to ensure better follow-up action on custody processes and to have reliable and timely statistical information on this problem.

94. The latest statistics are provided in the 2007 report.

Years	Adolescents cared for
2003	4 110
2004	4 217
2005	6 040
2006	5 818
To June 2007	2 379

Source: DAINA/MIES.

3. Please supply up-to-date information for 2006, 2007 and 2008 on the number of children who have been economically exploited, including children employed to perform domestic work or other high-risk tasks.

95. The latest official statistics are provided in the 2007 report. However, according to the ILO International Programme on the Elimination of Child Labour (IPEC-ILO) to January 2009 the following indicators are true for Ecuador:

Population economically active (PEA) under 18 years of age: 779,000 (21 per cent)
 Male: 482,980 (25 per cent)
 Female: 296,020 (16 per cent)
 15-17 years of age: 319,390 (41 per cent)
 Urban area: 249,280 (11 per cent)
 Rural area: 529,720 (36 per cent)

Child labour

Rate for 5–9 years of age: 7 per cent (109,060)
 Rate for 10–14 years of age: 24 per cent (350,550)
 Rate for the worst forms of child labour 10–18 years of age: 80 per cent

Locations of child labour and PEA

Amazonia: 34 per cent
 Sierra: 28 per cent
 Costa: 13 per cent

4. Please provide up-to-date information for 2006, 2007 and 2008 on the number of children who have been deprived of their family environment and on the type of care they receive (foster homes, institutions or other).

96. The investigatory project “Assessment of programmes and projects aimed at protecting and restoring the rights of children and adolescents deprived of their family environment” conducted by the National Council for Children and Adolescents and the Belgian Technical Cooperation (CTB-BTC) yielded the following information relating to 2006.

No. children and adolescents deprived of their family environment

	<i>Foster care</i>		<i>Residential Care</i>		<i>Overall total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
<i>Central province</i>						
Azuay	0	0.00	472	15.09	472	15.09
Canar	0	0.00	6	0.19	6	0.19
Chimborazo	0	0.00	89	2.85	89	2.85
Cotopaxi	0	0.00	51	1.63	51	1.63
El Oro	0	0.00	39	1.25	39	1.25
Esmeraldas	0	0.00	165	5.27	165	5.27
Guayas	5	0.16	490	15.66	495	15.82
Imbabura	0	0.00	180	5.75	180	5.75
Loja	0	0.00	132	4.22	132	4.22
Los Rios	0	0.00	17	0.54	17	0.54
Manabi	0	0.00	200	6.39	200	6.39
Pastaza	0	0.00	13	0.42	13	0.42

<i>Central province</i>	<i>Foster care</i>		<i>Residential Care</i>		<i>Overall total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Pichincha	13	0.42	1 119	35.77	1 132	36.19
Sucumbios	7	0.22	5	0.16	12	0.38
Tungurahua	0	0.00	125	4.00	125	4.00
Overall total	25	0.80	3 103	99.20	3 128	100.00

97. The National Child and Family Institute took over its management responsibilities from January 2009, which was accompanied by a process of transition and development of the new management model that includes the information systems to maintain up-to-date and timely statistics.