



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Ecuador\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Ecuador (CRC/C/ECU/5-6) at its 2222nd and 2223rd meetings (see CRC/C/SR.2222 and 2223), held on 11 and 12 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/ECU/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party, including the ratification, in 2013, of International Labour Organization Domestic Workers Convention, 2011 (No. 189) and, in 2010, of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee also acknowledges the adoption of the Organic Law on Human Mobility, in February 2017, which proscribes any form of detention of children in the context of migration, asylum-seeking or refugee proceedings; the Executive Decree No. 4, in May 2017, which appointed the Ministry of Public Health as the institution responsible for sexual and reproductive health policies; and the Civil Code Reform Act, in 2015, which sets the minimum age for marriage at 18 years.

#### III. Main areas of concern and recommendations

4. The Committee is deeply concerned that the new intergenerational approach adopted in the State party may affect the specificity and specialization of the State party's institutional and policy framework for the implementation of the Convention and may undermine the effective protection of children's rights, particularly at the local level.

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would

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\* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).



like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: coordination (para. 9); violence, abuse and neglect (para. 25); gender-based violence (para. 27); adolescent health (para. 35); children belonging to ethnic minorities and/or indigenous groups (para. 41); juvenile justice (para. 44).

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

### **Legislation**

6. **While noting the adoption of various laws in relation to children's rights and the legislative process to reform the Code on Children and Adolescents, the Committee recalls its previous recommendation (CRC/C/ECU/CO/4, para. 10) and further recommends that the State party:**

(a) **Ensure full implementation of the legislation set forth in the Code on Children and Adolescents;**

(b) **Ensure that any legal reform maintains the speciality of the legal framework concerning the rights of the child and protects children as right holders of all the rights set forth in the Convention, irrespective of their compliance with particular duties;**

(c) **Conduct a review of and bring into line with the Convention its normative framework, including the Civil Code and the Organic Law on Management of Data and Civil Information (2016) on matters concerning identity and adoption.**

### **Comprehensive policy and strategy**

7. **While observing the development of the National Plan for Good Living 2013-2017, the National Agenda for Intergenerational Equality 2013-2017 and the programmes adopted by the autonomous provincial governments, the Committee recalls its previous recommendation (CRC/C/ECU/CO/4, para. 12) and further recommends that the State party:**

(a) **Adopt a comprehensive national policy and strategy specifically aimed at implementing the rights of the child in line with the Convention and its first two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in cooperation with the public and private sectors involved in the promotion and protection of children's rights, in consultation with children and based on a child-rights approach. Such a policy should encompass all children in the State party and all areas covered by the Convention; be supported by sufficient human, technical and financial resources; include clear and adequate budgetary allocations and a time frame; and incorporate follow-up and monitoring mechanisms;**

(b) **Ensure that the new National Agenda for Equality 2018-2021 and all local agendas for equality include specific benchmarks and programmes aimed at fulfilling the State party's obligations and the implementation of the rights of the child. Such agendas should establish a periodic monitoring system that allows the State party to follow-up how the system responds to the protection of all children in the country;**

(c) **Strengthen the capacity of national and local authorities involved in the National Council for Intergenerational Equality and the cantonal councils for the protection of rights on all areas of the Convention and its Optional Protocols.**

### **Coordination**

8. The Committee observes that the Organic Law on National Equality Councils (2014) and its General Regulations (2015) created a new system for the protection of rights that relies on five national equality councils and cantonal councils for the protection of rights. However, the Committee notes with deep concern:

(a) That the National Decentralized System for the Comprehensive Protection of Children and Adolescents is not currently operative;

(b) That institutions that used to be responsible for the implementation of the rights of the child, such as the National Council for Children and Adolescents, the cantonal councils for children and adolescents and the councils for the protection of rights have been transformed into intergenerational councils and do not retain their specific and special mandate in relation to the protection of children's rights;

(c) The existing gaps in coverage and the lack of expertise in the provision of special protection services at the local level;

(d) The lack of specialized justice services for children;

(e) The absence of a national entity responsible for coordinating the implementation of public policies and programmes relating to the promotion and protection of children's rights during early childhood.

