



**Convention on the
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**COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second and third periodic reports of States parties due in 1997 and 2002

ECUADOR* **

[21 January 2003]

* For the initial report submitted by the Government of Ecuador, see document CRC/C/3/Add.44; for its consideration by the Committee on 22 and 23 September 1998, see documents CRC/C/SR.479-481 and CRC/C/15/Add.93.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

1. In May 1996 the Republic of Ecuador submitted to the Committee on the Rights of the Child its initial report on the implementation in Ecuador of the Convention on the Rights of the Child, pursuant to article 44 of the Convention, in force for Ecuador since September 1990.
2. The Committee considered the initial report in meetings held on 22 and 23 September 1998 and issued observations and recommendations; these have been taken into account in preparing this report, which presents, in a consolidated document, the second and third periodic reports.
3. In view of the time frames indicated in the Convention, the second report (due in 1997) and the third report (due in 2002) have been consolidated.
4. With the support of the United Nations Children's Fund (UNICEF), the Ministry of Foreign Affairs assumed responsibility for coordinating the preparation of this report, convening for this purpose the official bodies responsible for services for children and young persons, and for human rights in general. These bodies formed an ad hoc inter-institutional committee, joined by civil society organizations that monitor the situation of the rights of the child on an ongoing basis in Ecuador; these organizations were consulted regarding certain aspects of the report, in particular in those areas in which the State is not directly involved, from the standpoint of the implementation of public policy.
5. With the adoption by Congress in early November 2002 of the new Children's and Youth Code, a legal instrument establishing the new composition and functions of the Children's and Youth Council, this new collegial body is expected to function as the governing body for the implementation of national policy for this section of the population; there will be a new organizational and programmatic framework intended to promote, as a fundamental task, the creation of a decentralized system for comprehensive protection.
6. As in the case of the initial report, the secretariat of the Social Front made a decisive contribution in the preparation of this document and provided much of the information included in the report, including statistical data and analysis in terms of compliance with rights, in documentation produced by the Ecuador Integrated System of Social Indicators (SIISE). The principal SIISE documents cited here are: *National Report on Follow-up to the World Summit for Children* (October 2000) and *Children Now*, a selection of indicators on the situation of children at the start of the new decade, embodying the results of the EMEDINHO survey of indicators on children and households, December 2000. This study was conducted in conjunction with the National Statistics and Census Institute (INEC) the "Our Children" programme of the Ministry of Social Welfare, the National Institute for Children and the Family (INNFA) and the Centre for Population Studies and Social Development (CEPAR).
7. With regard to information systems, it is noteworthy that in recent years the country has made significant progress in creating reliable, permanent national systems that permit the

systematization of the collection, organization and provision of quantitative information on boys and girls under 18, one result of which is the System of Social Indicators on Children and Adolescents (SINIÑEZ), which, in turn, is a part of SIISE. Further, SIISE forms part of the Government Information System (SIGOB).¹

8. It is important also to note that the concept of the joint responsibility of the State and civil society for the promotion and enjoyment of human rights has gained ground in terms of awareness and understanding of the situation of children and the corresponding quest for responsive public policy. In November 1999 representatives of public and private entities working for the exercise of the rights of children and young persons signed the National Agreement on Children and Youth.² This agreement is complemented by the July 2000 Declaration: Local Alliance for the Exercise of the Rights of Children and Young Persons, signed by 27 public, private and cooperative institutions, to “promote, over the next four years, a joint process designed to organize local comprehensive protection systems”.

9. Constitutional recognition of the citizenship of children (1998 Constitution) and monitoring of expenditure and social investment (since 2001) constitute two notable landmarks in terms of innovative public policy in recent years. These attainments are helping to promote a consensus in favour of government policies to cement the exercise and guarantee of rights in Ecuador.

10. In June 2002 the Observatory on the Rights of Children and Young Persons in Ecuador was established. It brings together persons of various outlooks and professional backgrounds seeking to collect, analyse and disseminate information on the current status of compliance with the rights of children and adolescents so that society can become aware of where progress is required and also monitor the formulation of public policy for the universal enjoyment of such rights.

11. The Observatory has already issued its first two bulletins, in which it introduces the children’s rights index (IDN), based on three fundamental guarantees: the right to live (indicator: mortality rate), the right to healthy growth (indicator: chronic malnutrition rate), and the right to intellectual development (indicator: first grade repeat rate), measured on a scale of 0 to 10.

12. Given the nature of this report and the fact that indicators are presented in accordance with the guidelines of the Committee on the Rights of the Child, many of the activities outlined imply joint responsibility by civil and political society, which is why some of the sources of information that strictly speaking are unofficial have been considered acceptable as an indication of the progress made and limitations encountered by the country in the exercise of the rights of the child.

I. ECUADOR: UPDATED SOCIAL INDICATORS ON CHILDREN AND ADOLESCENTS

13. Ecuador has a young population: children from 0 to 14 constitute a third of the population (33 per cent of the total), or in absolute figures 4,011,700 inhabitants.

14. According to the 2001 population census, of a total national population of 12,156,608 inhabitants, 1,803,341 Ecuadorians (14.8 per cent) were under 6, and 1,439,300 (11.8 per cent) were between 6 and 12 years old.³

2 out of 10 do not live with both parents;

1 out of 10 is not enrolled in school;

4 out of 10 have been beaten by their teachers;

4 out of 10 are unaware that laws exist to protect their rights;

The illiteracy rate is still 8.4 per cent;

Children and poverty:⁴

- Poverty affects children most. In 1999, 60 per cent of children under 18 lived in homes in a situation of poverty, compared with 45 per cent of the adult population;
- Between 1995 and 1999 the proportion of children under 5 living in poverty increased from 40 per cent to 63 per cent;
- In 1999, 78 per cent of children in rural areas lived in poverty, compared with 45 per cent in cities. And indigenous groups were the poorest in the country: around 93 per cent of indigenous children belonged to poor households;
- In 1999, one out of every two poor persons in the country was a child under 18;

In 2000, there were 290,000 births;

Annual population growth rate: 2 per cent.

II. EXECUTIVE SUMMARY

15. According to the sixth population census, conducted in 2001, of a total national population of 12,156,608 inhabitants, 3,242,600 were between 0 and 12 years of age (26.6 per cent). Children between 0 and 14 years of age constituted one third of the population, that is 4,011,700 inhabitants.

16. In 1999 the amount budgeted for social protection programmes was equivalent to 1.7 per cent of gross domestic product (GDP) and to 5.8 per cent of public expenditure.

17. The national Government has defined 21 social priority programmes, the fundamental objective of which is to improve access by the neediest sectors of the population to basic services.
18. Despite efforts at social investment and increased social expenditure in recent years, Ecuador remains one of the countries with the highest levels of social inequality in Latin America. Poverty, understood as a structural situation that prevents households from satisfying the basic needs of their members, has increased, starting with the 1999 recession.
19. Over the decade the package of programmes targeting the vulnerable has been implemented or strengthened: (i) care and nutritional assistance for children under 5; (ii) basic education; (iii) health care; (iv) social infrastructure; and (v) money transfers to poor households to compensate for the elimination of subsidies for basic services. In addition, in 1996, the Ecuador Integrated System of Social Indicators (SIISE) was created, which today has two related systems: the System of Indicators on Children and Adolescents (SINIÑEZ) and the Integrated Women's System (SIMUJERES).
20. SINIÑEZ has allowed one of the principal problems relating to compliance with the Convention identified by the Committee on the Rights of the Child to be resolved: the issue of limits on obtaining and making available information.
21. Within the framework of public policy, the Government, with the support of cooperation agencies such as UNICEF, is taking decisions to restore social investment and monitor social expenditure so as to take the lead in national efforts to combat poverty and establish systems that promote early skills acquisition by children and adolescents from poor families.
22. The 1998 Constitution paved the way for establishment of a broader legal framework for the exercise of children's rights. Advances incorporated in the new instrument include: (i) establishing the joint responsibility of the State, society and the family in guaranteeing the rights of children and young persons; (ii) acknowledging the social citizenship of children and young persons; (iii) declaring children and young persons a national priority; (iv) identifying children as a vulnerable population at risk; and (v) acknowledging the need for reform of the public institutions responsible for children.
23. In an exercise involving broad consultation, a group of public and private agencies and organizations prepared the new Children's and Youth Code, which was officially submitted to Congress for its consideration, review and approval on 1 June 2000, and which, at the end of 2002, had embarked on the final stage of approval, with the executive and legislature formulating their final observations.
24. The most significant advances during the decade in terms of children's welfare relate to guarantees of survival. By the end of the decade there was a clear and sustained reduction in the under-5 mortality rate. The mortality rate for children under 1 fell from 40 per 1,000 live births in 1994 to 30 per 1,000 live births in 1999.
25. The reduction in child mortality is due, among other factors, to the success of control and health education measures in connection with infectious and contagious digestive and respiratory diseases.

26. In contrast, mortality rates among adolescents are increasing.
27. After 12 years the country adopted new measures to reduce the incidence of malnutrition among children. In 1986, 34 per cent of children under 5 were underweight and 17 per cent were below normal height: in 1999, 27 per cent of children under 5 were underweight and 14 per cent were below normal height. In this connection efforts have been made to promote breastfeeding. In 1995 the Breastfeeding Promotion and Protection Act was adopted and the National Council on Breastfeeding was established.
28. The reduction in maternal mortality is close to attaining the goals for the decade. The country is making a major effort to develop a health-care infrastructure for pregnant women. In 1994 the Free Maternity and Childcare Act was promulgated, and in June 2002 regulations were issued under the Act.
29. Pursuant to various constitutional provisions, the new Children's and Youth Code provides that the administration of justice for those under 18, that is the existing juvenile courts, will become part of the judiciary, so that a specialized branch of the system for the administration of justice will be established for children and adolescents.
30. In order to strengthen mechanisms for the protection of the rights of women and children in Ecuador, in 1996, under the Office of the Ombudsman, the Office of the Ombudsman for Women and Children was established. This office responds free of charge to complaints of violations of women's and children's rights involving threats, infringements and lack of observance.
31. Local management committees for the rights of children and adolescents provide forums for participation and coordination by public and private institutions and organizations. These committees promote, disseminate information on and seek compliance with the rights of children and adolescents and encourage the building of local and national systems for the comprehensive protection of children and adolescents.
32. Organization is most developed in education. In 1996, 86 per cent of children and young persons had some kind of student organization in their grades or years. The vast majority of Ecuadorian children have confidence in this machinery: 67 per cent of them consider that the student council meets their needs, and a similar number are satisfied with the way in which it is organized.
33. One of the most significant advances in the decade has been the greater visibility of the problem of the ill-treatment of children. Issues such as domestic violence, which in the previous decade were of interest only to groups working with women and children, are today at the centre of public debate. The "good treatment" proposal promoted in recent years stresses participatory and respect for pedagogical methods that challenge children to be creative and develop their self-confidence. The household survey for 2000 dealt with the issue of children at school, and sought to quantify "good treatment" by teachers in response to their pupils' behaviour.
34. Government agencies seek to provide technical and financial support for organizations conducting programmes to strengthen and maintain family ties, as well as reintegration in the

extended biological family of children at risk of being institutionalized. This and other models or family-based care such as foster families, family houses and family support have been tried in Ecuador in recent years. In 2000 a congress was held on “A family for every child”.

35. Article 134 of the new Children’s and Youth Code sets out the means by which financial protection is to be applied to ensure the right of children to maintenance.

36. Increasing emigration by Ecuadorians in recent years entails risks for the stability of the family environment for many children. In response to this problem the Ministry of Foreign Affairs has established a service to meet the needs of Ecuadorians abroad, most of them migrants, so as to collect information and serve as a liaison in connection with emerging demands; the cooperation of the authorities in the countries of destination has been sought. Many of these cases concern children of migrant families, family reunification and maintenance of the parent-child relationship.

37. In addition, the provision of public and private services offering pre-school care and education has increased. It is anticipated, accordingly, that there will be an increase in the number of children who spend most of their time in the care of persons who are not their parents, although, by popular tradition, in most cases children under 5 are in the care of a member of the extended family.

38. Teenage pregnancy poses a major challenge in terms of reproductive health, and has increased in recent years. From 1995 to 1999 there was an increase from 16 per cent to 21 per cent in the number of young women aged 15 to 19 who became pregnant. In 1998 the Sex Education and Love Act was adopted, providing for sex education in schools throughout the country.

39. In September 2001 the Child Development Coordination Office was established as a coordination body for official agencies entrusted with implementing public child development policies, which include all the community-based intersectoral case programmes for children under 5, with increasing coverage in urban and poor rural areas. In the context of these programmes, the Ministry for Social Welfare, through the “Our Children” programme, is working on the design of a national initial education curriculum, with participation by relevant public and private sector agencies.

40. In October 2002 a group of nationally prominent Ecuadorians called on the State authorities and civil society to conclude a social contract for education.

41. In education, the major difficulties still facing the country relate to improving the quality of instruction. One success in this regard is the bilingual intercultural education system, which uses the language of the culture in question as the main language. This represents an important step forward in eliminating the cultural barriers that have thus far discouraged indigenous children, especially girls, or prevented them from benefiting from education.

42. Today more children complete primary education than in 1990, without having repeated any grades; similarly, the numbers of children repeating the early grades has fallen by more than half. At present 2 out of 10 children are able to attend pre-school establishments, although coverage at the primary level remained unchanged (89 per cent) over the decade.

43. In keeping with the spirit of the Convention, the decade saw an increase in acceptance of the concept of special protection as a further element in the exercise of social citizenship by children. At present social protection, in addition to the situations mentioned, also includes new aspects such as child disabilities, sexual abuse, physical ill-treatment in the home and in educational establishments, children of parents in detention and children deprived of a family environment.

44. With regard to disabilities, the household survey for 2000 sought to identify in general terms handicaps among children aged 2 to 9; the aim of the questions put to mothers was to record handicaps or limitations in aspects of child development that could indicate possible disabilities.

45. The Special Police Department for Children and Young Persons (DINAPEN), part of the law enforcement forces, is organizing a national database of cases.

46. In 2001 and 2002 the subjects of refugees, displaced persons and assistance in situations of natural disaster gained new importance in Ecuador owing to the civil war and internal unrest in neighbouring Colombia and the recent eruptions of the Pichincha, Tungurahua and Reventador volcanoes.

47. In 2001 Ecuador ratified the International Labour Organization (ILO) Conventions Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) and Concerning Minimum Age for Admission to Employment (No. 138).

48. The new Children's Code establishes an obligation on the part of the State to formulate policies for the eradication of child labour, defines harmful and dangerous work, establishes 15 as the minimum age for work, and provides guarantees to maintain the right of adolescent workers to education and recreation.

49. With regard to liability by young offenders, the new Children's Code provides that adolescents (aged 12 to 18 years) are not subject to criminal law but are liable for their acts. The Code enshrines the non-imputability of children under 12, provides for socio-educational care measures and guarantees due process.

50. With regard to State investment in public services, at the end of the decade the central Government was investing almost one fifth less in basic social services than before the start of the economic crisis. The reduction in social expenditure is affecting the coverage and quality of social services.

51. Nevertheless, the State is taking significant initiatives to establish and consolidate systems for the monitoring of public social expenditure and promotion of social investment at the national and local levels.

III. BACKGROUND TO THE PREVIOUS REPORT, UNOFFICIAL REPORTS AND OBSERVATIONS AND RECOMMENDATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

52. The Committee on the Rights of the Child, meeting in September 1998, considered the report submitted by Ecuador in 1996, noting the frank and self-critical tone and openness to dialogue of the Ecuadorian delegation to the Committee. The Committee noted eight positive aspects in the country's implementation of the Convention: (i) the adoption of a national human rights plan (1998) that included the rights of the child; (ii) the enactment of the new Constitution (1998); (iii) the teaching of the Convention in school curricula and the establishment of bilingual education programmes for indigenous children; (iv) the establishment of the "City mayors for the defence of children" programme; (v) the international cooperation programmes on training in children's rights; (vi) the country's accession (1995) to The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).

53. The Committee noted three factors and difficulties impeding implementation of the Convention in Ecuador: (i) the disaster caused by the El Niño phenomenon (1997-1998); (ii) the negative impact on children of external debt and structural adjustment measures; and (iii) the widespread poverty and socio-economic disparities characterizing the country. In addition, the Committee noted the following subjects of concern:

- Disparities between the principles and provisions of the Convention and domestic legislation: (i) the need to harmonize the Children's Code and the new Constitution; (ii) the definition of the child, in particular the use of the biological criterion of puberty to set different ages of maturity for boys and girls, which introduces a form of gender-based discrimination; (iii) the lack of specific provisions on the rights of asylum-seeking and refugee children; and (iv) the compatibility of the justice system with articles 37, 39 and 40 of the Convention;
- The institutions dealing with children's issues: (i) the lack of coordination between national and local bodies dealing with children's issues; (ii) the cuts in social programmes; (iii) the limitations in the full implementation and systematic monitoring of the National Action Plan for Children; (iv) the lack of adequate training for professional groups working with and for children; (v) the lack of an information mechanism for follow-up to implementation of the Convention, especially for the most vulnerable children (indigenous, rural and institutionalized children and child street workers); (vi) shortcomings in the system for registering births, especially in rural areas;
- Discrimination and ill-treatment of children: (i) the prevalence of discrimination on the basis of ethnic origin, gender, social status and disabilities; (ii) the failure to fully apply the general principles of the best interests of the child and respect for the views of the child; (iii) the insufficient resources to combat the fact that ill-treatment is a culturally accepted and justified practice and to prevent abuse and ill-treatment within the family, at school and in society at large;

- Children's quality of life: (i) the widespread poverty and the ineffectiveness of alleviation programmes; (ii) limitations on access to health care and education by children, in particular the most vulnerable groups; (iii) the prevalence of malnutrition, high maternal mortality rates and limited access to health services in rural areas; (iv) the lack of studies on adolescent health and the limited coverage of counselling services and reproductive health education; (v) the impact of the high incidence of environmental hazards, including pollution, on children; (vi) disparities in access to formal education having their basis in gender, ethnicity and residence; (vii) access by children, especially the most vulnerable, to leisure and to recreational and cultural activities;
- Special protection measures: (i) the problem of child labour and economic exploitation, including the non-ratification of the ILO Minimum Age Convention (No. 138); (ii) efforts to combat drug trafficking and the sale of children and the lack of preventive measures in this area; (iii) the absence of data and studies on the sexual and commercial exploitation of children, and the shortcomings in the legislative framework to protect children from all forms of sexual abuse or exploitation, including within the family.

IV. ECONOMIC, POLITICAL AND SOCIAL CONTEXT OF ECUADOR AT THE TIME OF PREPARATION OF THE REPORT

Economic and social panorama of Ecuador in the 1990s⁵

54. The 1990s in Ecuador can be divided into two different periods, in which certain economic, political and natural phenomena that had an impact on the economic and social development of the country stand out.

55. The first phase, from 1992 to 1997, was a period of growth characterized by economic recovery, a reduction in inflation and balance in the main macroeconomic indicators. This period corresponds essentially to the Government of Sixto Durán Ballén, which implemented rigorous structural adjustment policies and sought to restrict the regulatory role of the State, strengthen the role of the market, eliminate subsidies, shrink the public sector and privatize State enterprises. During this Administration reforms were introduced with regard to unionization of the public sector and increased labour flexibility, which had already begun during the Administration of the social democrat Rodrigo Borja with part-time hiring and the Assembly Plant and Free Zone Act.

56. The second phase, from 1997 to 2000, was a period of severe cyclical crisis caused by the El Niño phenomenon, the international financial crisis, the fall in the price of oil, and structural crises relating to the cumulative effect of the economic policies pursued since the beginning of the decade, corruption and political instability that imperilled the democratic system, with the overthrow of two presidents. In this short period the Governments of Abdalá Bucaram, which lasted six months, was succeeded by the interim Administration of Fabián Alarcón, in turn followed by a brief period in office of Jamil Mahuad.

57. Advances and declines in the major economic indicators for the decade are summarized in the following table:

Ecuador: Principal economic indicators (1990s)⁶

	1990-1997	1997-1999	
Growth in GDP	3.2	-3.5	AAG
GDP (US\$)	9.4	-16.5	AAG
Per capita GDP (US\$)	7.8	-0.6	AAG
Annual inflation (%)	36.8	44.9	PA
Annual deflation (%)	27.3	90.8	PA
Minimum wage (US\$)	14.2	-20.9	AAG
Exports (US\$ millions)	9.9	-8.0	AAG
Imports (US\$ millions)	15.4	-22.7	AAG
Direct foreign investment (US\$ millions)	27.6	-4.3	AAG
External public debt (US\$ millions)	0.6	4.6	AAG
External private debt (US\$ millions)	47.0	0.2	AAG
External debt (US\$ millions)	3.1	3.8	AAG
External debt/GDP (%)	92.5	92.6	PA
Economically active population, men (%)	60.5	60.0	PA
Economically active population, women (%)	39.5	40.0	PA
Employed men (%)	88.6	88.1	PA
Underemployed men (%)	5.1	4.3	PA
Unemployed men (%)	6.3	7.7	PA
Employed women (%)	82.7	80.8	PA
Underemployed women (%)	5.5	4.9	PA
Unemployed women (%)	11.8	14.4	PA
Population below the poverty line (%)	56.0	70.0	

AAG: Average annual growth.

PA: Period average.

58. As can be seen from the table, between 1990 and 1997 Ecuador's economy grew at an average annual rate of 3.2 per cent, whereas over the period 1997-2000 it shrank at an annual average rate of 1.9 per cent. As a result, per capita GDP fell to levels similar to those recorded in 1991. The rate of GDP reduction was 32 per cent between 1998 and 1999, the most marked decline (-7) since 1920.

59. In 1999 Ecuador ranked eighty-fourth of 162 countries on the human development index.⁷

60. Following considerable progress during the oil boom of the 1980s, Ecuador's progress has been noticeably slower than that of other countries in Latin America.

61. The slow growth in the level of human development achieved by Ecuador can be explained by various factors: the high degree of social inequality and the prolonged economic stagnation from 1982 onwards.

Economic structure

62. Per capita income in Ecuador, at 43 per cent of the Latin American average, has been affected by a prolonged economic recession since 1982, aggravated by the severe impact of the crisis that began in 1998, the effects of which can still be felt.⁸

63. Starting in 1982 Ecuador embarked on a new stage in its economic history: the period of accelerated growth of the oil boom came to an end and the Government, acting in response to the debt crisis, undertook a major change of direction in its economic policy, towards a model based on structural adjustment, open markets and export promotion, similar to that followed throughout Latin America.

64. Implementation of the new economic policies has been a gradual process marked by adverse developments and political conflict. Although the basic elements of an open-market system and economic reform have been adopted, some issues, such as external debt, the recovery in the financial system and the need to maintain an adequate level of international competitiveness under a fixed exchange rate regime (the currency was tied to the dollar in January 2000), have yet to be addressed.

65. The Ecuadorian economy is also affected by external debt which, comparatively speaking, is one of the most onerous in Latin America. At the end of 1999 total (public and private) debt stood at \$16,102 million, representing 118 per cent of GDP, having increased without interruption since 1975. In fact, between 1995 and 2000, servicing of external and internal debt represented 11 per cent of GDP and 50 per cent of expenditure under the general State budget on average, undermining the country's investment and growth capacity.

External debt (1990s)

(millions of US\$)

	Public	Private	Total	As percentage of GDP
1990	12 052	170	12 222	115.6
1991	12 630	172	12 802	111.1
1992	12 537	258	12 795	102.9
1993	13 025	606	13 631	93.7
1994	13 758	832	14 589	86.4
1995	12 379	1 555	13 934	77.4
1996	12 628	1 958	14 586	76.1
1997	12 579	2 520	15 099	76.4
1998	13 241	3 160	16 400	83.2
1999	13 752	2 530	16 282	118.3

Fiscal sector

66. For most of the 1990s the public sector deficit constituted one of the principal disequilibria in the economy. While until 1997 the deficit was restricted to an average of -0.9 per cent, during the crisis the public sector deficit increased to -4.3 per cent owing to a decline in income, in particular as a result of falling oil prices and increased expenditure for interest payments and the amortization of external and internal debt, which increased to 45.1 per cent of the general State budget. This resulted in a tax increase and a 7 per cent reduction in the budget for education, health and community development.

67. The limitations imposed on the social budget implied a lower level of investment in schools, health centres, hospitals, and maternity centres, and resulted in a decline in the quality of services, with a negative impact on the population, in particular women.

Social indicators

68. In 1999 overall social expenditure amounted to 6.2 per cent of GDP. Social protection programmes, excluding social security, accounted for 29 per cent of the social budget in 1999. The amount budgeted in 1999 for social protection programmes amounted to 1.7 per cent GDP and 5.8 per cent of public expenditure.

69. The major sources of income for the State budget to finance social and non-social expenditure are tax receipts.⁹ These receipts basically come from the oil sector and from tax revenues (income tax, value added tax, customs duties on imports, tax on special consumption items, and others). In addition, social and non-social expenditure is funded from external credits and from other sources, including internal resources, donations and counterpart contributions.

70. Of the funding for social expenditure appropriated in May 2002, fiscal resources represented 91 per cent (US\$ 1,352 million), while external credits represented 5 per cent (US\$ 72 million). Other sources of financing accounted for roughly 4 per cent (US\$ 68 million). This does not include data on resources from self-management of institutions.

71. Per capita income fell by 32 per cent in the last year of the decade and salaries lost more than half of their purchasing power. Concentration of income has become more marked: in 1995, the richest 10 per cent received 41.2 per cent of income, while the poorest 10 per cent received 1 per cent of income; in comparison, in 1999 the richest 10 per cent received 42.5 per cent of income and the poorest 10 per cent 0.6 per cent.¹⁰ As a result of the economic recession of the past two years, over 300,000 people (6 per cent of the economically active population) have emigrated. The number of children dropping out of school for financial reasons has increased, as have malnutrition levels, with 6 per cent of those receiving solidarity vouchers reducing the number of their daily meals and 36 per cent postponing medical treatment.¹¹

72. Both economic growth and recession are reflected in indicators for poverty, extreme poverty, access to health insurance, access to land ownership, malnutrition and early school-leaving.

Urban poverty and extreme poverty (1990s)
(percentage)

	Poverty incidence index		Poverty gap	Degree of poverty index
	Households	Population		
1990	56	62	27.6	15.8
1994	52	58	26.2	15.6
1997	50	56	23.9	13.5

	Extreme poverty incidence index		Extreme poverty gap	Degree of extreme poverty index
	Households	Population		
1990	23	26	9.2	4.9
1994	22	26	9.7	5.6
1997	19	22	7.7	4.1

73. In conclusion, it is clear from social indicators that the crisis has affected the most vulnerable sectors.

74. Over the decade the Government has defined 21 priority social programmes, with the fundamental objective of improving access by the neediest sectors of the population to basic health services, food and nutrition, drinking water, sanitation services, basic education, child development for children up to 5, direct subsidies, housing for agricultural labourers, among others. By sector, these programmes are distributed as follows: education - four programmes; social welfare - six programmes; health - seven programmes; and housing - four programmes.

**V. IMPLEMENTATION IN ECUADOR OF THE CONVENTION
ON THE RIGHTS OF THE CHILD OVER THE PAST
SIX YEARS (1996-2002)**

A. General measures of implementation (art. 4)

1. Public policy for children and cooperation with civil society¹²

75. The 1990 National Action Plan represented the first attempt to formulate integrated public policies for children. The plan established goals, strategies and programmes in the areas of education, health, nutrition, sanitation and children in difficult circumstances. In 1991 the Government established the National Action Plan Committee and designated the Social Policy Unit (UPS) of the former National Development Council (CONADE) as the permanent secretariat for the Committee. Changes in social sector planning and coordination institutions over the decade (including the disappearance of CONADE) and the lack of a coordination body for policy on children explains in part why commitments under the plan were not followed up or fully implemented. Nevertheless, during the early 1990s the plan became an important programmatic reference framework. In addition, the debate between social actors that marked the formulation of the plan provides a successful example of the formulation of consensual

public policy in Ecuador. Many of the proposals in the National Action Plan were included in the development agendas of Governments in the first half of the decade (Borja, 1988-1992; Durán Ballén, 1992-1996).

76. Over the decade a package of programmes targeting the vulnerable population has been established or strengthened: (i) care and nutritional assistance for children under 5; (ii) basic education; (iii) health care; (iv) social infrastructure; and (v) money transfers to poor households to offset the elimination of subsidies for basic services.

77. As mentioned, the promotion of a culture of awareness and monitoring of social and economic indicators has been a stated objective of the Ecuador Integrated System of Social Indicators (SIISE) since it was launched in 1996. One of the fundamental purposes of SIISE and its two associated systems, the System of Social Indicators on Children and Adolescents (SINIÑEZ) and the Integrated Women's System (SIMUJERES) developed by the National Council for Women, is to generate reliable standardized social data available to all, taking care to avoid any practices that might restrict the free use of social statistics, thereby diminishing their value. Its publicity activities (pamphlets and publications) and training activities (for public sector officials, non-governmental organizations (NGOs), the media and academic institutions) - to which UNICEF has recently lent its support - have sought to link social indicators to debate on the public domain and the exercise of citizenship, and thus to demonstrate how information can be used as a tool for promoting accountability. SINIÑEZ has allowed one of the major problems noted by the Committee on the Rights of the Child - limited compliance with the Convention - to be overcome.

78. During the decade the country suffered devastation as a result of the El Niño phenomenon in 1997-1998, the threat posed by eruptions of two volcanoes in the Andes, and, in recent years, severe damage caused by excessive rainfall. Civil defence and the central and local Governments have had to contend with emergencies, with some problems relating to a lack of disaster forecasting.

79. Research activities intended to develop and improve the provision of social services for children and women have run into difficulties. Very limited resources have been allocated for research into areas relating to AIDS, infectious respiratory diseases, acute diarrhoeal disease, tuberculosis, malnutrition, care for newborns, early childhood development and basic education.¹³ However, attention should be drawn to the establishment of various postgraduate professional training programmes in the health, gender, public policy and human rights fields, one result of which has been to encourage research.

80. In this context, the Government, with the support of cooperation agencies such as UNICEF, is taking decisions aimed at restoring investment and monitoring social expenditure so as to assume a leadership role in national efforts to combat poverty and establish systems for early skills acquisition by children and adolescents in poor families. In the words of Manual Martínez, President of the Ecuadorian Standing Forum for Children and Young Persons,¹⁴ application of the new Children's Code provides an opportunity to tackle inequality, since it would be possible to establish in the so-called "alternative municipalities" (where the mayor is a member of an indigenous group) rights protection committees, as a mechanism for ensuring the exercise of children's rights. It also proposes the establishment of community ombudmen's offices as bodies to educate and mediate in family conflicts in specific districts.

2. Machinery for the coordination of policies relating to children and monitoring of implementation of the Convention

Department of Child Protection of the Ministry of Social Welfare

81. This is the technical organ that regulates, monitors and evaluates programmes and activities for the care and protection of children and adolescents with a view to ensuring observance of their rights in coordination with the various bodies that constitute or may constitute the system of comprehensive protection provided for in article 52 of the Constitution.

82. Its major functions relate to the formulation of policies, regulations, procedures and quality standards for State and private child development programmes, and for programmes for the care of children and adolescents in need of special protection or in conflict with the law.

83. As part of these functions it authorizes the operations of child development centres, supervisors, basic family programmes and centres for adolescents in conflict with the law, in accordance with established procedures.

84. It maintains a national register of such programmes and confers legal personality on them so that they may function within the framework of the law. In exercise of this public policy, it conducts training, oversight, monitoring and follow-up for such programmes.

85. It also administers the system of adoptions within and outside the country, at the pre - and post-adoption stages.

86. It maintains the Children's Information System (SIPI), which includes a database on children and adolescents in Ecuador who receive care or require care from regular and special protection programmes.

87. At present it is supporting the decentralization institutional protection services and to that end is developing a new management model intended to build the institutional capacities of local governments so that they can take responsibility for policies and programmes for children and adolescents. In a similar vein, it is also supporting the establishment of local protection councils with participation by civil society organizations.

Child Development Coordination Office

88. In September 2001 the Child Development Coordination Office was established as a body for the coordination of official institutions responsible for conducting public child development policy.

89. It comprises the Department of Child Protection, the executing arm, the Child Rescue Operation (ORI), the "Our Children" programme (PNN) of the Ministry of Social Welfare, INNFA, the Ministry of Education and Culture, through its PRONEPE pre-school programme, and the Ministry of Public Health. It enjoys the support of United Nations cooperation agencies, such as UNICEF and the World Food Programme (WFP).

90. Its objectives are to:

Define public policy for under-5s;

Adopt a unified agenda and optimize resources;

Increase coverage, so that services can be made universal;

Improve the quality of services;

Assist in establishing local councils for the comprehensive protection of children.

91. To this end it has adopted policies relating to representation, scope of activities, and procurement of resources, including the following:

The Coordination Office shall have national directors rather than staff who do lack decision-making capacity;

Its work shall be national in scope - it shall propose national policies and objectives and shall be the key player in formulating the 10-year national comprehensive protection plan;

It shall issue guidelines for organizing the System of Comprehensive Protection; and

It shall undertake initiatives on an ongoing basis to secure funding for programmes and projects for the care of children and adolescents.