**9. The Committee recommends that the State party:**

**(a) Establish an appropriate high-level interministerial coordination body with a clear mandate and sufficient authority to coordinate all policies, programmes and activities relating to the implementation of the Convention at cross-sectoral, national and cantonal levels;**

**(b) Provide the Under-Secretary for Children Protection and the Under-Secretary for Special Protection Services at the Ministry of Economic and Social Inclusion, with sufficient human, technical and financial resources to carry out their mandates;**

**(c) Ensure the operative functioning of the National Decentralized System for the Comprehensive Protection of Children and Adolescents through the allocation of specific human, technical and financial resources at all levels, and that the mandate of the National Decentralized System continues to be specific for the rights of the child and is differentiated from the National Council for Intergenerational Equality;**

**(d) Adopt clear guidelines and strengthen the mandate of the new National Council for Intergenerational Equality and the cantonal councils for the protection of rights so as to reinforce and uphold the specificity and interdependence of all children's rights. The State party should set up clear benchmarks on the compliance of local agendas for equality with the Convention;**

**(e) Speed up the establishment of cantonal councils for the protection of rights and ensure that cantonal authorities allocate specific human, technical and financial resources for the implementation of the rights of the child;**

**(f) Establish local systems for the comprehensive and special protection of children that work in coordination with those councils and allocate sufficient human, technical and financial resources for their functioning. The State party should build the capacity of the authorities responsible for the special protection services with regard to the State party's obligations under the Convention;**

**(g) Ensure that the judicial authorities are specialized and work in line with children's rights;**

**(h) Establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to children's rights in early childhood.**

**Allocation of resources**

**10. While noting the information concerning the increase in social investment as a proportion of the general State budget, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

- (a) Implement a child-rights approach in the elaboration of the State budget through a tracking system covering all child- and adolescent-related expenditures, including impact assessments with gender disaggregation on how investments in any sector may serve the best interests of the child;
- (b) Allocate resources for the rights of all children, including for the eradication of multidimensional poverty in early childhood, eradication of child malnutrition, comprehensive protection of children, and actions to tackle violence against children;
- (c) Define budgetary lines for children, taking into account their gender and situations of vulnerability, such as children belonging to indigenous peoples and other nationalities, Montubio and Afro-Ecuadorian children, children with disabilities, children living in poverty, children in care, and migrant, asylum-seeking and refugee children, and allocate and execute public funds in order to remove all discriminatory barriers that children may face in accessing their rights;
- (d) Ensure that retrogression concerning budget allocation is considered after carefully assessing all other options and ensuring that children are the last to be affected, especially children in vulnerable situations;
- (e) Guarantee that all retrogressive measures are necessary, reasonable, proportionate, non-discriminatory and temporary and that any rights thus affected will be restored as soon as possible, and take appropriate measures to ensure that the immediate and minimum core obligations relating to children's rights are not compromised by any retrogressive measures, even in times of economic crisis;
- (f) Ensure the effective functioning of the specialized unit of the National Assembly for controlling the execution of the general budget.

#### Data collection

11. While noting the measures taken by the National Institute for Statistics and Census in relation to information gathering on the rights of the child, with reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

- (a) Continue to strengthen its data-collection system, in particular by ensuring that data cover all areas of the Convention and are disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background in order to facilitate analysis on all children, including children in vulnerable situations;
- (b) Set up a data-collection system on chronic malnutrition, in particular in rural areas, and on different forms of violence against children;
- (c) Adopt specific indicators on childhood in the data collection concerning trafficking, sexual exploitation and pornography;
- (d) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

#### Independent monitoring

12. With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

- (a) Expediently establish a specific mechanism for monitoring children's rights in the Office of the Ombudsperson and mandate it to receive, investigate and address complaints by children in a child-sensitive manner, including proposing legislation and policies on children's rights;

(b) Ensure the independence of the Office of the Ombudsperson and that it has the adequate human, technical and financial resources to advance and monitor the implementation of the Convention and its Optional Protocols.