Citizen action for the rights of children/report of local management committees for children's and adolescents' rights¹⁵

92. Local management committees for children's and adolescents' rights provide forums for participation and coordination of public and private institutions and organizations. The committees promote, disseminate and ensure observance of children's and adolescents' rights and promote the establishment of local and national systems for the comprehensive protection of children and young persons.

93. The local management committees, within the System of Comprehensive Protection for Children and Adolescents, provide a forum for compliance and proposals.

94. The committees constitute a unique vehicle for the development of a national movement for children and adolescents, since they represent a confluence of State and non-State actors. They thus serve as a mechanism for political participation.

95. The committees have promoted awareness of the Convention and are active in the areas of promotion and awareness-raising. At present there are 43 such committees, and there are plans to establish more.

96. Local management committees are established in communities where their member institutions are active. The fact that an area is needy is not taken into account; what matters is that work has already been undertaken there. Urban areas are the best served, while rural areas are lacking in terms of childcare and protection services.

97. The local management committees make a qualitative impact. A group, made up of one third of the total meets regularly as a forum for coordination and exchange, operating on the basis of a structured plan of activities, offering a public presence in communities, and providing local focal points for the defence of rights. They refer cases of infringement and violation of rights.

98. In some provinces local management committees have constituted new forms of organization for the defence of children, bringing together organizations, institutions and programmes whose activities are focused on developing rights guarantee mechanisms.

99. In Riobamba, for example, round tables have been set up to discuss and formulate a diagnostic of children and adolescents, embracing the areas of education, health, social issues and child protection policies, leading to a collective process of basic decision-making aimed at ensuring observance of children's and adolescents' rights.¹⁶

100. Initiatives are under way in Riobamba to establish a committee as an extralegal authority for the observance of rights and an organ for administrative decision-making and child protection.

101. It is intended to establish a legal, psychological and medical support centre that will liaise with the network for the prevention of ill-treatment. It will establish a model for the prevention of ill-treatment that can offer suggestions for dealing with violations of children's rights.

Office of the Ombudsman in Ecuador

102. The Office of the Ombudsman is an autonomous State human rights body. It was established in 1996 with the aim of promoting respect for human rights and helping to create a culture committed to the effective enjoyment of human rights.

103. To strengthen mechanisms for protection of women's and children's rights in Ecuador, the Office of the Ombudsman for Women and Children was established to provide free assistance with regard to complaints of violations of women's and children's rights when they have been threatened, infringed or not observed.¹⁷

3. Legal framework and legal protection measures in consonance with the provisions of the Convention

104. Background: a number of factors impeded implementation of the Minors' Code approved in 1992:¹⁸ an absence of machinery to ensure the enforceability of rights; the continued existence of centralized systems for the administration of justice; and an absence of bodies in which children and communities could participate in the defence of their rights.

105. In response to this situation a group of public and private bodies and organizations, engaged in extensive consultation to prepare the draft of a new children's and youth code, which was officially submitted to Congress for its consideration, review and approval on 1 June 2000. By the end of 2002, this text had reached the final stage of approval, with the executive and legislature formulating their final observations.

Legal reforms during the decade

106. In the past decade there were significant advances in the legal framework for the protection of children in Ecuador, with three fundamental landmarks: (i) the Minors' Code of 1992; (ii) the Constitution of 1998; and (iii) the draft new Children's and Youth Code, adopted by Congress in November 2002.

107. The Minors' Code promulgated in 1992, while inspired by the Convention, did not achieve the depth of legal reform required; that is, it did not remove the system of juvenile justice from the executive and place it under the judiciary, thereby securing the autonomy required by the administration of justice. Further, the Code failed to overcome the limitations of the previous (1976) instrument, which had their origins in the so-called model of protection or guardianship based on the doctrine of irregular status. Other shortcomings included the lack of institutional mechanisms to guarantee the enforcement of rights and allow citizen participation.

108. The new Constitution, in contrast, cleared the way for the establishment of a broader legal framework for the exercise of children's rights. Advances in the new Constitution include: (i) establishing the joint responsibility of the State, society and the family in guaranteeing the rights of children and adolescents; (ii) recognizing the social citizenship of children and adolescents; (iii) declaring children and adolescents a national priority; (iv) identifying children as a vulnerable population at risk; and (v) recognizing the need to reform public institutions for children.

109. In accordance with the new Constitutional mandate, the movement on behalf of children led to the drafting of a new code that propose to: (i) abrogate the 1992 Minors' Code and propose a new legal framework; (ii) bestow organization act status on the legislation so that it may only be reformed by a two-thirds majority of Congress; (iii) establish mechanisms for the enforcement of rights through the establishment of the national decentralized System of Comprehensive Protection for Children and Adolescents; (iv) establish penalties for violators; (v) define sources of funding for compliance with the legislation - this would represent an innovation; (vi) transferring the juvenile judicial service from the Ministry of Social Welfare to the judiciary. Once the code is approved, one year will be available for training all officials in children's and family courts, public officials dealing with children's issues, and society as a whole.

Some innovative elements in the new Children's and Youth Code¹⁹

110. In accordance with constitutional provisions, the draft legislation is organized in four sections:

Section I defines the rights of children and adolescents and the basic obligations of those responsible for them. It also contains provisions on child labour and ill-treatment;

Section II regulates relations between the child and the family with regard to such rights as identity, parental authority, custody, protection against ill-treatment, financial support, visitation rights, protection against sexual abuse and sexual exploitation, among others;

Section III contains practical, viable norms regulating relations between the child - the possessor of all human rights - and the State and its authorities. This section includes the most significant innovations: it provides for the creation of the national decentralized System of Comprehensive Protection for Children and Adolescents; it establishes family and children's judges, and rights protection committees in every canton of the country. To this end it establishes specific mechanisms for ensuring effective enjoyment of the social rights including the right to health, education, protection, welfare and recreation through mandatory social policy measures at the local level, allocation of resources, child welfare programmes and participation by citizens as stakeholders in the formulation of such measures and in ensuring their effectiveness. In response to violations of individual rights, it proposes that through the local committees, non-bureaucratic civil authorities, citizens appointed by municipal councils should have responsibility for restoring rights through protection measures that will compel the administrative authorities to comply with the obligations set out in this draft instrument. If, notwithstanding such measures, the right is not guaranteed or restored, the children's and youth judge may take legal action and impose penalties. To this end it provides for the transfer of the existing juvenile courts to the judiciary since these courts must independently guarantee that the administrative authority with responsibility for social and budgetary policy and private individuals comply with the legal norms in place to guarantee children's rights.

Section IV regulates guarantees of due process for juvenile offenders over 12 and attributes criminal responsibility to them, although the principle of non-imputability is maintained, that is the penalties provided for are socio-educational measures, with the emphasis on reintegration rather than punishment. Juvenile offender judges are established as part of the judiciary.

111. Discussion of the bill on the Children's and Youth Code is essentially a debate on human rights, in particular social rights; it neither concerns nor relates solely to criminal or civil matters.

112. This is social legislation developed under the protection of the Constitution. It has been devised so as to guarantee all human rights for all the children in the country, as a tool for lawyers and experts in civil and criminal matters, and as a tool for ensuring participation by citizens and for ensuring that those responsible for guaranteeing rights fulfil their obligations.

113. The four sections of the draft Children's and Youth Code comprise and link guarantees of civil, social and cultural rights through specific machinery, and also provide guarantees in the event of criminal offences.

114. An innovative factor is that the draft legislation protects both the child whose family is able to guarantee his or her rights through its own resources as well as the great majority of Ecuadorian children whose rights must be guaranteed by the State.

4. Measures adopted to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike (art. 42)

115. In earlier paragraphs mention has already been made of the fact that the Committee on the Rights of the Child, in considering the initial report of Ecuador, noted, among other aspects, inclusion of teaching of the Convention in school curricula and the establishment of bilingual education for indigenous children; the establishment of the "City mayors for the defence of children" programme; and the allocation of resources made available by international cooperation for training in children's rights.

Knowledge of the principles and provisions of the Convention

Observations and recommendations of the Committee on the Rights of the Child	Suggestions	Responses by the State and society
Lack of adequate and systematic training for professional groups working with and for children.	<p>Encourage the State party to strengthen its efforts to disseminate the principles and provisions of the Convention.</p> <p>Conduct training on the Convention for professional groups, such as judges, lawyers, law enforcement and armed forces officials, civil servants, teachers, personnel working in institutions and places of detention for children, health-care personnel, including psychologists, and social workers.</p>	<p>Assessment of compliance with the goals of the World Summit for Children.</p> <p>Progress made in dissemination of the Convention in one fifth of the 216 municipalities in the country.</p>

Procedures established for the end-of-decade review²⁰

116. At the end of the decade, SINIÑEZ conducted an initial evaluation of the country's attainment of the goals of the World Summit for Children. This exercise, conducted at the initiative of the National Institute for Children and the Family, was carried out and publicized in December 1999 on the occasion of the commemoration of the tenth anniversary of the Convention (Children in Ecuador 10 years on from the Convention on the Rights of the Child: Selected SINIÑEZ indicators, 1999). The analysis was conducted by technical teams from SIISE and the Children's Information Network (RIINFA) of the National Institute for Children

and the Family. The evaluation, like the mid-decade review, took as its reference point the 25 goals established in the Nariño Commitment. In addition to indicators compiled by SINIÑEZ on the basis of information provided by the national statistical system (in particular the surveys of living conditions conducted by the National Statistics and Census Institute and the ongoing inspections by the social ministries), the assessment incorporated information from NGOs, of which the “My opinion matters” series of surveys conducted by Defence for Children International/Ecuador is of particular note. Assessments of institutional and cultural trends were based on interviews with interlocutors from civil society and the public sector.

117. Preparation of the preliminary version of the report was undertaken by the Social Front, coordinated by the Ministry of Social Welfare. The report was based on an earlier evaluation exercise relating to the Nariño Commitment goals. Indicators were updated on the basis of information that had been published subsequent to the initial report (the 1999 survey of living conditions and the 1999 demographic survey of maternal and child health); new indicators specific to the goals established by the World Summit for Children were included, and information was collected on activities carried out in Ecuador in implementation of the Plan of Action adopted at the World Summit. In addition, contributions from civil society and public sector organizations working with children and adolescents were included by means of a discussion workshop held in May 2000, attended by more than 50 participants. During the next six months further discussion meetings were held to improve the final version, which was presented to the country at the end of that year.

118. The statistical report on achievements over the decade relied on the primary series for the evaluation period, including the most up-to-date sources available in the country (INEC: 1995, 1998 and 1999 surveys of living conditions; CEPAR: and the 1994 and 1999 demographic surveys of maternal and child health) as well as ongoing statistical entries for educational health (National System of Education Statistics (SINEC) and Ministry of Public Health statistics). In all cases attempts were made to ensure that the definition of the indicators corresponded to UNICEF guidelines with the aim of ensuring international comparability. Subjects relating to AIDS, malaria, vitamin A deficiency and disabilities, on which no information is available, will be covered in a module to be included in the household survey to be conducted by INEC.

5. Publication and dissemination of the initial report and of the observations of the Committee on the Rights of the Child to make these reports widely available to the public (art. 43, para. 1, and art. 44, para. 6).

119. State institutions including Congress, INNFA, the Ministries of Education, Health and Foreign Affairs, and the Central Bank’s “Working Man” programme, together with civil society organizations and UNICEF published the observations on the Committee on the Rights of the Child and distributed them to public, private and professional bodies working in areas relating to services for children.

120. The initial report was edited and published by the secretariat of the Social Front in May 1996.

B. Definition of the child (art. 1)

Relevant provisions of the 1998 Constitution, its concordance with other current legislation and the proposed new Children's and Youth Code

121. Article 6 of the Ecuadorian Constitution in force since 10 August 1998 provides that Ecuadorians hold their nationality by birth or by naturalization. It further provides that all Ecuadorians are citizens and as such enjoy the rights established in the Constitution, to be exercised in the circumstances and in accordance with the requirements established by law.

122. Pursuant to this article, the citizenship of Ecuadorian children is unconditionally recognized from birth.

123. Articles 4 and 5 of the new Children's and Youth Code contain the following definitions:

- Definition of the child and adolescent. A child is a person who has not attained 12 years of age. An adolescent is an individual of either sex between 12 and 18 years of age;
- Presumption of age. Where doubt exists as to the age of a person, it shall be presumed that the person is a child rather than an adolescent, and an adolescent rather than an adult of more than 18 years of age.

124. With regard to rights, guarantees and duties, the Constitution enunciates the following general principles:

Article 16. The highest duty of the State is to respect and ensure respect for the human rights guaranteed by this Constitution;

Article 17. The State shall guarantee all its citizens, without any discrimination whatsoever, the free and effective exercise and enjoyment of the human rights established in this Constitution and in the declarations, covenants, conventions and other international instruments in force. It shall, through ongoing periodic plans and programmes, adopt measures for the effective enjoyment of these rights;

Article 18. The rights and guarantees enunciated in this Constitution and in the international instruments in force shall be directly and immediately applicable by and before any judge, court or authority.

125. The most favourable interpretation for the effective enjoyment of constitutional rights and guarantees shall be adopted. No authority may impose conditions or requirements that are not provided for in the Constitution or by law with regard to the exercise of these rights.

126. The absence of legislation may not be cited as justification for the violation or disregard of the rights established in this Constitution, or for failing to act in such circumstances, or for denying recognition of these rights.

127. No legislation may restrict the exercise of constitutional rights and guarantees:

Article 19. The rights and guarantees enunciated in this Constitution and in international instruments shall not exclude others deriving from the nature of the person that are necessary for the full moral and material development of the person.

128. The chapter on civil rights provides that:

Article 23. The State shall adopt the necessary measures to prevent, eradicate and penalize, in particular, violence against children, young persons, women and the elderly.

129. The section on the family states:

Article 37. The State shall recognize and protect the family as the fundamental unit of society and shall guarantee conditions that will fully promote attainment of its purposes. The family shall be constituted on the basis of legal or de facto ties and shall have as its underpinning the equality of rights and opportunities of its members.

130. The State shall protect marriage, motherhood and family assets. It shall also support women heads of household.

131. Marriage shall be based on the free consent of the partners and on equality of rights, obligations and legal capacity of the spouses:

Article 38. The stable and monogamous union of a man and a woman, free of matrimonial ties to another person, who constitute a de facto household for the period and under the conditions and circumstances indicated by law shall generate the same rights and obligations as families constituted through marriage, including with regard to legal presumptions of paternity and conjugal society;

Article 39. Responsible maternity and paternity shall be advocated. The State shall guarantee the right of persons to decide on the number of children they may procreate, adopt, maintain and educate. It shall be an obligation of the State to inform, educate and provide means to assist in the exercise of this right.

132. Family assets shall be recognized as unattachable under the terms and conditions established by law, and within the limitations imposed by law. The rights to bequeath and inherit shall be guaranteed:

Article 40. The State shall protect mothers, fathers and heads of household in the exercise of their obligations. It shall promote the joint responsibility of the father and mother and shall ensure compliance with the reciprocal duties and rights of parents and children. Children, without consideration as to filiation or adoption, shall have the same rights.

133. When a birth is registered there shall be no requirement for a declaration of filiation, and there shall be no reference to filiation in the identity document:

Article 41. The State shall formulate and implement policies to ensure equality of opportunity between men and women through a specialized body that shall function as determined by law, incorporate the gender perspective in its plans and programmes, and provide technical assistance for their mandatory implementation in the public sector.

134. On public policy, it provides that:

Article 43. The State shall promote a culture of health and life, with an emphasis on food and nutritional education for mothers and children, and on sexual and reproductive health, by means of the participation of society and the cooperation of the mass media;

Article 47. In the public and private domains priority, preferential and specialized care shall be provided for children and adolescents, pregnant women, persons with disabilities, persons suffering from severe and complex illnesses and older persons. Similarly, care shall be provided for persons in a situation of risk and victims of domestic violence, ill-treatment of children, natural or man-made disasters;

Article 48. With regard to the best interests of the child, the following section shall apply;

Article 49. Children and adolescents shall enjoy the rights common to all human beings, in addition to those specific to their age. The State shall ensure their right to life, from conception; to physical and psychological integrity; to their identity, name and citizenship; to full health and nutrition; to education and culture, sport and recreation; to social security; to have a family and enjoy family and community life; to participation in society; to respect for their freedom and dignity; and to be consulted in matters affecting them.