#### Dissemination, awareness-raising and training

13. While noting the information about awareness-raising programmes, including meetings with children, the Committee recommends that the State party:

(a) Strengthen its awareness-raising programmes, including campaigns aimed at ensuring that the provisions of the Convention are widely known throughout society, including by parents and extended families, caregivers, professionals working with children and children themselves. The State party should ensure that awareness-raising programmes address the obligation to protect children against all forms of violence and ensure the recognition of children as rights holders;

(b) Establish systematic capacity-building programmes for public authorities in all branches of government, including all law enforcement officers, teachers, health personnel, social workers, personnel of childcare institutions and local government officials, on their responsibilities under the Convention;

(c) Conduct awareness-raising programmes on the rights of the child, particularly among journalists, teachers and professionals engaged in mass media and the Internet.

#### Cooperation with civil society

14. The Committee strongly recommends that the State party:

(a) Give legitimate recognition to human rights defenders and their work, and build a climate of trust and cooperation with civil society;

(b) Systematically and meaningfully involve non-governmental organizations working in the field of children's rights, including children's organizations, organizations representing indigenous peoples and other nationalities and lesbian, gay, bisexual, transgender and intersex children, in the development, implementation, monitoring and evaluation of laws, policies and programmes relating to children's rights.

#### Children's rights and the business sector

15. While noting the information about the Environmental Management Act and the duty of State-owned companies to provide information about any activity carried out by them that has environmental impacts, the Committee, with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, recommends that the State party:

(a) Establish a clear regulatory framework especially for companies 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) Ensure effective implementation by companies, especially in the oil and mineral sector, of international and national environment and health standards, monitor the implementation of these standards and appropriately sanction and provide remedies when violations occur, as well as ensure that appropriate international certification is sought;

(c) Ensure that affected communities, including rural communities, indigenous peoples and nationalities and Afro-Ecuadorian communities have access to information about planned mining operations and any associated risks, particularly for children.

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

### **Non-discrimination**

16. The Committee recommends that the State party ensure full protection against discrimination on all grounds and in coordination with a wide range of stakeholders, including girls, and:

(a) Adopt strategies, including affirmative action programmes, to address disparities in access to education, health services and a minimum standard of living by children belonging to indigenous peoples and nationalities, Montubio, Afro-Ecuadorian children, children with disabilities and children of families living in poverty, with measurable outcomes and goals to be met in the short and long term;

(b) Design and implement a strategy with a clear definition of targets and a monitoring mechanism aimed at eliminating patriarchal attitudes and gender stereotypes that discriminate against girls in all areas of life, paying special attention to education. In the context of such strategy, the State party should adopt measures to combat prejudices and de facto discrimination against pregnant girls and adolescent mothers;

(c) Adopt a strategy, specific legal provisions and clear guidelines for public authorities aimed at upholding 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, bisexual, gay, transgender and intersex children;

(d) Ensure that all cases of discrimination against children are addressed effectively, including by disseminating information in accessible formats about what constitutes discrimination, and establishing disciplinary, administrative or, if necessary, penal sanctions, and that children can access psychosocial and legal counselling in cases of discrimination;

(e) Monitor strategies and measures to combat discrimination and include an assessment of the results achieved in its next report.

### **Best interests of the child**

17. While noting that the State party's Constitution recognizes the right of the child to have his or her best interests taken as a primary consideration, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular with regard to family law, children in care and in the designing and implementation of public policies programmes and projects that have an impact on children. The State party is encouraged to develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child in every area;

(b) Ensure the compulsory implementation of the criteria set up by the Council of the Judiciary in 2015 for assessing and determining the best interests of the child in judicial procedures, paying particular attention to decisions concerning alternative care, including adoptions;

(c) Establish compulsory processes for ex ante and ex post impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as primary consideration.

**Right to life, survival and development**

18. The Committee recommends that the State party adopt a national plan of action to tackle neonatal mortality, including actions to improve perinatal and postnatal health care for mothers and babies, paying particular attention to rural areas and marginalized livelihoods, and taking note of target 3.2 of the Sustainable Development Goals to end preventable deaths of children under 5 years of age.

**Respect for the views of the child**

19. While noting that the State party's legislation includes mechanisms for official consultation with children at the national and cantonal levels, with reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Ensure the implementation of the General Code of Procedure in a manner that is consistent with the child's right to be heard throughout all stages of administrative and judicial procedures, the right to access one's own files and procedural accommodation for children with disabilities. The Committee encourages the State party to set up compulsory protocols for judicial authorities to respect children's rights throughout all stages of proceedings, including assessment of the capacity of the child, feedback to the child about the weight given to his or her views, and complaints, remedies and redress when their right to be heard is disregarded;

(b) Adopt indicators on the effective participation of children throughout all participation mechanisms established by the Organic Law on Citizen Participation (2010) at the national and cantonal levels;

(c) Ensure that all cantonal councils for the protection of rights set up mechanisms for the participation of children in consultation processes;

(d) Adopt accountability indicators and develop assessments about the degree of acceptance of the opinions of children in student councils in schools and develop public campaigns to promote recognition and acceptance of the views of children of all ages in the home and in care settings.

**C. Civil rights and freedoms (arts. 7, 8 and 13-17)****Right to identity/birth registration**

20. While noting the establishment of the free registration process and the national system for the registration of vital statistics, the Committee notes persisting gaps in the birth registration of children in various areas as well as for refugee children. It recommends that the State party:

(a) Adopt a plan of action targeting rural, coastal and border areas in the provinces of Guayas, Manabí and Esmeraldas to ensure birth registration of children;

(b) Ensure the implementation of the agreement between the Ministry of Foreign Affairs and the Civil Registry regarding the registration of refugee children in the civil registry and the issuance of identity cards;

(c) Review the Organic Law on Management of Data and Civil Information (ley orgánica de gestión de la identidad y datos civiles), which allows for changing the names of children after birth registration, and introduce safeguards to adequately protect the child's right to identity and prevent de facto and/or legal amendment of the identity names of children.

**Freedom of association and peaceful assembly**

21. The Committee is concerned about violence against children during public demonstrations, and disciplinary measures and sanctions imposed on children taking part in protests, and recommends that the State party:

(a) **Promote, protect and facilitate freedom of association and peaceful assembly of children and withdraw laws and regulations that allow for sanctions in connection with the exercise of the right to freedom of association and peaceful assembly;**

(b) **Speed up the adoption of a protocol on how to deal with children in the context of public demonstrations and ensure that it is in line with the Convention;**

(c) **Create a complaint mechanism for children who have faced any form of violence, excessive use of force or arbitrary detention during public protests, and set out adequate sanctions for public officials that violate the right to freedom of association and peaceful assembly of children.**

#### **Access to appropriate information**

22. **The Committee recommends that the State party:**

(a) **Take measures to increase access to appropriate information for children, especially those who live in remote and rural areas, children belonging to indigenous peoples and nationalities, Afro-Ecuadorian and refugee children, in conformity with their age, maturity and cultural background;**

(b) **Adopt measures to protect children from harmful information and products and online risks, and against negative portrayal and discrimination against children;**

(c) **Provide training to social communicators and journalists about children's rights;**

(d) **Expand access to the Internet and information to children living in rural areas.**

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

#### **Corporal punishment**

23. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to expedite the adoption of the draft Organic Law for a Childhood and Adolescence Free from Physical Punishment and Degrading Treatment, which criminalizes corporal punishment in all settings, including the home.**

#### **Violence, abuse and neglect**

24. **The Committee remains extremely concerned about:**

(a) **The prevalence of several forms of violence, including physical, sexual and psychological violence, and abuse against children of all ages at home, in school, in public transport and in public spaces that is inflicted by parents, teachers, partners, caregivers and/or classmates, as well as its disproportionate incidence on children between 5 and 11 years of age, and among children belonging to indigenous peoples and nationalities and Afro-Ecuadorian children;**

(b) **The prevalence of different forms of violence, harassment, bullying and abuse in school;**

(c) **The continued use of violence and corporal punishment against children as a form of discipline at home, in school and in other settings;**

(d) **The lack of measures to collect official data on the incidence of all forms of violence against children in the State party;**



(e) The insufficient information about measures to provide access to justice, remedies and redress to child victims of violence that are age and sex appropriate and accessible across the country, in rural as well as in urban areas.

25. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals to end, inter alia, abuse and violence against children, the Committee urges the State party to:**

(a) **Adopt a comprehensive strategy to prevent and eliminate all forms of violence, abuse and neglect against children in all settings, considering in particular measures to prevent and eliminate violence against children belonging to indigenous peoples and nationalities and Afro-Ecuadorian children, with a time frame and sufficient budgetary allocations and human and technical resources to accomplish its goals;**

(b) **Set up a specific framework and monitoring mechanisms that include periodic reporting by the authorities responsible as well as from civil society organizations, including children's organizations, women's organizations and indigenous people's organizations;**

(c) **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;**

(d) **Strengthen the system of specialized protection for children and set up public policies to combat and eliminate all forms of violence used as a child-rearing method;**

(e) **Establish a national database to systematically collect information and data disaggregated by age, sex, type of violence and relationship between the victim and the perpetrator on all cases of violence against children in families, schools and institutional care, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(f) **Set up specialized units to prosecute cases of violence and abuse of children and carry out prompt and thorough investigations that lead to sanctions for perpetrators, while ensuring that children have access to child-friendly reporting channels, physical and psychological counselling, rehabilitation and health services, including mental health services;**

(g) **Allocate sufficient human, technical and financial resources to children's teams and other front-line services to adequately respond to reported cases of child abuse;**

(h) **Define the scope of measures of redress for children who are victims of violence, including criteria for the application of judicial measures of restitution, compensation, symbolic benefits, rehabilitation, satisfaction and guarantees of non-repetition, compatible with the age, sex and cultural background of the child.**

#### **Gender-based violence**

26. While noting the information about the National Plan for the Eradication of Sexual Offences (2011) and the "zero tolerance" approach to sexual violence in schools, the Committee is extremely concerned about the prevalence of gender-based violence, in particular sexual violence, harassment and abuse against girls in all areas, as well as about the high level of impunity in cases of sexual violence.

27. **The Committee draws attention to target 5.2 of the Sustainable Development Goals to eliminate all forms of violence against women and girls in the public and private sphere, including sexual and other types of exploitation, and urges the State party to:**

(a) Adopt a nationwide strategy to eliminate sexual violence against girls at home, including in urban and rural areas, and in the education system without delay and ensure that girls have access to effective complaint mechanisms about sexual violence and to information about their sexual and reproductive rights;

(b) Introduce compulsory screening processes and background checks of all professionals and staff working with and for children in public and private schools and redouble its efforts to provide compulsory training and capacity-building activities about children's rights and gender equality among families, parents, caregivers and teachers;

(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 disaggregated data 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, compensations and guarantees of non-repetition.

#### **Bullfighting**

28. The Committee recommends that the age limit for watching and participating in bullfighting be raised from 16 to 18 years and made statutory.

#### **Harmful practices**

29. The Committee recommends that the State party adopt a comprehensive strategy aimed at raising awareness in society and among children about the minimum age for marriage set at 18 years.

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

#### **Children deprived of a family environment**

30. With reference to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Adopt a strategy to promote family-based care for children in all circumstances and allocate adequate technical, human and financial resources;

(b) Adopt public policies, regulations and provide sufficient budget allocations to foster parents across the country;

(c) Implement a strategy for the deinstitutionalization of children with a time frame and measurable benchmarks and indicators, and redouble its efforts to provide for family reintegration of children whenever it is in the best interests of the child;

(d) Ensure that alternative care centres have adequate human, technical and financial resources to facilitate the rehabilitation and social reintegration of children;

(e) Establish a system to monitor the quality of services provided to children in alternative care.