135. The State shall guarantee their freedom of expression and association, the free functioning of student councils and other forms of association, in accordance with the law:

Article 50. The State shall adopt measures to ensure children and adolescents the following guarantees:

- Priority care for children under 6 to guarantee their nutrition, health, education and day-to-day care;
- Special protection in the workplace, and against economic exploitation in dangerous working conditions, that may adversely affect their education or be injurious to their health or personal development;
- Preferential care for those with disabilities to promote their full social integration;
- Protection against trafficking in minors, pornography, prostitution, sexual exploitation, use of narcotics or psychotropic substances and consumption of alcoholic beverages;

- Prevention and care in the event of ill-treatment, negligence, discrimination or violence;
- Priority care in the event of disaster or armed conflict;
- Protection against the influence of harmful programmes or messages disseminated by any means that promote violence, discrimination based on race or gender, or the adoption of false values;

Article 51. Persons under 18 years of age shall be subject to legislation on minors and to special administration of justice by the judiciary. Children and adolescents shall have the right to respect for their constitutional guarantees;

Article 52. The State shall organize a decentralized national system of comprehensive protection for children and adolescents entrusted with ensuring the exercise and guarantee of their rights. The State and civil society shall be represented on an equal basis on its national governing body, which shall be competent to define policy. Public and private entities shall form part of this system.

136. Local government shall formulate local policy and shall give priority to the allocation of resources for services and programmes for children and adolescents.

137. Concordance with the new Children's and Youth Code: on the creation of a system of comprehensive protection for children and adolescents:²¹

- The new (November 2002) Children's and Youth Code, in accordance with article 52 of the Constitution, provides for the organization of a decentralized national system of comprehensive protection for children and adolescents;
- The system encourages participation by citizens and communities. It will overcome the current lack of institutional coordination and will establish a new and modern form of inter-institutional cooperation between the public and private sectors;
- National and municipal rights councils will be entrusted with formulating and coordinating policies;
- They shall have joint membership (civil society and government) and shall operate without financial implications, since members of the Government will not participate as public officials while citizens will participate as representatives of the bodies or organizations of which they are members;
- Local rights protection committees are bodies that are not engaged in the administration of justice and have the authority to take administrative measures of protection on behalf of children in municipalities in the country;
- The committees shall adopt measures, mediate and propose solutions for the restitution and guarantee of rights, and shall be made up of citizens elected by the municipal council from among candidates proposed by society at large.

138. The following criteria were taken into consideration when changing the term “minor” to “child” and “adolescent” in the new Code:²²

- While the term “minor” is used as a technical term in law, it has a pejorative connotation when used in a social context, as it implies something incapable, small or of little importance. This negative connotation extends to all aspects of children’s lives;
- The child as a person in development and as an Ecuadorian citizen who enjoys all human rights is capable of self-expression, participation, discharging duties and responsibilities and exercising rights;
- A child, whose characteristic is growth, is a complete person who gradually develops his or her capacities, judgement, rights and duties, and assumes increasing autonomy.

C. General principles

1. Best interests of the child (art. 3, para. 1; art. 5; art. 17, (subpara. (e)); art. 18; art. 21; art. 40, para. 2 (b) (iii))

139. Article 48 of the Constitution clearly incorporates this principle, in the following provision: “It shall be an obligation of the State, society and the family to promote, as a maximum priority, the comprehensive development of children and adolescents and to ensure the full exercise of their rights. In all cases the principle of the best interests of the child shall be applied, and the child’s rights shall take precedence over those of others.”

140. The new Children’s and Youth Code also incorporates this principle.

2. Right to life and guarantee of survival and development (art. 6, paras. 1 and 2)

Right to survival

141. The most significant advances in child welfare made over the decade relate to the guarantee of child survival. At the end of the decade there was a clear and sustained decline in deaths of children under 5. The mortality rate for children under 1 fell from 40 per 1,000 live births in 1994, to 30 per 1,000 in 1999. Deaths of children under 5 also fell over the decade: from 1989 to 1994 the mortality rate was 51 children per 1,000 live births, compared with 39 per 1,000 in 1999. Mortality is higher in rural areas, particularly in provinces with a high indigenous population.²³

142. The reduction in child mortality²⁴ is due, among other factors, to the success of health monitoring and education measures in dealing with infectious and contagious, digestive and respiratory illnesses. In 1990, 58 per cent of deaths of children under 5 were due to three causes: acute respiratory infections (ARI); digestive infections and malnutrition. In 1996 there was a marked decrease in the combined incidence of these causes. The reduction in ARI deaths over

the decade exceeded the target set. In contrast, while the incidence of neonatal tetanus was reduced, this disease remains one of the causes of death of newborns. Of note also is the virtual disappearance of poliomyelitis and measles as causes of death.

143. Adolescent mortality rates, however, show an increase. Today half all adolescent deaths are due to avoidable causes relating to social circumstances such as violence, rather than to illnesses. Over the decade, traffic accidents were the main cause of adolescent deaths; there was also an increase in suicides and homicides, particularly among males. While in 1990 violent deaths accounted for 15 per cent of all deaths of young persons between 15 and 19 years of age, in 1996 this figure was 20 per cent.

144. After 12 years, the country implemented new measures to counter malnutrition among children. This resulted in a lessening of the problem. In 1986, 34 per cent of children under 5 were underweight and 17 per cent were below normal height; in 1999, 27 per cent of boys and 14 per cent of girls under 5 suffered from such limitations. Nevertheless, difficulties are still apparent. Children in rural areas are at greater risk than those in cities, particularly in the Sierra, where in 1999 some 35 per cent of boys and 14 per cent of girls displayed weight and height deficiencies.

145. With regard to nutrition, efforts have been made to promote breastfeeding. In 1995 the Breastfeeding Promotion and Protection Act was adopted and the National Breastfeeding Council was established; at the same time the rest period for pregnant women and breastfeeding mothers was extended. Educational campaigns such as the "Mother-and-child friendly hospitals" programme have helped to encourage breastfeeding. In 1999 more than 8 out of every 10 children under 5 had been breastfed for at least six months.

Malnutrition figures ²⁵	Year	Country	Rural	Urban
Overall prevalence of malnutrition (percentage of children under 5 more than two standard deviations below average weight for age)	1986 1999	17 14	17	10
Overall prevalence of severe malnutrition (percentage of children under 5 more than three standard deviations below average weight for age)	1999	1.9		
Prevalence of chronic malnutrition (percentage of children under 5 with delayed growth more than two standard deviations below average size for age)	1986 1999	34 27	38	17
Prevalence of moderate and severe chronic malnutrition (percentage of children under 5 more than three standard deviations below average size for age)	1999	27.1		
Prevalence of severe chronic malnutrition (percentage of children under 5 more than three standard deviations below average size for age)	1999	7.8		

146. The challenge of universal immunization remains. The country has the capacity to achieve universal immunization but has encountered two obstacles: the frequent paralysis of the public health system and budget restrictions that limit its capacity to acquire vaccines. According to Ministry of Public Health records, in 1990, for the first time in the country, 90 per cent of children under 1 were vaccinated, a significant effort, bearing in mind that in 1980 less than half were covered. While the goal of total coverage has been close to being attained during the current decade, immunization services have operated in an inconsistent manner. In 1999, 86 per cent of children under 1 had been immunized against tuberculosis and 47 per cent of children under 1 had received poliomyelitis and DPT vaccinations.

147. The reduction in maternal mortality²⁶ is close to the target for the decade. The maternal mortality rate fell from 12 per 100,000 live births in 1990 to 6 per 100,000 in 1998. The country has developed a significant health-care infrastructure for pregnant women. Such services are available in 29 per cent of health clinics; between 1995 and 1999 the numbers of clinics declared "mother-and-child friendly" by UNICEF increased from 39 per cent to 69 per cent. As a result, the number of attended births in health clinics doubled over the decade. Notwithstanding this progress, problems remain, such as inequality in the provision of public maternity services for rural women (over 64 per cent) and urban women (under 40 per cent). Indigenous mothers and their newborn children run the greatest risk; in 1999 less than one fifth of indigenous births were attended in public health centres.

148. The average number of check-ups received by Ecuadorian women has fallen in recent years. In 1995, women throughout the country had an average of 4.5 check-ups during pregnancy; in 1999 the number of prenatal visits fell to 3.4. In 1995, 42 per cent of indigenous women received no prenatal care at all.

149. In 1994 the Free Maternity and Childcare Act was promulgated and in June 2002 implementing regulations were issued following a series of reforms that took place in 1995, 1996 and 1997, in August 1998, under Act No. 129, and under the Trole II Act of 18 August 2000.

150. Ecuadorian women's access to information, education and family planning services has increased considerably. In 1994 the great majority of Ecuadorian women (57 per cent) used some modern method of contraception. The use of contraceptives has increased regularly, in both rural areas and in cities. In 1999, 66 per cent of women in a couple used contraceptives (71 per cent in cities and 58 per cent in rural areas). And in 1998, 4 out of 10 women of fertile age used contraceptives whether or not they were a member of a couple.²⁷

3. Right to non-discrimination and non-exclusion (art. 2, para. 2; art. 17, subpara. (d); art. 30)

(a) General situation²⁸

Ethnic and racial identification

151. Ecuador is a varied country in racial and ethnic terms. The opportunities available to Ecuadorian children and adolescents to attain their individual potential depend, among other factors, on their cultural and racial background. The major ethnic differences relate to a sense of personal identity, language, history and ancestry, religion and dress. Cultural differences may

coincide with certain racial characteristics, as in the case of Afro-Ecuadorian groups. The 2000 household survey attempted to identify the diversity of the Ecuadorian population by asking people, for the first time in a national survey, to identify themselves on the basis of racial and ethnic characteristics.

152. The sixth population census, held in 2001, also included a question on ethnic self-identification. The results of this aspect of the census are still not available:

- Most Ecuadorians identify themselves as mestizos. In 2000 almost three quarters of those over 15 thought that the designation mestizo applied to them;
- Whites were concentrated in the major cities. This is the second most numerous category, as indicated by those over 15 (15 per cent). The proportion in this group was almost twice as large in cities (18 per cent) as in rural areas (10 per cent);
- Those identifying themselves as indigenous live mainly in rural areas in the Sierra and in the Amazon. Throughout the country approximately 6 out of every 100 Ecuadorians chose “indigenous” as their ethnic identity;
- The presence of blacks and mulattos is greater on the coast. Afro-Ecuadorian groups were a minority: throughout the country 3.6 per cent identified themselves as blacks and 2 per cent as mulattos;
- There is no difference on the basis of sex or age with regard to ethnic or racial self-identification. The proportion of men and women is similar in all ethnic and racial categories. Similarly, differences by age group are almost inexistent; the main difference occurs among people 55 and older, who self-identified as indigenous or whites in slightly higher proportions than did younger people.

Racism and daily life²⁹

153. The use and value of language is an important key in the claims of the indigenous movement, since it is considered one of the principal elements of indigenous identity. In practice, almost all schools in indigenous communities follow a programme of bilingual education, in the Sierra and in the Amazon.

154. Ecuador is a multicultural and a multi-ethnic society. At present the existence of 17 aboriginal or indigenous and black or Afro-Ecuadorian peoples is recognized. In 1994, 55 per cent of children showed no inclination to interact with children from other ethnic or racial groups, particularly Indians and blacks; similarly, 56 per cent of children stated that they would prefer to change race, and of these, more than half would choose to be white. There were also indications of gender prejudice among children. For example, almost half of all children under 10 (44 per cent) had not internalized the fundamental principle that men and women have the same rights. In general, according to opinion surveys conducted among children, prejudices were stronger among children of higher socio-economic status.

4. Respect for the views of the child, and right to freedom of expression and to be heard (art. 12, paras. 1 and 2; art. 13, para. 1)

155. Action has been taken by some educational centres to change attitudes through the education of children in certain family contexts, in the population and in institutions, as well as progress in the conception of children's rights and the guarantees granted to children by law. In 1995 almost one quarter of all children felt that their parents did not take their views into account. The feeling that their opinions were not respected was more pronounced among those under 10 and diminished considerably as children approached the age of majority: barely 7 per cent of young men and 10 per cent of young women of 17 years of age said that their opinion was not important to their parents.³⁰

Treatment by parents

156. Good treatment is the most prevalent behaviour pattern among parents. While the consistency of parental behaviour may vary - that is, parents use both good and ill-treatment - 73 per cent of children stated that their parents "talk to them or scold them" among the three most frequent behaviour patterns. It is particularly encouraging that 57 per cent of children mention dialogue and help as behaviours displayed by their parents. Non-violent punishment - depriving children of something they like - occupies third place in good treatment (23 per cent). In comparison, ill-treatment was less frequent. For example, 40 per cent of children said that their parents hit them.³¹

157. School work and dialogue are activities that children largely share with their mothers. Homework is another activity that children typically perform with the help of their mothers: 24 per cent of children said that this was the case, compared with 11 per cent who did homework with their fathers. Fathers in coastal regions were the least involved in their children's school work (9 per cent, compared with 26 per cent of mothers). Dialogue was the second activity that children most shared with their mothers (30 per cent); a somewhat small percentage (26 per cent) also stated that they conversed with their fathers. In contrast, watching television or going to the cinema was the activity children most frequently shared with their fathers. Going shopping, taking walks and making things were activities that children did in similar proportions with fathers and mothers.

158. Differences exist in the activities that children in the cities and in rural areas do with their fathers and mothers. While in cities the main activity that children share with their fathers (43 per cent) and mothers (36 per cent) is watching television or films, in rural areas the activity most shared with fathers (28 per cent) is talking and with mothers (50 per cent) doing housework.

159. Regional differences exist in the activities that children share with their parents.

160. In coastal regions the activity most shared with fathers is watching television and films. In the Sierra (42 per cent) and in the Amazon (37 per cent) playing and taking part in sports is what children do most with their fathers in their free time.

161. There are no regional differences in the activities that children engage in with their mothers. A similar model of relationships of children with their mothers is apparent in the

country's different geographical regions. In the Amazon (45 per cent), in the Sierra (41 per cent) and in coastal regions (34 per cent) the activity that most children perform with their mothers is housework.

162. In the three regions, talking takes place mostly between mothers and their children.

163. In the Amazon, 34 per cent of children talk with their mothers, whereas only 25 per cent do so with their fathers. In the Sierra there are also differences, with 27 per cent engaging in dialogue with talking to their mothers, whereas 21 per cent do so with their fathers. In coastal regions, the difference is less marked: 27 per cent of children talk to their mothers, compared with 21 per cent who do so with their fathers.³²

164. Following is an extract from the Defence for Children International survey "My opinion matters",³³ on children's participation through their opinions:

Do your teachers take your opinion into account?

Always:	55.0 per cent
Never:	11.8 per cent
Occasionally:	32.3 per cent

In your grade is there a student council or any other form of student organization?

Yes:	85.6 per cent
No:	12.1 per cent
No opinion:	2.2 per cent

Have teachers ever appointed the president of your grade?

No:	67.0 per cent
Yes:	29.9 per cent
No opinion:	4.5 per cent

Views of indigenous children³⁴

165. In Quechua villages the views of children are taken into account a great deal. From the age of 8 or 10 children form part of community assemblies, and although they can only speak and not vote, their views are taken into account, since at that age they are fully involved in agricultural work or looking after animals and can provide information on problems or the situations in which they occur. At 15 years of age children take part in community assemblies with the right to speak and vote, since they are considered to be full members of the community,

being landowners or at least responsible for the farming of some land. It should be recalled that in the indigenous world males marry as early as 15 and that females from 13 years of age set up their own households and need some land to produce crops and survive.

D. Civil rights and freedoms

1. Right to a name and nationality (art. 7, para. 1; art. 8, para. 1)

Birth registration

166. For Ecuadorian children to be able to exercise their right to citizenship in society, they must assume an identity recognized outside the immediate family, that is, children must be legally registered as citizens. Without a birth certificate, a child does not exist in terms of the law, public institutions or society in general. Lack of registration means, for example, that it is difficult to monitor trafficking in or illegal adoption of children. However, in Ecuador, as in other Latin American countries, cases arise of children who are not registered or who are registered late owing to a lack of transport or time on the part of the parents, non-recognition by the father or lack of knowledge of procedures or difficulties in accessing civil registry offices. Another factor leading to irregular registration is the prerequisite that infants must have been vaccinated against tuberculosis (BCG vaccine). Registration of children is important not only as a right and a prerequisite for social benefits, but also for the production of the statistics needed for adequate monitoring of the situation of children. The 2000 household survey included data on registrations for the first time:

- Nearly 1 in 10 children under 5 has not been recorded in the civil registry. There are no major differences in the percentages of children registered in rural areas and in cities. Differences between ethnic groups are also insignificant;
- The highest percentage of unregistered children is in the Amazon. In the eastern region, 79 per cent of those under 5 have no birth certificate. The Sierra is, in contrast, the region with the highest percentage of registered children (91 per cent). The frequency of registration in the coastal region is similar to the national average. Quito has the highest percentage of children recorded in the civil registry (91 per cent), while Machala has the lowest percentage of children registered (79 per cent);
- Socio-economic status is linked to irregular registration of children; 14 per cent of children under 5 belonging to the poorest fifth of households had not been registered, double the percentage for children in the wealthiest fifth of households;
- Availability of time explains much of the lack of registration (26 per cent). In addition, lack of parental recognition has prevented registration of 7 per cent of children, while 6 per cent of parents fail to register births because they are not familiar with the procedures. In rural areas of the coastal region, the distance to registry offices has prevented registration of 15 per cent of the births of children without birth certificates. The lack of a BCG vaccination is a more frequent obstacle in major cities (5 and 4 per cent in Guayaquil and Quito, respectively) than in the remainder of the country (2 per cent);

- Most children are registered before their first birthday. One third of children under 5 (34 per cent) are registered before they are one month old; of the remainder, 56 per cent are registered before their first birthday.

2. Right to preserve identity and to assistance and protection in re-establishing identity. Right to enjoy his or her own culture and to use his or her own language as part of the ethnic or religious group (art. 2; art. 8, art. 17, subpara. (d); art. 29, para. 1 (d); art. 30)

167. The Ecuadorian education system provides for the provision and development of bilingual intercultural education programmes for the Quechua-speaking population, the largest ethnic group of the various indigenous nationalities and peoples. This is still not widespread in small communities and isolated settlements, where access is more difficult in terms of physical and intercultural considerations. Some cultures do not have dictionaries in their languages, which are essentially oral.

168. However, children in rural areas are aware that they live in a society characterized by ethnic and racial diversity.

169. Activities undertaken by educational centres and changing attitudes with regard to the education of children in some households are still limited.

3. Access to information (art. 17)

Citizenship of children and the right to understand their rights as children

170. Children need to be informed of their rights in order to develop the understanding necessary to exercise them. Significant progress has been made in this regard over the decade. In 1994 the overwhelming majority (90 per cent) of children in rural areas and in cities were aware that they had rights. The number who knew that a law existed to protect them was, however, lower (64 per cent). This general awareness may be explained in part by the information campaigns conducted in recent years: 78 per cent of children in the country said in 1994 that they had seen advertisements on the rights of the child on television. Similarly, significant efforts have been made to raise awareness and train teachers, public officials and police officers, among others, in respect for children's rights.³⁵

171. However, the media, and television in particular, do not attach greater priority to children. Their messages are not intended to create awareness or promote understanding of the need for healthy child development. Television has not controlled the broadcasting of violent programmes at times when children and adolescents are watching. The press in the two major cities have performed better, since they issue educational supplements for children and have increased their coverage of subjects relating to children's rights.³⁶

4. Right to freedom of association and participation. Creation of social networks to guarantee the enjoyment of rights

172. In 1995 almost one third of children and adolescents did not participate in any kind of youth or adult organization. Children in rural areas were the least likely to participate in

organized activities. Organization is more common in the education sphere. In 1996, 86 per cent of children and adolescents had some kind of student organization available in their grade or year. It should be noted that Ecuadorian children generally have confidence in such machinery: 67 per cent considered that the student council helped to meet their needs and a similar number were satisfied with how it was organized.³⁷

5. Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment

Treatment by teachers³⁸

173. Until 1995 some pedagogical practices in schools and high schools were still based on the threat of violence. A series of interviews with children - "My opinion matters" - brought the problem to light.

174. Nevertheless in recent years there have been significant advances with the "Good treatment" programme - this emphasizes participatory and respectful pedagogical methods which challenge children to show their creativity and promote self-confidence. The household survey for 2000 addressed the treatment of children at school, and sought to quantify "good treatment" by teachers in response to the behaviour of their pupils. The definition adopted opposed "good treatment" to "ill-treatment", that is physical or psychological punishment or lack of attention:

- One fifth of children in the country have been exposed to ill-treatment by their teachers when they behaved badly. Children in rural areas were at higher risk of being punished by having recreation withheld or by receiving blows or insults or being the butt of jokes than those in cities (25 per cent and 17 per cent). Similarly, teachers threaten children more frequently with ill-treatment in Amazon and coastal regions than in the Sierra (where 22 and 17 per cent of children, respectively, were affected). While the differences are not very marked, it would appear that boys are subjected to ill-treatment by their teachers with greater frequency (21 per cent) than girls (18 per cent);
- One out of 10 children stated that their teachers hit them. Twice as many boys in rural areas (14 per cent) as in cities (7 per cent) have received blows from their teachers. Of children of school age, 3 per cent have suffered insults or jokes at the hands of their teachers, and 10 per cent have been punished by having recreation withheld;
- A teacher who "does nothing" in response to bad behaviour or lack of compliance on the part of his pupils is not fulfilling the role of guide and instructor. Roughly 34 per cent of children and adolescents in all social strata said that their teachers paid no attention to their idleness or improper conduct. This attitude was equally common in rural areas and in cities towards both boys and girls. In terms of regions, the highest incidence of lack of response by teachers was in the Sierra (39 per cent);
- In contrast almost half of the children identified good treatment by their teachers. Of the children interviewed, 47 per cent described good treatment by their teachers when they had misbehaved or failed to do what they were told; that is, their grades were

lowered or teachers talked to their parents or with the children regarding what had taken place. Good treatment by teachers was more common in cities (50 per cent) than in rural areas (41 per cent). Cuenca emerges as the city with the highest percentage of children receiving appropriate treatment from their teachers (59 per cent). In contrast, teachers in rural areas in the Sierra seemed the least likely to treat their students well: only 37 per cent of students considered that they were well treated. No differences are apparent between boys and girls with regard to good treatment by teachers;

- Good treatment is more frequent at school than at home. Teachers, like parents, tend to treat their pupils with respect. The most common response to bad behaviour by their pupils was to speak to the parents (42 per cent of children mentioned this as the response), followed by lower grades (30 per cent) and, lastly, speaking to the child (21 per cent);
- In households below the poverty line 22 per cent of children have suffered ill-treatment from their teachers, compared with 16 per cent in homes that were not poor. One third of indigenous children (29 per cent) stated that they had been ill-treated by their teachers.

Treatment by parents³⁹

175. Ecuadorian legislation establishes the right of children to protection from all forms of injury or physical, sexual or mental abuse, neglect or negligent treatment, ill-treatment or exploitation.

176. The innovative survey of children, “My opinion matters”, gave insights into the problem in the 1990s: more than half of the children interviewed stated their parents beat them at least once a week, 6 out of 10 children said that they were reprimanded with insults, jokes or being confined to a room, and more than half of the children who were beaten suffered injuries. Towards the end of the past decade, however, one of the most innovative proposals to address the problem of ill-treatment was implemented in the country: the promotion of the “culture of good treatment”, understood as an improvement in the quality and warmth of relations between children and adults in day-to-day contacts. The household survey for 2000 addressed the treatment of children at home, and sought to quantify “good treatment” by parents in response to their children’s problems. The definition adopted opposed “good treatment” to “ill-treatment”, that is physical or psychological punishment or lack of attention:

- Four out of 10 children stated that their parents hit them when they were badly behaved or disobeyed. Parents had confined to a room or bathed in cold water 3 per cent of children; 5 per cent had suffered insults or jokes; and 2 per cent had been expelled from their home or deprived of food. Blows were more frequently used by parents in rural areas than in cities, more in the Amazon than in other regions, and more in poor and indigenous homes. Twice as many children in Quito had suffered insults (8 per cent) as in Guayaquil (4 per cent);

- The frequency of parental good treatment varied throughout the country. Some 36 per cent of children were well treated by their parents. Figures for measured behaviour and communication by parents when dealing with their children's misbehaviour were better in cities than in rural areas and in the coastal region than in the Sierra and the Amazon. In the coastal region, 41 per cent of children reported good treatment, compared with 35 per cent in the Amazon and 31 per cent in the Sierra. Parents in Cuenca, followed by parents in Machala, treated their children best; in these cities 51 per cent and 45 per cent of children, respectively, considered themselves to be well treated. In contrast, indifference on the part of parents occurs most frequently in Quito, the capital: one third of children in Quito households stated that their parents did nothing when they behaved badly;
- More girls than boys were well treated by their parents. Parents behaved differently depending on the sex of their children. Gender-based differences, while not pronounced, are in favour of girls. It appears that a higher percentage of girls (38 per cent) than boys (35 per cent) receive good treatment; correspondingly, a higher percentage of boys (47 per cent) than girls (42 per cent) are ill-treated. Boys and girls suffer equally from lack of attention;
- Ill-treatment is more common in low-income households. In households in rural mountain areas and in indigenous households more than half of children reported ill-treatment for bad behaviour or disobedience: 55 per cent and 63 per cent respectively. In indigenous households only one-fifth of children reported that they were well treated; in contrast, lack of attention was less frequent than among other groups (encountered by 16 per cent). In general, more children in households below the poverty line (49 per cent) than children in households that are not poor (34 per cent) described the behaviour of their parents as violent or punitive;
- At upper socio-economic levels, while good treatment predominates, children also suffer from lack of attention. Almost twice as many children in the poorest fifth of households encountered ill-treatment in situations of conflict with their parents than those in the richest fifth (54 per cent and 27 per cent respectively). Similarly, the incidence of good treatment is higher in the richest households than in the poorest (47 per cent and 30 per cent respectively). Parents in rich households, on the other hand, tend to be the most indifferent towards their children's behaviour: 26 per cent of children from the richest stratum said that their parents did not react to their bad behaviour, in comparison with 16 per cent of children in the poorest stratum.

6. Measures adopted to combat ill-treatment of children and situations of family, non-family and gender-based violence, as well as violence in schools. Promotional "good treatment"

177. As noted earlier, one of the major advances over the decade has been the higher profile of ill-treatment of children. Issues such as domestic violence, which in the previous decade were of interest only to groups working with women and children, today are the subject of public debate. In addition to the measures of protection and *amparo* guaranteed in the new legislation on

domestic violence and violence against women, innovative programmes have been initiated to promote “good treatment”, understood as an improvement in the quality and warmth of relations between children and adults in day-to-day contacts.

A case of inter-institutional cooperation in response to ill-treatment

178. INNFA, through its citizens action programme for tender care, and the municipal district of Quito, through the San José municipal employers association, signed an inter-institutional cooperation agreement for implementation of the project on specialized care in response to ill-treatment of children and young persons, under which two strategically situated centres were opened in the north and south of the city of Quito.

Figures for cases dealt with by the system for care of ill-treated children and adolescents⁴⁰

179. In 1997 the eight national INNFA systems for the care of ill-treated children and adolescents, located in the cities of Machala, Quevedo, Guayaquil, Esmeraldas, Ambato, Cuenca and Quito, dealt with 3,100 cases of ill-treatment.

180. In 1999 there were 4,044 cases of ill-treatment.

181. In 2000 the INNFA office for emergency care for ill-treated children and adolescents dealt with 307 cases.

182. In the first half of 2001 (January-July) in Quito, 227 cases of ill-treatment were dealt with at centres for the care of ill-treated children and adolescents (centre for good treatment and tender care).

183. An example of institutional and community response is the ACT-INNFA promotion of good treatment programme.⁴¹

184. Actors in the communities in which the project is being implemented have the capacity to formulate specific community proposals to improve relations between adults and children in their day-to-day surroundings.

185. Proposal basis:

(a) Ownership. This is a process in which social actors, the public interacting in their community, day by day assume ownership of the project, make it their own, strive to improve it and enrich it every day;

(b) Citizenship. The project on local participation for promotion of good treatment, through participation by members of the target community, promotes participation by children and adults in learning to be actors in their day-to-day environment. These are contexts in which citizenship can begin to be exercised;

(c) Prevention. The project on local participation for promotion of good treatment offers a specific avenue for the community, and district organizations, to take responsibility for their children, to protect them, to embrace them and to have the capacity to meet their needs and

provide good treatment, as a preventive mechanism against violence, ill-treatment, sexual abuse and abandonment, and in response to the conscious and unconscious demands of children in specific localities;

(d) Investments:

- (i) In 2000 approximately \$189,000 was invested for implementation of the project in 23 cities throughout the country;
- (ii) In 2001 the budget for implementation of the project in 23 cities throughout the country was \$375,000;
- (iii) In the current year \$57,000 has been invested in follow-up and oversight;

(e) Alliances and methodological focus:

- (i) The Street-Educators Training Centre (CECAFEC) is a strategic ally in the specialized training of social educators, who act as facilitators in local participation in promoting good treatment;
- (ii) The local participation project was launched in 1997 with the aim of supporting the promotion of good treatment in communities. It arose out of the work over 10 years of the networks for the specialized care of ill-treated children;
- (iii) The change in focus from prevention of ill-treatment to promotion of good treatment represents an innovation. It is based on enhancement and strengthening of our existing practices of providing affection, tender care and good treatment, and not on focusing on those responsible for ill-treatment, which creates negativism and feelings of guilt in all adults;

(f) Location. The programme is being implemented in 23 cities throughout the country, in urban areas; the project is aimed at all actors in a community, with a focus on children and young persons.

186. Survey No. 32 by Defence for Children International on violence among children offers data on modalities, frequency, actors and situations resulting in violence among children, reported by children themselves.

Functioning of the Offices of Commissioners for Women and the Family⁴² (arts. 3 and 39)

187. Mention should also be made of the adoption, in 1995, of the Domestic Violence and Violence against Women Act. This new legal instrument penalizes physical, psychological and sexual violence against women and children, provides for protective measures of *amparo*, punishment and prevention, implemented through the Offices of Commissioners for Women and the Family with the support of technical counterpart organizations specializing in women's issues.

E. Right to live in a family environment, to enjoy family life and to benefit from other guardianship in the absence of the biological family

1. Responsibility of parents. Rights and duties of parents to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child (art. 3, para 2; art 5; art. 7, para. 1; art. 14, para. 2; art. 18)

Day-to-day care of children⁴³

188. A key element in the physical, psychological and emotional development of children is the care and education that they receive on a daily basis. In Ecuadorian society, the day-to-day care of pre-school children has traditionally fallen to parents or their families. However, the social and economic changes of recent decades have reduced the capacity of many parents and families to care for their small children during working hours. In addition, the availability of public and private care and pre-school education services has increased. It is therefore likely that there will be an increase in the number of children spending most of their time in the care of persons other than their parents. While there is as yet no information on the effect on child development of the variety of daily care arrangements, it is important to monitor this social change. The 2000 household survey was a first step to that end; its findings identified all those with responsibility for providing care and education for children who, on account of their age, have not yet started school:

- Care for children is principally a responsibility of family members. In Ecuador approximately 95 per cent of children under 5 spend most of the working day in the care of their mothers, fathers, uncles and aunts, grandparents or other relatives. Family involvement is somewhat greater in the coastal region (97 per cent) than in the Sierra (93 per cent) or the Amazon (91 per cent);
- Most small children are cared for by their mothers: 70 per cent of pre-school children remain largely under the care of the mother, while only 7 per cent of fathers discharge this responsibility. Both mothers and fathers played a bigger part in childcare in rural areas than in cities, particularly major cities. The proportion of small children cared for by fathers was particularly low in Cuenca (1 per cent) and Machala (2 per cent). The proportion of children cared for by their mothers is higher in indigenous (76 per cent) than in non-indigenous (69 per cent) households;
- Older relatives also play an important role in childcare. Grandparents and uncles and aunts are responsible for the care of 14 per cent of children. Help from these relatives is more frequent in cities than in rural areas (17 per cent and 9 per cent respectively). Younger members of households, in contrast, are involved much less: 2 per cent of children are cared for by members of the household aged 10 or over, and less than 1 per cent by members of the household under 10;
- Institutional care for pre-school children is infrequent: 3 out of every 100 children too young to begin their basic education spend most of their day in crèches or day-care centres. The proportion of children in this situation is similar in rural areas and in cities;

- Working mothers make use of help from relatives, childminders or child-care centres: 27 per cent of children of working mothers are cared for during the day by fathers, grandparents or uncles or aunts, other family members or childminders. Only 3 per cent are cared for at day-care centres;
- Children in low socio-economic strata were more likely to be cared for by their mothers: 74 per cent of pre-school children belonging to the poorest fifth of households were cared for by their mothers, compared with 56 per cent of children in the richest fifth of households;
- The latter had more frequent recourse to older relatives, domestic employees and day-care centres: 20 per cent of children in wealthier households were cared for by uncles and aunts or grandparents, 12 per cent by domestic employees or childminders, and 4 per cent at day-care centres.

2. Family-care models

189. The National Institute for Children and the Family (INNFA), through its citizens action programme for tender care, the objective of which is to promote and empower a culture for the exercise and enforcement of children's and adolescents' rights to good treatment and recognition as individuals, provides technical and financial support to organizations that conduct programmes for strengthening and maintaining family ties, as well as reintegration in the extended biological family and placement in families through foster families, family houses and family support.