#### **Adoption**

31. The Committee recommends that the State party:

(a) Ensure that the implementation of Ministerial agreement No. 194 of 2014 concerning adoption fulfils all guarantees relating to the due process of law;

- (b) **Ensure that the best interests of the child are the primary consideration in all adoption cases;**
- (c) **Withdraw legislation that labels children over 4 years of age as “difficult to adopt”;**
- (d) **Ensure in practice that the child’s views are heard in accordance with the child’s evolving capacities in all adoption processes and that persons authorized by law have given their informed consent;**
- (e) **Ensure the right of adopted children to access information about their origins.**

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

**Children with disabilities**

32. While welcoming the measures taken by the State party, including the Joaquín Gallegos Lara grant, the Committee recommends that the State party:

- (a) **Adopt a comprehensive, child-rights and participatory approach for the realization of the rights of children with disabilities and ensure that all policies concerning children apply the human rights model of disability;**
- (b) **Strengthen efforts to combat marginalization and discrimination against children with disabilities in their access to health, education, support and protection services;**
- (c) **Set up a comprehensive strategy to ensure that all children with disabilities access the mainstream inclusive education system and develop guidelines aimed at providing reasonable accommodation and appropriate support for children with disabilities in education and in the development of inclusive education environments, teaching tools and teaching methodologies.**

**Health and health services**

33. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.2 of the Sustainable Development Goals to end preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:

- (a) **Strengthen its efforts, in particular through the allocation of financial resources and equipment, to improve the coverage and quality of health-care services and assistance for children, particularly in rural areas;**
- (b) **Adopt measures to strengthen the prevention of infectious diseases among children, in particular those living in marginalized livelihoods;**
- (c) **Ensure sufficient budget allocation and accountability mechanisms for universal coverage of vaccinations and the provision of nutrients and minerals, as well as programmes to combat child and maternal mortality and malnutrition;**
- (d) **Strengthen its efforts to ensure access to safe water and sanitation for all households, schools and health facilities.**

**Adolescent health**

34. The Committee takes note of the information regarding the National Plan on Sexual and Reproductive Health 2017-2021. However, the Committee is deeply concerned about:

- (a) The persisting barriers for children in accessing sexual and reproductive health care and services;
- (b) The high rate of teenage pregnancy, frequently as a consequence of sexual violence;

- (c) Barriers to access abortion services and the practice of unsafe abortions;
- (d) Insufficient access to modern methods of contraception and family planning;
- (e) Barriers to access HIV testing owing to attitudinal prejudices on the part of health-care professionals;
- (f) The high number of suicides in the northern border area;
- (g) The incidence of drug use and alcoholism among adolescents.

35. **With reference to its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) **Adopt a strategy and strengthen training and capacity-building activities among medical and health-care personnel with the aim of preventing attitudinal barriers to providing sexual and reproductive health services for adolescents;**

(b) **Establish a national policy to tackle adolescent pregnancies, including by providing access to updated information about family planning methods and tackling and combating gender-based sexual violence, and work in close collaboration with women's organizations and children's organizations in order to collect their views on effective prevention mechanisms, including complaint procedures and early warning in situations of sexual violence and abuse by parents, relatives or carers;**

(c) **Ensure that girls have access to sexual and reproductive health services, including therapeutic abortion and consider decriminalizing abortion, with particular attention to the age of the pregnant girl and cases of incest and sexual violence;**

(d) **Ensure that information about family planning methods and modern contraceptives is available in accessible formats and indigenous languages for adolescents;**

(e) **Set up a time-bound programme in order to provide access to HIV testing for all adolescents and strengthen the implementation of policies to prevent HIV/AIDS and protect children and adolescents living with HIV/AIDS;**

(f) **Implement the national plan on mental health that appropriately addresses the rights of adolescents to an adequate standard of health and set up a nationwide strategy to combat suicide among adolescents, paying particular attention to the situation of girls belonging to indigenous peoples and nationalities, especially those living in the northern border area;**

(g) **Adopt a nationwide strategy aimed at preventing and combating drug abuse and alcoholism among adolescents and work in close cooperation with civil society organizations to identify and address causes of drug abuse and alcohol consumption as a public-health issue.**

#### **Standard of living**

36. **The Committee draws the State party's attention to targets 1.3 and 11.1 of the Sustainable Development Goals and recommends that the State party:**

(a) **Under the new National Development Plan and Social Agenda, provide cash transfers for families with children to ensure a decent standard of living and establish a transparent mechanism for private social service providers to have access to public funding;**

(b) **Adopt comprehensive, cross-sectoral strategies at the national and local levels with the aim of accomplishing the goals of the Agenda for Indigenous Children, and ensure that public policies in the area of housing, safe drinking water and sanitation, health and education adequately address the rights of children belonging to indigenous peoples and nationalities, Afro-Ecuadorian and Montubio children;**

(c) **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.