190. In 2000, \$15,000 in financial support was provided in the form of maintenance grants for 404 children, payment for professionals on technical teams in each of the implementing agencies, payment for technical follow-up and monitoring.

191. The monthly cost of grants for each modality was:

Foster family: \$25 per child

Family houses: \$34 per child

Family support: \$25 per child

192. In 2001, \$300,000 in financial support was provided in the form of maintenance grants for 717 children, payment for professionals on technical teams in each of the implementing agencies, payment for technical follow-up and monitoring.

193. The monthly cost of grants for each modality was:

Foster family: \$50 per child;

Family houses: \$35 per child;

Family support: \$35 per child.

194. The member organizations of the Consortium of Non-Governmental Organizations for the Family and Child in Ecuador (CONFIE), the implementing agencies for family placement programmes, offer internal control mechanisms and technical oversight, report on the status, development and resolution of cases they handle.

195. External oversight is conducted by the CONFIE monitoring team together with INNFA, through its technical follow-up offices in cities where the family placement programme is implemented.

196. Information from the Children's Information System (SIPI) indicates that in 1995 there were 2,275 children in Quito in closed institutions. Most of them were at risk because the mother was out of the home working, owing to a lack of financial resources. Abandonment (11.4 per cent) was another reason for placement, which also occurred for reasons of illness or disability, separation of parents, family conflict and poverty.

Coverage⁴⁴

197. Since 1999 INNFA has provided technical and financial support for family and community protection programmes through care modalities based on the family and community, while promoting deinstitutionalization and a new definition of the mission of traditional protection institutions.

198. In 1999, 100 children received care throughout the country, in the cities of Quito, Cuenca, Santo Domingo de los Colorados, Ibarra and Olón.

199. In 2000, 404 children and adolescents at risk or deprived of their family environment received care throughout the country, under the following arrangements:

84 children in foster families;

187 children in family houses;

133 children in family support.

200. In 2001, 717 children received care throughout the country under the following arrangements:

373 children in family support (this arrangement is preferred since the emphasis is on not separating the child from his or her family);

86 children in foster families;

259 children in family houses.

201. In 2000 and 2001 children up to the age of 16 received care, 90 per cent of them in urban areas. The programme was implemented in the following cantons: Quito, Santo Domingo de los Colorados, Guayaquil, Cuenca, Ambato, Ibarra, Nueva Loja, Quevedo, Santa Elena and Machala.

3. Payment of child maintenance (art. 18; art. 27, paras. 2 and 4)

Provisions of the new Children's and Youth Code, adopted by Congress in November 2002 (art. 134)

202. Forms of providing financial assistance. Bearing in mind the background of a case, the judge may award financial assistance in one or more of the following forms:

- (a) An allowance comprising a monthly sum of money to be paid in advance every month, in the first five days of each month;
- (b) Deposit of a sum of money, provision of a usufruct, use or dwelling, receipt of a rental allowance or similar mechanism providing rents or other benefits constituting sufficient financial assistance for the beneficiary; and
- (c) Direct payment or satisfaction of the beneficiary's needs by the obligor, as determined by the judge.

203. For payment of the allowance referred to in subparagraph (a) above, the judge shall order the fiscal authorities to establish a payments card for the obligor recording maintenance payments made out to the beneficiary or his or her legal representative.

204. In the case of usufruct, use, occupation or receipt of a rental income from real property, the judge shall ensure that these rights are not circumscribed by other property rights or affected by distraint, a prohibition on disposal and encumbrance, antichresis or any other charge or contract that may affect or impede or interfere with such enjoyment or receipt. The decision taken shall be recorded in the property register of the canton in which the real estate is situated.

205. The child beneficiary is not obliged to draw up an inventory or provide the surety demanded by law of the usufructuary.

206. Under no circumstances shall the child or adolescent entrusted to the care of the other parent or the custody of a third person be compelled to live with the party that is obligated to provide financial support on the pretext that such support constitutes maintenance in kind.

4. Children deprived of a family environment (art. 3, para. 3; art. 9, paras. 3 and 4; art. 10, paras. 1 and 2; arts. 20 and 21; art. 25)

Rights of migrant children

207. Most children in Ecuador live in nuclear households; in rural areas there are many extended households. While this is the majority pattern, there is evidence of increased household instability. For example, in 1995, 40 per cent of the 420,000 women heads of household lived separately from their spouses and had to assume sole responsibility for the care of their minor children. Another source indicates that between 1993 and 1997 the percentage of children whose parents lived together was between 71 and 76 per cent. Further, the increasing emigration of Ecuadorians in recent years threatens the stability of the family environment for some children.

208. Some children of emigrants from Ecuador show signs of physical ill-treatment, difficulty in adapting at school and severe depression and other irregular behaviour. These children live with their uncles and aunts, grandparents and other family members. According to the records of the Special Police Department for Children and Young Persons (DINAPEN), most complaints relate to children whose fathers are absent.

209. DINAPEN conducts investigations and intervention activities, and sends officials to verify that ill-treatment has occurred and conduct a legal examination. It provides families and children with psychological therapy. DINAPEN has given more than 100 talks throughout the country to parents of schoolchildren to increase their awareness of children's rights and of the consequences of ill-treatment.

210. In Ecuador, 7 per cent of households have one or more members outside the country. While most migrants come from cities, on average rural households have lost more family members (1.7) than urban households (1.4).

211. One of the problems to be overcome in the context of migration is the break-up and splitting up of families. Over the past decade there has been a dramatic increase in children and adolescents whose fathers have left the country to work abroad. In 1989, for example, 24,408 children were in this situation, whereas by 2000 there were 237,231 children and adolescents throughout the country whose fathers had emigrated for work. The Sierra region, with 133,126 children, has the highest number of cases.⁴⁵

212. The Ministry of Foreign Affairs has created a service to respond to the needs of Ecuadorians abroad, most of them migrants; the service gathers information and serves as a liaison for emerging needs in cooperation with the official authorities in the destination countries of these Ecuadorian nationals. Many cases relate to the children of migrant families, family reunification and maintenance of the parent-child relationship.

Current situation of children and adolescents living with their parents in detention

213. The Minors' Code provides that when parents are deprived of their liberty, the child is considered to be in a state of temporary abandonment. Article 132 of the Code establishes an obligation for everyone to report any child who appears to be in a state of abandonment to the juvenile court.

214. The State encounters difficulties in identifying families to accept this type of placement, considering that the outcome for the foster family is universally negative, beginning with the fact that the stay is temporary and not final, that the foster family develops emotional ties to the person taken in, that it represents a risk for any other children in the foster household, and that at the end of the placement the foster child suffers when the links developed with the temporary family are severed.

215. The solutions currently employed for the care of such children are:

- Establishment of a childcare centre at the women's rehabilitation centre in Quito with the support of a private company, AYMESSA, and the ATICO foundation;

- Agreement with the María Reina Foundation and the Department of Social Rehabilitation for the construction of a village able to accommodate 150 children. The Ministry of Social Welfare is providing support through the community network and with programme grants for the operation of the village;

These two programmes were launched during the 1988-1992 Government and are still in operation:

- Establishment by INNFA of day-care centres for children up to 5 of mothers in detention;

This programme was launched during the 1992-1996 Administration, and is still running.

216. The Ministry of Social Welfare, the Department of Social Rehabilitation, INNFA and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) are proposing implementation of a national plan for the care of children and adolescents who are children of detainees, to focus on the following areas: legal matters, reconstruction of social rehabilitation centres, care for detainees' families, strengthening of the nuclear family, training of penitentiary system officials, information and communication systems, and community participation in rehabilitation.

217. In 1999, 439 children lived with their parents in the country's 17 penitentiary centres. The major problem encountered by the State in this connection is that penitentiary system officials are not trained to work with children, there is inadequate infrastructure, and there are ongoing health and nutritional risks.

5. An analysis of the adoption system from the standpoint of the best interests of the child

218. In 1995, 1,301 children were deprived of their family environment and cared for in 45 child welfare institutions. Over the past five years, official data show an increase in adoptions abroad: the number of children adopted increased from 14 (13 by Ecuadorian households and 1 by a foreign household) in 1995 to 93 (30 by Ecuadorian households and 58 by international households) in 1998.

219. Articles 158 and 159 of the new Children's and Youth Code establish the requirements for legal competency of the child or adolescent to be adopted, and the requirements for the adoptive parents:⁴⁶

Article 158. Legal competency of the child or adolescent to be adopted. The judge may declare that a child or adolescent has legal competency to be adopted only when the inquiries conducted establish beyond any doubt that he or she is in any of the following situations.

Article 159. Requirements for adoptive parties. Prospective adoptive parties must fulfil the following requirements:

1. Both progenitors deceased;
2. Impossibility of determining progenitors or, where appropriate, blood relations to the third degree;
3. Removal of parental authority from both progenitors; and,
4. Consent of the father, mother, or both progenitors, as appropriate, where these have not been deprived of parental authority.

220. In situations 1, 3 and 4, the judge will declare the adoption permissible, provided that, in addition to the circumstances described, the child or adolescent has no other blood relations to the third degree, or that such relatives are unable to assume his or her care and protection on an ongoing and stable basis.

221. A judge who approves the adoption of a child or adolescent must so notify the adoptions office in the respective jurisdiction within 10 days from the judgement becoming final. The parties must:

1. Be domiciled in Ecuador or in a State with which Ecuador has concluded an adoption agreement;
2. Have legal capacity;
3. Be in full exercise of political rights;
4. Be older than 25 years of age;
5. Be no less than 14 years and no more than 45 years older than the adopted child. The minimum difference is reduced to 10 years in the case of adoption of the child of a spouse or partner in de facto unions that meet legal requirements. These age limits do not apply in cases of adoption between relatives. With regard to couples, the age limits apply to the younger spouse or partner;
6. In cases of adoption by couples, the couple must be heterosexual and have a union of more than three years' standing, either in matrimony or in a de facto union that meets legal requirements;
7. Enjoy physical and mental health such as to be able to discharge parental responsibilities;
8. Have the financial resources necessary to meet the adopted child's basic needs;
9. Not have any criminal record for offences punishable by imprisonment; and
10. Meet all other legal and regulatory requirements.

222. The law states that in order to maintain the best interests of the child, efforts must be made to locate his or her family members before the child is declared to be legally abandoned and thus eligible for adoption. Before reform of the Children's Code this responsibility was delegated and assumed by adoption agencies. These agencies were "pre-allocated" a number of abandoned children so that they could search for their family members and secure their reintegration.

223. As an alternative form of protection for those children definitively deprived of their biological, nuclear or extended family, adoption must guarantee on an ethical and transparent basis restoration of the right to live in a family. The essential requirement for declaring that a child may be adopted is a guarantee that the child's legal status has been clarified beyond doubt. There must be full verification that the progenitors or members of the extended family cannot care for the child, or that the family of origin, both nuclear and extended, is unknown.

224. Child protection programmes seek to maintain the link between the child and the family of origin, whereas adoption programmes seek to find an adoptive family for the child. If a welfare agency implements both programmes, which have incompatible purposes, a conflict of interest may arise, since when looking for an adoptive family the family of origin ceases to have relevance.

6. Abuse and neglect (art. 19)

Children abandoned as a consequence of the activities of flower-exporting companies⁴⁷

225. The incorporation of women into the labour market represents a landmark in the history of agricultural families. As women left the home to work in the flower cultivation sector, children remained in the care of grandparents or neighbours, or alone if they were old enough (considered to be from 5 years of age onwards). This began a profound change in the traditional development of the family, and in particular of children.

226. Of children surveyed in primary schools, 49.1 per cent spend most of the day alone, and 5.6 per cent are in the care of an adult. More than 45 per cent of mothers in Cayambe-Tabacundo and 18 per cent in Cotopaxi work on plantations.

227. The juxtaposition of agricultural and industrial activity has placed adult responsibilities on children. In most cases, their duties towards younger siblings and their household responsibilities exceed their capacity. Much domestic work falls upon them from a very early age.

F. Basic health and welfare

1. Disabilities among children⁴⁸ (art. 23)

228. During the decade the National Council on Disabilities (CONADIS) was established and has taken action to tackle the variety of disabilities affecting Ecuadorians and to conduct research into the incidence of disability among the Ecuadorian population, notwithstanding the financial limitations it faces and the constraints imposed by the lack of an information system providing specific data on the population under 17.

229. Disabilities among children are a public health problem that affects society as a whole. Children suffering from defects or disabilities require care, protection and special attention to ensure that they can enjoy a worthwhile and satisfying life and participate, without discrimination, in the life of the community. In general, disabilities among children involve limitations on their mobility and physical movement, their communication and sensory skills, the performance of basic daily activities, or their cognitive and mental functioning. It is difficult to estimate the incidence of disabilities owing to the fact that various degrees and forms of impairment exist. The 2000 household survey sought to identify in general terms disabilities among children from 2 to 9 years of age; the aim of the questions put to mothers was to record deficiencies or limitations in some aspects of child development that might indicate possible disabilities: psychomotor, visual, hearing or learning difficulties, inability to understand what is said, and convulsions:

- More than 1 child in 10 shows signs of disability. In 2000, in the opinion of their mothers, 12 per cent of children aged 2 to 9 had difficulty in hearing, seeing or walking. This figure is in line with research carried out in the country in 1982 and 1998 into the incidence of disabilities among children;
- The incidence of motor, auditory and visual deficiencies is greater in rural areas (14 per cent) than in cities (11 per cent). The frequency of deficiencies is still greater among children in indigenous households: almost one in five (17 per cent) shows some sign of disability. Similarly, the incidence is higher in cities such as Cuenca and Machala (15 per cent), while Quito, in contrast, shows a lower incidence of problems (11 per cent);
- In rural areas, 7 per cent of children from 2 to 9 years of age displayed difficulty in walking, weakness or paralysis, 5 per cent had hearing difficulties, and 7 per cent suffered visual impairment. The incidence of these problems in cities is lower in all cases: 5 per cent, 4 per cent and 6 per cent, respectively;
- In the view of their mothers, almost one fifth (18 per cent) of children between 2 and 9 years of age had comprehension, learning, communication or pronunciation difficulties in comparison with other children of their age. There was no apparent difference between cities and rural areas in the frequency of such problems. According to their mothers, 8 per cent of children seemed not to understand what was said to them, 5 per cent could not learn or think as other children of their age did, 6 per cent could not make themselves understood or speak comprehensibly, and 10 per cent did not pronounce words clearly enough for them to be understood;
- In 2000, one third (29 per cent) of children aged 6 to 9 displaying some kind of motor, auditory or visual problem failed to attend school. Similarly, 32 per cent of those with cognitive difficulties did not attend an educational institution;
- The incidence of disabilities was higher among children from households in extreme poverty. In the poorest fifth of households, 14 per cent of children displayed difficulties in hearing, seeing or walking, in comparison with 8 per cent of children in the richest fifth of households. Similarly, in households whose income was below the poverty line, mothers of 19 per cent of all 2-year-olds suspected that their children

might be mentally retarded in some way, in comparison with 12 per cent in households that were not poor. Nevertheless, recognition of cognitive difficulties tended to be greater in the richest households than the poorest (where 20 per cent and 18 per cent of children, respectively, were affected);

- One out of every six 2-year-olds could have some kind of mental retardation. According to mothers, 16 per cent of all 2-year-olds seemed to be slower or to show some kind of mental retardation as compared with other children of the same age. As with other deficiencies, the frequency with which this concern manifested itself was higher in rural areas in the Sierra (19 per cent), in poor households (19 per cent) and in indigenous households (22 per cent). Furthermore, one out of every five 2-year-olds (18 per cent) could suffer from some retardation in linguistic development. The proportion of 2-year-olds that still could not say the names of animals or simple objects was greater among males in households in Quito, in the Amazon and in poor households (20 per cent in each case).

230. Type of disability:⁴⁹

Difficulty in walking, weakness or paralysis - rural areas: 7 per cent; cities: 5 per cent;

Hearing difficulties - rural areas: 4.95 per cent; cities: 3.5 per cent;

Visual impairment - rural areas: 7.2 per cent; cities: 6.0 per cent;

Difficulties in walking or hearing or seeing - rural areas: 14.2 per cent; cities: 11.8 per cent;

Cognitive difficulties - rural areas: 18.3 per cent; cities: 18.6 per cent.

2. Right to health and health-care services⁵⁰ (art. 24)

231. In 1999, 25 per cent of children had no drinking water in their homes, 64 per cent lived in households without sewers, and 17 per cent had no toilet or latrine. Differences between rural areas and cities in access to such services remain significant.⁵¹

232. At the end of the 1990s expansion of public health service coverage encountered constraints, the public health infrastructure showed signs of deterioration and there were frequent shortages of inputs. The problem is concentrated in public hospitals and clinics.

233. These difficulties have generated disparities in access to health services. There has also been an increase in the incidence of various illnesses linked to poverty, such as tuberculosis, neonatal tetanus, dengue, AIDS and malaria, the latter as a result of the El Niño phenomenon in 1997-1998.

234. The country is going through a period of epidemiological transition. The country's mortality profile has changed: at present, mortality attributable to chronic and degenerative causes is greater than that caused by preventable diseases. That is, economic, social, cultural and health changes have resulted in a gradual reduction in deaths owing to the causes typically found in developing countries, preventable diseases, and an increase in the causes that are frequent in

developed countries, chronic and degenerative ailments. In recent decades the Ecuadorian population has also suffered increasingly from violence, alcohol and drug abuse, and accidents. Violent deaths have increased more quickly in rural areas than in cities. Crime, the breakdown in traditional social relations and the lack of attention to young persons explain this trend.⁵²

Right not to be deprived of any essential medical service

Use of water and sanitation	Year	Country	Rural	Cities
Use of safe drinking water (percentage of the population using water from the public system, public system plus distribution grid, public fountain or tap or other piped source)	1995	74	54	86
Sanitary waste disposal (percentage of the population with private or public toilet connected to the sewers, septic tank or latrines)	1990	66	32	87
	1999	78	54	92

Right to survival

Achievements (Targets met)	Progress (Targets partially met)	Challenges (Targets not met)
<p>Reduce infant and child mortality by one third by the year 2000</p> <p>Reduce by one third deaths from respiratory infections</p> <p>Eliminate deaths from measles</p> <p>Eradicate poliomyelitis</p> <p>Iodize all salt for human consumption</p> <p>Immunize 90% of children with BCG</p> <p>Immunize all children against measles</p> <p>Promote breastfeeding</p> <p>Reduce the lack of access to drinking water to attain 25% access</p> <p>Reduce the lack of access to sanitation by 17%</p>	<p>Eliminate neonatal tetanus (ICM = 85%)</p> <p>Reduce malnutrition among children by 20% (ICM = 93% chronic malnutrition; 78% global malnutrition)</p> <p>Complete immunization with DTP and polio vaccines for 90% of children (ICM = 85%)</p> <p>Reduce maternal mortality by half (ICM = 72%)</p> <p>Strengthen and expand coverage of maternal and child health prevention programmes</p>	<p>Eliminate vitamin A deficiencies</p> <p>Reduce the number of children with low birth weight by 20% (ICM = -12%)</p> <p>Increase use of oral rehydration therapy for children with diarrhoea by 80%</p> <p>Increase coverage of pregnancy check-ups</p>

235. The above table was taken from the National Report on Follow-Up to the World Summit for Children, prepared on the basis of sources from the Ecuadorian Ministry of Public Health, which are referred to in the section below entitled "Progress".

236. In the past two years there has been an increase in the number of invalids who do not make use of modern health services. A further indication of the financial constraints to household access to health care is the decline in prenatal monitoring of pregnant women.

Progress

237. The last confirmed case of poliomyelitis in Ecuador occurred in Durán, Guayas province, in March 1990 (cf. Carmen Laspina, "Expanded Programme on Immunization. Goals from the World Summit for Children", Quito, Ministry of Public Health, 1999). Ecuador obtained certification of the eradication of poliomyelitis from the World Health Organization in 1995.

238. All salt sold and produced in the country for human consumption contains iodine. The Ministry of Public Health conducts an iodized salt production monitoring programme, particularly in those areas with the highest incidence of goitre.

239. Immunization, breastfeeding, oral rehydration and acute respiratory infection campaigns have been implemented with varying degrees of intensity and coverage. According to the Ministry of Public Health maternal and child health programme, with the exception of oral rehydration therapy and access to appropriate treatment in cases of acute respiratory infection, which have limited coverage, the other campaigns have had a high success rate.

240. In 1994, 18 per cent of children under 5 in the country's poorest provinces suffered from vitamin A deficiencies. There has been no subsequent research into the problem.

241. According to the survey on living conditions (INEC-World Bank), in 1995 oral serum treatment was provided for 11 per cent of children with diarrhoea; in 1998, the proportion fell to 9 per cent and in 1999 to 7 per cent.

Causes of infant mortality: statistics

242. National statistics indicate a reduction in infant (under 1 year) and under-5 mortality. Most deaths are caused by preventable diseases or "poverty" (29.6 per cent), followed by lack of parental care (15.7 per cent), other causes (11.2 per cent), gastrointestinal illnesses (10.3 per cent) and respiratory illnesses (9.8 per cent). Of child deaths caused by poverty, 36.1 per cent are in the Sierra and 23.3 per cent in the coastal region, while in the cities, 43.1 per cent occur in Guayaquil and 32.7 per cent in Quito.⁵³

243. Children in the upper strata were treated by a doctor in 48.8 per cent of cases of illness, whereas in the marginal sector 24.8 per cent reported that they received no treatment at all.⁵⁴

Priority health programmes

Expanded Programme on Immunization

Objectives: To reduce rates of maternal morbidity and mortality owing to vaccine-preventable diseases among children, and to eradicate measles, poliomyelitis and tetanus.

Beneficiaries: Children under 1, children 1 to 4 years of age, pregnant women and the population at risk.

Duration: The Expanded Programme on Immunization began in 1977, and regular vaccination programmes are conducted on an ongoing basis.

Participation: Community and health personnel.

Sources of funding: MODERSA (Modernization project implemented by the Ministry of Public Health with a World Bank loan), the Pan American Health Organization (PAHO) and UNICEF.

Vaccination targets, 2002

Biological	Population	Target
BCG OPV (Polio) DPT	297 103 infants from 2 months to 1 year	100%
MMR	293 858 children aged 12 to 23 months (single dose)	100%
Hepatitis B*	14 659 newborns aged 1 to 6 months	100%
Yellow Fever*	14 251 children aged 12 months	100%
Tetanus	371 379 pregnant women	100%

* Provinces in the Amazon region.

Targets met January-August 2002

Vaccination coverage											
BCG		Triple DPT		Polio (OPV)		Measles, mumps and rubella (MMR)		Yellow fever**		Hepatitis B**	
Doses	%*	Doses	%	Doses	%	Doses	%	Doses	%	Doses	%
238 200	80.2	178 622	60.1	180 918	60.9	187 440	63.8	9 835	69.0	8 249	56.3
Population covered											
297 103						293 860		14 251		14 659	

* Coverage (percentage).

** Only in provinces in the Amazon.

Tetanus vaccine - pregnant women	
Doses administered	Percentage
82 425	18.0
Population served	
371 379	

Budget, January-August 2002**(United States dollars)**

Appropriation	Implemented	Disbursed
5 663 153 (State budget)	2 861 448	2 861 448

Drinking water and environmental sanitation

Objective: To establish conditions allowing low-income families to have access to basic services such as drinking water and sanitation, thereby improving their health and living conditions.

Beneficiaries: Low-income families.

Duration: The current phase lasts until 2003, although extension is envisaged under the strategic objective.

Participation: Municipalities and communities.

Sources of funding: Solidarity Fund, World Bank.

Targets for 2002: 115,606 families provided with drinking water and environmental sanitation.

Targets met, January-August 2002: 14,891 family settlements; construction and renewal of drinking water and basic sanitation systems.*

Budget, January-August 2002**(United States dollars)**

Appropriation	Implemented	Disbursed
2 222 000 (State budget)	44 596	0
3 224 000 (IBRD)	1 283 838	1 308 310
6 050 000 (Solidarity Fund)	930 481	844 887
Total 11 496 000	2 258 916	2 153 196

* Excluding implementation by municipalities through transfers.

National Food and Nutrition Programme (PANN) 2000

Objective: To prevent protein and calorie malnutrition among children aged 6 months to 2 years and help improve the nutritional status of pregnant women and breastfeeding mothers.

Beneficiaries: Children aged 6 to 24 months, pregnant women and breastfeeding mothers.

Duration: August 2000 - indefinite.

Participation: Local actors, maternal and child health centres, secondary and tertiary organizations, Ministry of Public Health and other bodies.

Sources of funding: Solidarity Fund and international agencies (UNDP, WFP, UNICEF, USDA, PAHO).

Targets for 2002:

165,115 pregnant women and breastfeeding mothers;

183,003 children aged 6 months to 2 years.

Targets met, January-August 2002:

101,977 pregnant women and breastfeeding mothers received care;*

117,340 children aged 6 months to 2 years received care.**

Budget, January-August 2002

(United States dollars)

Appropriation	Implemented	Disbursed
2 030 000 (State budget)	833 666	833 666
The programme has additional resources from:		
WFP - USDA: 4 070 000		
ECU - 4463 - WFP: 1 500 000	580 320	692 174

Free maternity care

Objective: To help reduce maternal and child morbidity and mortality rates in order to improve the welfare and quality of life of the population.

Beneficiaries: Pregnant women, women aged 15 to 64, healthy and ill infants.

Participation: Operational health units, implementing units (health areas, hospitals), local solidarity funds management committees, municipalities, user groups.

* Medical check-ups were performed twice monthly, and Mi Bebida, a food supplement in beverage form, was provided monthly.

** Medical check-ups were performed twice monthly, and Mi Papilla, a food supplement, was provided monthly.

Duration: 1999-indefinite**Targets and actual coverage, 2002**

Service	Targets	Population covered January-August
Women's component		
Initial check-up	237 682	209 906
Normal birth	106 957	71 432
Caesarean birth	21 391	18 943
Pre-eclampsia eclampsia	3 000	2 738
Sepsis	600	336
Post-partum check-up	118 841	51 682
Family counselling	402 468	367 751
Tubal ligation	15 880	8 593
Cervical and uterine cancer screening (DOC) ⁵⁵	148 514	114 563
Care for healthy children under 1 year	297 103	239 057
Care for healthy children 1 to 5 years	643 874	231 937
Intermediate neonatal care	10 000	7 562
Intensive neonatal care	3 000	2 028
Blood components	5 000	4 463
Whole blood	10 000	4 082

New services	Population to be covered, 2002	April-August
HIV examinations, pregnant women	125 000	2 900
Birth and post-partum haemorrhaging	500	956
Vasectomy	1 588	12
First-term pregnancy haemorrhaging ⁵⁶	12 000	6 285
Second-term pregnancy haemorrhaging ⁵⁷	2 500	656
Syphilis	466	682
Gonorrhoea	1 945	1 266
Genital herpes	463	409
Papilloma virus	2 450	378
Care for normal newborns	237 682	50 197
Care for illnesses detected under the AIEPI ⁵⁸ strategy, children under 1	118 841	208 761
Care for illnesses detected under AIEPI, children 1 to 5 years	468 272	324 531
Hospital complications, AIEPI	58 711	7 869

Budget January-August 2002
(United States dollars)

Appropriation	Implemented	Disbursed
12 000 000 (Solidarity Fund)	8 106 992	8 159 000
5 639 000 (Fiscal resources, ICE)	0	0
Total: 17 639 000	8 106 992	8 159 000

3. Sexual and reproductive health (arts. 6 and 24)

244. Pregnancy among adolescents⁵⁹ has increased in recent years. In 1995, of young women aged 15 to 19, 16 per cent were pregnant. In 1999 this figure increased to 21 per cent. There is a trend towards greater sexual activity on the part of young persons. In 1998 a survey found that approximately 30 per cent of young Ecuadorians had had sexual relations before they were 17 (10 per cent of girls and 50 per cent of boys); 5 per cent of males in 1998 had begun sexual activity before they were 11, and 30 per cent before they were 14.

245. In 1998 the Sex Education and Love Act, providing for sex education in schools throughout the country, was adopted. Educators still constitute a minority source of information on subjects relating to sexuality (18 per cent of children cite them as their main source of information on sexuality).⁶⁰

Professional care during childbirth

246. Professional care during childbirth affects maternal mortality, neonatal mortality and illnesses among newborns and/or mothers. In cities 92 per cent of women are attended by a professional during childbirth; in rural areas the percentage of women receiving professional care remains low.

Adolescent pregnancy

247. Adolescent pregnancy poses a major challenge in terms of reproductive health. In 1994, 47,001 (7.9 per cent) of all adolescents were pregnant, while in 1998 there were 58,433 (9.8 per cent) pregnant teenagers. In 1998 pregnant teenagers underwent five check-ups in cities and four in rural areas.

Maternal mortality rate

248. While women are of fertile age, problems relating to pregnancy, childbirth and the post-partum period are linked to causes of death. Over the reference decade (1988-1998) there was a decrease in maternity-related deaths among women from a rate of 123 per 100,000 live births in 1988 to a rate of 54 per 100,000 in 1998. The same decade also saw a decline in the number of deaths resulting from abortions, most of which were performed in cities.

249. The project on the sexual and reproductive rights of adolescents and young persons and prevention of teenage pregnancy is an inter-institutional initiative to promote citizen involvement with adolescents.⁶¹

250. This project is the outcome of an initiative undertaken by experts at various institutions in response to the major concerns relating to young persons in general, and teenage pregnancy in particular. In a difficult undertaking requiring a coordinated procedure they developed a profile and a number of agreements. The major outcome was that the National Council for Women (CONAMU), the National Institute for Children and the Family (INNFA), the Ministry of Education and Culture, the Ministry of Public Health, UNICEF and the Office of the Ombudsman, through their senior officials, signed a framework agreement in November 1999 to promote the rights of young persons to education and health, pledging to provide responses and make available alternatives in enforcing rights; to articulate various initiatives to complement and increase the effectiveness of activities; and to initiate processes designed to prevent the risk of teenage pregnancy and all its consequences, establishing forums and mechanisms for reporting, informing, training, educating and publicizing the rights to sexual and reproductive health, and, lastly, promoting high-quality comprehensive care.

251. The objective is to promote inter-institutional and cross-sectoral synergies so that Ecuadorian adolescents can be recognized and exercise their citizenship in every sphere of rights and responsibilities with independence, ethnic diversity, and social and gender equity.

4. Right to social security and childcare services and centres/child development programmes (arts. 26 and 18)

252. With regard to article 26 of the Convention, over the past decade the social security system in Ecuador has shown no significant advances in terms of coverage for the families of participants; 27 per cent of the economically active population participates in the mandatory social security scheme.

253. With respect to article 18, paragraphs 2 and 3, the late 1970s saw the beginning in Ecuador of “unconventional programmes”, intended to create community-based day care for children under 5 in poor neighbourhoods whose mothers worked in areas that were almost far from home. These programmes took off in 1988. INNFA, with its Child Development Programme (PDI), and the Ministry of Social Welfare, with its community network for child development model (renamed Child Rescue Operation (ORI) in 1993) have achieved hitherto unknown levels of coverage in urban and poor rural areas.

254. Here follows an outline of the status and current coverage of these programmes.

INNFA Child Development Programme (PDI)⁶²

Child development model constructed on the basis of local management and universal management for children from birth to the age of 6 years.

Child Development Programme

Subject	Article of the Convention	Indicator	Source
Making the Convention widely known in the country	42	800 events, meetings of parents' committees at child development centres (CDIs) 300 local citizens' committees (CCLs)	Technical follow-up reports on PDI project activities
Freedom of expression and to be heard	12, para. 1	18 provincial offices took part in different events for the formulation of draft legislation on children and youth	Records of provincial meetings provided to the forum
Right to freedom of association and participation. Establishment of social networks for monitoring rights	2, para. 1	Establishment of 300 CCLs for universal care of children up to the age of 6, pregnant women and breastfeeding mothers Establishment of 50 institutional networks to organize requests by CCLs and high-quality childcare	Technical report on the INNFA-PDI UNICEF-2001 agreement
Family care models		Children under 3 cared for in early education = 3,000 Children aged 4 to 6 in pre-school care = 16,000 47,700 children under 6 receiving education in health, nutrition, development; also 43,000 families Nutritional food assistance: 70,905 150,000 families diagnosed 27,000 pregnant women and breastfeeding mothers diagnosed	INNFA-PDI information system Provincial technical reports 2001

Subject	Article of the Convention	Indicator	Source
Family care models (<i>cont'd</i>)		83,000 children in need of child development care diagnosed	
		Eight hydroponic gardens administered by community agricultural enterprises attached to CDIs; 600 children, 350 parents, and 8 communities	
Sexual and reproductive health	6	Participation by 15,000 parents in the "Improving my family" programme	Technical report on the "Improving my family" programme implemented by PDI, 1999-2000
Child development and care modalities in early years, including initial education	18, para. 3	Community child development: 47,700 children from 6 months to 6 years provided with food and assistance in development, health promotion and prevention, nutrition, recreation and daily care; 1,400 children from 3 to 12 from 10 CDI-CAE participating in education systems with information technology	INNFA-PDI information system
Disabilities	23	500 children in child development centres in coordination with specialized institutions	INNFA-PDI information system
Work with street children	32	7,000 children cared for in school support centres for prevention of child labour	INNFA-PDI information system
Countering ill-treatment and domestic, non-family and gender-based violence/violence in schools/promotion of good treatment	16	5,000 community mothers, 300 community coordinators, 50 educators with training in good treatment subjects for the care of children from birth to 12 years of age	Follow-up report on programme activities, by province

Child Rescue Operation (ORI) of the Ministry of Social Welfare⁶³

The implementing office of the Child Rescue Operation provides care for children up to 5 years of age under three administrative arrangements:

Community child development centres (CCDIs);

Children's canteen programme (PCI); and

Recreation and learning circles (CRA).