## **G. Education, leisure and cultural activities (arts. 28-31)**

**Education, including vocational training and guidance**

37. Taking note of target 4.a of the Sustainable Development Goals to build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all, the Committee recommends that the State party:

(a) Adopt affirmative action policies and programmes aimed at ensuring enrolment in education and preventing the dropout of children belonging to indigenous peoples and nationalities, Montubio, Afro-Ecuadorian, migrant, asylum-seeking and refugee children;

(b) Ensure appropriate human, technical and financial resources for programmes aimed at enrolling children in school, safe and regular transportation for children in rural areas, school meals and appropriate settings for leisure and recreation in schools;

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

(d) Undertake public consultations with children's organizations and civil society organizations with the aim of assessing the implementation of the Millennium Schools and identifying remaining challenges to the provision of intercultural education and barriers to accessing schools.

**Rest, leisure, recreation and cultural and artistic activities**

38. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:

(a) Adopt a national play and leisure policy, respectful of different cultural backgrounds, and allocate sufficient and sustainable resources at the national and local levels to ensure that play and leisure programmes are fully accessible for children with disabilities;

(b) Ensure awareness about and respect for the rights of the children in the context of sport programmes and monitor the situation of children taking part in competitive and high-performance training, including football;

(c) Strengthen measures and ensure budget allocations to create leisure spaces and offer outdoor activities for children in rural communities and consult with children's organizations and rural communities in the design, implementation and monitoring policies and activities relevant to play and leisure.

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)**

**Asylum-seeking and refugee children**

39. With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) Adopt legislation and measures to provide specific protection and assistance for migrant, asylum-seeking and refugee children, including unaccompanied and separated children, throughout the refugee determination process;

(b) **Prevent the return of unaccompanied children at all border entry points, and any form of detention of asylum-seeking children at airports;**

(c) **Ensure prompt enrolment in the civil registry and identification of refugee children; strengthened international, bilateral and regional cooperation; the conduct of awareness-raising and information campaigns on protection mechanisms available to children; and strengthened opportunities for children for a prompt inclusion in society.**

#### **Children belonging to minority and/or indigenous groups**

40. While welcoming the measures taken by the State party, such as the participatory process for the development of the Agenda for Indigenous Children, the Committee is concerned about:

(a) The negative impacts of the extractive mega-projects and activities in indigenous areas, including violence against indigenous children in the context of law enforcement activities;

(b) The low quality of intercultural bilingual education;

(c) The insufficient system of data collection concerning the situation of Afro-Ecuadorian and Montubio children.

41. **With reference to its general comment No. 11 (2009) on indigenous children and their rights under the Convention and in close collaboration with organizations of indigenous children and their local communities, the Committee recommends that the State party:**

(a) **Carry out processes to seek the free, prior and informed consent of indigenous peoples and indigenous children in relation to all measures that impact their lives, in particular the exploitation of natural resources in their areas. The Committee encourages the State party to pay attention to the content of the Declaration on the Rights of Indigenous Peoples (2007) in addressing the right to free, prior and informed consent;**

(b) **Ensure appropriate budget allocations and speed up the implementation of quality bilingual intercultural education across all provinces, including through appropriate materials, bilingual teachers and educative tools;**

(c) **Set up a system for data collection on the situation of Afro-Ecuadorian and Montubio children.**

#### **Economic exploitation, including child labour**

42. **The Committee recalls its previous recommendation (CRC/C/ECU/CO/4, para. 71) and recommends that the State party intensify its efforts to eliminate child labour in all sectors of economy, including by strengthening its partnerships with the private sector with the aim of ensuring that no children are involved in child labour and establishing programmes at the local and cantonal levels to implement the national strategy against child labour.**

#### **Administration of juvenile justice**

43. The Committee is concerned about:

(a) The prevalence of measures for deprivation of liberty in rehabilitation centres from 12 years of age for grave criminal offences and from 14 years of age for other crimes, as a socioeducational measure for children in conflict with the law, and the increase of the maximum term for deprivation of liberty from four to eight years;

(b) The provision of limited legal aid and counselling services for children in conflict with the law;

(c) The absence of legal provisions authorizing a reduction of the term of deprivation of liberty and/or review of an imposed socioeducational measure;

(d) The requirement of serving 60 per cent of the term under deprivation of liberty and/or under a “closed” regime to qualify for a semi-open regime, and the requirement to serve at least 80 per cent of the term under deprivation of liberty to qualify for an open regime;

(e) Insufficient information about measures to protect the life and integrity of children in rehabilitation centres.

44. **With reference to its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee recommends that the State party:**

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

(b) **Prevent the implementation of social and/or educational measures consisting in deprivation of liberty and reinforce the application of the principle of proportionality of the sanctions imposed on children in conflict with the law;**

(c) **Strengthen its efforts to establish and train specialized juvenile judges throughout the country and ensure the provision of qualified and independent legal aid and public defence in all procedures involving children in conflict with the law;**

(d) **Strengthen cross-sectoral collaboration within the specialized justice system and, in particular, ensure that legal, psychosocial counselling and health care are available for children in conflict with the law;**

(e) **Conduct a review of its normative framework related to administrative procedures involving children in conflict with the law and ensure the provision of appeal or review of an imposed sanction and/or reduction of the term of deprivation of liberty;**

(f) **Reform the system that requires the serving of 60 per cent of the term under deprivation of liberty for children in conflict with the law, in order to allow for review of the sanction at any time during the process with a view to its withdrawal;**

(g) **Ensure appropriate and periodic monitoring of rehabilitation centres in which children are deprived of their liberty and independent child-sensitive complaint mechanisms as well as the availability of remedies and redress in cases of violence against children in such centres.**

**Follow-up on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

45. **While noting that the State party criminalizes child pornography and child prostitution, the work of the National Directorate of Special Police for Children and Adolescents and the United Nations Development Assistance Framework 2015-2018, the Committee is concerned about the number of cases of disappearance of children, particularly girls, who are exposed to sale, kidnapping and trafficking, and recommends that the State party:**

(a) **Strengthen its measures to address the sale of children, including by establishing early warning systems and search mechanisms for missing children, in particular girls;**

(b) **Adopt a new national action plan to combat trafficking in persons with particular focus on children, ensuring increased participation and close collaboration with and support for civil society organizations working with victims of trafficking;**

(c) **Establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol;**

(d) **Strengthen its social security protection system to cover all child victims of offences prohibited under the Optional Protocol, in particular children belonging to indigenous peoples and nationalities, Afro-Ecuadorian, migrant, refugee and asylum-seeking children;**

(e) Adopt awareness-raising and capacity-building programmes for public officials with regard to cases of trafficking, child prostitution and child pornography;

(f) Adopt strategies to provide legal and psychosocial counselling for child victims of trafficking, prostitution and pornography, and establish a mechanism for the rehabilitation, recovery and reintegration of child victims of offences prohibited under the Optional Protocol.

**Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

46. The Committee recommends that the State party:

(a) Strengthen the role of institutions for the protection of children living in border areas in order to identify situations of risk for children;

(b) Strengthen law enforcement activities in the northern border area with the aim of preventing the recruitment of children by non-State armed groups, organized crime groups, including drug traffickers, and promoting peacebuilding efforts;

(c) Prioritize 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.

#### **I. Ratification of the Optional Protocol to the Convention on a communications procedure**

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

#### **J. Cooperation with regional bodies**

48. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of children's rights, both in the State party and in other member States.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

#### **B. National mechanism for reporting and follow-up**

50. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to, and engage with, international and regional human rights mechanisms, as well as to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from these mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff, and



should have the capacity to systematically consult with the national human rights institution and civil society.

### C. Next report

51. The Committee invites the State party to submit its seventh periodic report by 1 September 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

52. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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