In 2001, 8,000 community mothers provided care for 52,000 children in 1,400 community child development centres in marginal rural and urban areas in the country's 22 provinces. In 2002 these programmes will cover a total of 60,000 children at 1,500 centres, with the participation of 9,000 community mothers.

The Child Rescue Operation has the following components:

Preventive health;

Nutrition and food;

Psychological, social and emotional development; and

Administration of centres.

Children's canteens provide nutritionally balanced foods; children's weight, size, age, health vaccination schedule are taken into consideration, and incidence and prevalence are monitored.

Child Rescue Operation - Targets 2002

Programme element	Number of children	Number of community personnel	Number of centres
Child development and day-care centres (CCDIs)	60 000	9 000	1 500
Recreation and learning circles (CRAs)	4 540	220	110
Children's canteens	40 000	4 680	1 000
Total	104 540	13 900	2 610

Operation Child Rescue - Actual coverage January-August 2002

Programme element	Number of children	Number of community personnel	Number of centres
Child development and day care centres (CCDIs)	52 207	7 410	1 491
Recreation and learning circles (CRAs)	4 599	180	110
Children's canteens	36 925	4 122	964
Total*	93 731	11 712	2 565

* These figures reflect the monthly average of beneficiaries.

Budget January-August 2002
(United States dollars)

Appropriation	Implemented	Disbursed
19 036 769 (State budget)	8 102 001	7 382 566

Ministry of Social Welfare "Our Children" programme (PNN)

Objectives:

- (i) Improve the quality of existing services;
- (ii) Extend coverage of childcare, using different care modalities and supporting families in providing care for children;
- (iii) Strengthening institutional capacity to improve policy formulation.

Beneficiaries: Children from birth to 6 years of age, physical and intellectual development under child development programmes.

Participation: 123 foundations, municipalities, community associations, universities.

Duration: October 1999-October 2003.

Sources of funding: A loan from the Inter-American Development Bank (IDB) and allocation from the Solidarity Fund (national resources).

Targets for 2002: Care provided for 130,000 children.

Targets met January-August 2002: Ongoing care for 82,302 children under the programme.

Budget January-August 2002**(United States dollars)**

Appropriation	Implemented	Disbursed
13 052 954 (IDB)	6 210 030	6 118 200
542 000 (Solidarity Fund)	131 424	131 424
485 000 (State budget)	0	0
Total: 14 079 954	6 341 454	6 249 624

G. Right to education, leisure and cultural activities**1. Pre-school education (arts. 28 and 29)**

255. Following reform of the curriculum in May 1997, formal education in the Ecuadorian education system begins in the first year of basic education, that is, at 5 years of age. Pre-school education is aimed at providing preparation in the phase immediately preceding formal education, that is, the period from birth to 5 years of age. Ecuador is seeking to join the world mainstream in providing initial education which is viewed as education formally delivered through a curriculum developed for the first stage of life, early childhood. The country's public policies recognize and make provision for the need for children to receive care and education within and outside the family, and that development cannot take place without learning.

256. For some years initial education has been recognized as that provided in child development centres and under other modalities for the care of children under 5. Special university courses exist for the training of early childhood educators.

257. At present the Ministry of Social Welfare, through its "Our Children" programme, is developing a national initial education curriculum, with the participation of the public and private sectors involved in this area. In preparing this curriculum, consideration was given to the different curricula in various programmes for the care of the under 5s in the country, which specifically seek to build knowledge that will lead to the comprehensive development of the child as a person and member of the community. Assistance-based criteria and approaches have been superseded, giving way to intersectoral education programmes that also incorporate health, nutrition and safety components, as determinants in comprehensive development at the most important stage in the life of the human being as a citizen and person in development.

2. Access to education, school attendance, curriculum reform and quality of education⁶⁴

258. While there are no indications that the number of school dropouts, is on the rise, an increasing number of children and adolescents have been forced to neglect their education owing to a lack of resources. In 1999, the percentage of children between 6 and 15 who were compelled to study and work at the same time increased to 55 per cent; a further 9 per cent did not enrol in order to engage in work or domestic work.⁶⁵

259. In October 2002 a group of citizens with an acknowledged background in national affairs called for the State authorities and civil society to conclude a social contract for education, in the following terms:

Basic agenda: national education as a priority

1. Goals

1. To secure access to and enjoyment of 10 years of basic high quality education by all Ecuadorians;
2. To adopt quality standards in education, taking into account the ethnic and cultural diversity of the country and including education in ethical, moral and civic values;
3. To position Ecuador among the countries with the highest basic education indexes in the region.

2. Strategies

- (a) To establish conditions that will allow teachers to fully discharge their duties and responsibilities, by ensuring respect in society for their work, adequate remuneration and increased opportunities for training and professional improvement on an ongoing basis;
- (b) To guarantee an equitable distribution of the human resources of the Ministry of Education and Culture, by assigning teachers to schools in strict accordance with the establishments' needs;
- (c) To guarantee the development and implementation of relevant curricula, with participation of the local education community: teachers, students, parents and local authorities;
- (d) To guarantee that all educational establishments have adequate infrastructure and equipment to create a secure, healthy and welcoming environment conducive to learning;
- (e) To establish a policy of incentives and corrective measures based on a national evaluation system applied with objectivity, transparency and social oversight;
- (f) To support the neediest families so that their children have access to education and remain in school through such mechanisms as grants and school meals;
- (g) To ensure the provision by the State of financial means and resources to facilitate implementation of this basic agenda.

260. In 1999 the proportion of children from rural areas enrolled in secondary school was less than half (32 per cent) the rate in cities (67 per cent). One out of 10 rural dwellers in Ecuador belongs to an indigenous household in which Quechua or Shuar is spoken. In 1999, 21 per cent of indigenous children attended school.

261. The bilingual intercultural education system, which uses the language of a given culture as the main language of instruction, represents an important vehicle for the elimination of the cultural barriers that thus far have impeded or discouraged indigenous children, especially girls, from benefiting from education.

262. Today more children complete primary education without repeating any grades than in 1990; similarly, repetition of the early grades has been reduced by more than half. At present 2 out of 10 children have an opportunity to attend pre-school establishments; primary school coverage remained unchanged (89 per cent) over the decade.

263. The major difficulties still confronting the country in this area relate to improving the quality of education. In national tests conducted since 1996, on average pupils only obtained just over 50 per cent of the maximum possible score in the national language (Spanish), and under 50 per cent in mathematics.⁶⁶

264. Education has seen the sharpest decline in investment in recent years. As a result, strikes and stoppages by teachers have become a factor that undermines the effectiveness of the system. The lack of teachers has become a new factor explaining non-attendance at school.

Enrolment rate for 12- to 17-year-olds

265. Seventy-two per cent of adolescents are enrolled in the education system at some level, while the remaining 28 per cent do not attend any educational establishment.

Gender-based reasons for non-enrolment

266. For males (22 per cent) it is work, and for females (9.9 per cent) domestic work, that account for non-enrolment in educational institutions.

Secondary school repeat rate⁶⁷

267. At the national level 5 per cent of all pupils fail to complete a particular grade, equivalent to 53,298 adolescents who have repeated or enrolled a second time.

Educational performance over the past decade⁶⁸

Achievements (targets met)	Progress (targets partially met)	Challenges (targets not met)
Right to quality of life		
Reduction by 10% of repetition of first and second grades	School enrolment for all children aged 6 (first grade)	Improvement in quality of primary education
Completion of primary education by 50% of children	Encouragement of environmental conservation through education and awareness-raising	Enrolment of 100% of children in pre-school education
		Enrolment of 100% of children of school age (primary level) (ICM = 5%)

Achievements (targets met)	Progress (targets partially met)	Challenges (targets not met)
Right to quality of life		
		<p>Development of prevention programmes to reduce disability</p> <p>Development of alternative care models in pre-school education</p> <p>Identification of strategies to reduce early school leaving</p> <p>Development of educational and technical vocational training options for youth</p>

268. INNFA and Ministry of Education programmes have incorporated promotion of the children's rights in the reform of the basic education curriculum.

3. Leisure, recreation and cultural activities⁶⁹ (art. 31)

269. One fifth of Ecuador's schools have adequate sports grounds. As a result, most children prefer to spend their free time at home (36 per cent) or in the street (16 per cent). Of note is the lack of interest in reading: barely 9 per cent of children prefer to read during their free time. Television, in contrast, is increasingly popular as a means of entertainment. In 1999, 82 per cent of households had a television, and children spent an average of 20 hours a week watching television. The lack of educational programmes offers a partial explanation of children's preference for cartoons (35 per cent), soap operas (18 per cent) and action films (12 per cent). Five per cent of all children have access to computers, and still fewer to the Internet.

4. Educational measures to imbue children with respect for the environment⁷⁰

270. The school curriculum has incorporated an environmental component since 1999, and teachers have been encouraged to undertake training in understanding the environment as a common good. Ecuadorian society is becoming increasingly aware of environmental issues and local governments are including the subject in their programmes. The media and NGOs concerned with the environment have cooperated in this effort.

Statistical information on work with young persons on respect for and care of the environment⁷¹

271. Of the institutions working with young persons, 65 per cent have as part of their mission the promotion of rights and participation by the citizen, 53 per cent the promotion of a culture of mediation/respect in young persons, and 14 per cent training in respect for the environment.

5. Priority education programmes

Networks of friends

Objectives:

- To grant autonomy to approximately 20 per cent of rural schools in managing their resources with increased participation in school administration by parents and members of the community;
- To improve conditions for teaching and learning in basic education in rural areas, in the catchment areas of the beneficiary establishments.

Beneficiaries: Basic education establishments in rural areas.

Duration: 17 December 1998-17 July 2004.

Participation: Local education communities (teachers, parents, community leaders and pupils), oversight and rural education authorities in provincial offices for Hispanic and bilingual education.

Strategic partnerships: IDB and Solidarity Fund.

Targets for 2002: Formation of 60 networks with 720 schools and 43,200 pupils taught by 1,920 teachers; preparation and approval of 60 strategic plans to be implemented by autonomous rural school networks.

Targets met, January-August 2002: Formation of 41 networks with 482 schools, involving 29,694 pupils and 1,284 teachers. A total of 34 strategic plans have been prepared and approved by each network.

Budget January-August 2002

(United States dollars)

Appropriation	Implemented	Disbursed
827 (State budget)	0	0
402 755 (Solidarity Fund)	223 932	223 932
11 213 800 (OC-IFF IDB loan)	6 326 035	6 326 035
Total 12 443 555	6 549 967	6 549 967

Improvement in single-teacher schools

Objective: To ensure that all children have access to school and can remain enrolled and thus contribute to a reduction in school dropout and repeat rates.

Beneficiaries: Teachers, children, parents.

Duration: March 2000-December 2002.

Participation: Families and community.

Strategic partnerships:

Solidarity fund, UNICEF, National Corporation of Provincial Communities of Ecuador (CONCOPE), Ministry of Housing and Urban Development, World Vision International, Association of Municipalities in Ecuador (AME), Confederation of Nationalities and Indigenous Peoples of Ecuador (CONAIE), APEPCE, Confederation of Quechua Peoples of Ecuador (ECUARUNARI), UNE, INNFA, Centre for Multidisciplinary Study and Research (CEIME) GTZ, PAHO, UNDP.

Targets for 2002

Pedagogical component

3,400 schools with classroom support and assistance;

3,400 teachers for single-teacher schools trained in running teaching corners and mini-libraries;

3,400 single-teacher schools;

Contracting of studies and research to provide textbooks and teaching manuals to 3,400 single-teacher schools;

Printing of support and research guides, manuals, bulletins and manuals.

*Infrastructure and equipment component**

Construction of 150 housing units for teachers;

Provision of mini-libraries and work corners for 800 establishments;

Provision of 50 technology packages, comprising a Pentium 4 server and 8 terminals with an Epson LX-300 printer;

Distribution of 5,875 sets of furniture.

Targets met January-August 2002

Pedagogical component

3,480 teachers provided with classroom assistance;

515 mini-groups of teachers formed and provided with technical assistance;

206 supervisors trained in providing classroom assistance;

Preparation of 201 guides and textbooks in such areas as mathematics, language and communication, natural sciences, social sciences, basic reading, priming in mathematics and methodological texts.

Infrastructure component

70 housing units built for teachers;

Distribution of 3,191 sets of furniture.

Budget January-August 2002
(United States dollars)

Appropriation line	Implemented	Disbursed
2 300 000 (Solidarity Fund)	0	0
200 000 (Ministry of Education and Culture Fund)	48 198	48 198
Total: 2 500 000	48 198	48 198

School meals

Objective: To improve the quality and efficiency of basic education through providing food supplements, particularly in the poorest areas.

Beneficiaries: School pupils aged 5 to 14.

Duration:

School snack: 2 May 1995-February 2003;

School lunch: May 1999-February 2003.

Participation: 15 school food commissions made up of parents.

Strategic partnerships: Governments: United States of America, Japan, other countries; UNDP, WFP, Solidarity Fund.

Targets for 2002: 15,654 schools enrolled in the programme; provision of school lunch and breakfast to 1.5 million children.

Target met January-August 2002: Ongoing provision of school lunch and breakfast to 1,439,678 children.

Budget, January-August 2002
(United States dollars)

Appropriation	Implemented	Disbursed
22 750 000 (State budget)	6 929 852	8 942 658 (State budget)
12 000 000 (Solidarity Fund)	7 000 000	7 000 000 (Solidarity Fund)
2 252 652 (WFP)	563 163	563 163 (WFP)
6 041 057 (USDA*)	1 944 712	1 944 712 (USDA)
Total: 43 043 709	16 437 727	18 450 533

* Contribution for 2001-2002.

School grants

Objectives: To increase family income and keep children between 6 and 15 years of age in the school system and prevent dropout.

Beneficiaries: Children between 6 and 15 years of age enrolled in school and belonging to the poorest fifth of the population.

Duration: April 2001 - indefinite.

Participation: Committees of mothers, parochial boards, universities.

Strategic partnerships: UNICEF.

Targets for 2002: 130,000 children enrolled in the programme.

Targets met January-August 2002: 70,675 children enrolled in the programme at the national level.*

Budget January-August 2002
(United States dollars)

Budget	Implemented	Dispersed
6 385 127 (State budget)	1 123 180	1 180 904
Total: 6 385 127	1 123 180	1 180 904

* Figures to August 2002 include 35,000 children enrolled since 2001.

H. Right to special protection measures

272. During the decade the concept of special protection as an additional element in the exercise of the social citizenship of children, in the spirit of the Convention, gained broader acceptance. Social protection, in addition to the situations mentioned, now also covers such new aspects as sexual abuse, physical abuse in the home and in educational institutions, children of parents deprived of liberty and children deprived of their family environment.

1. Citizen security

273. The Special Police Department for Children and Young Persons, whose members frequently report acts of assistance provided to abandoned, abused, kidnapped or disappeared children and the return of lost children to their family, forms part of the police force. This body is also organizing a national database of cases.

2. Displaced persons⁷²

274. Political and social conflict in Colombia has generated a new problem for the country: the entry of displaced, uprooted and refugee children. It is estimated that 1.5 million persons have been displaced in Colombia, with Ecuador, Venezuela and Costa Rica as the main country of destination.

3. Refugees from armed conflicts and natural disasters

275. These topics assumed importance in Ecuador in 2001 and 2002 owing to the civil war and internal unrest in neighbouring Colombia and the recent eruptions of the Pichincha, Tungurahua and Reventador volcanoes. The Colombian conflict has caused an increasing number of families to become refugees along the Ecuador-Colombia border, to the north. UNICEF and the Office of the United Nations High Commissioner for Refugees (UNHCR) have proposed a refugee social assistance plan to the Government of Ecuador. With regard to natural disasters, it should be noted that regional governments in Ecuador are playing an increasing leadership role in rescue and assistance tasks, alongside the official civil defence body.

4. Children and adolescents in conflict with criminal legislation. Deprivation of freedom. Statements before the courts.⁷³ Specialized system of justice for children and adolescents (art. 3; art. 7, para. 2; art. 9, paras. 1 and 2; art. 10; art. 12, para. 2; art. 19, para. 2; art. 21; art. 27, para. 4; art. 35; art. 36; art. 37 (d); art. 40)

276. As stated above in this report, the 1998 Constitution, in its article 51, provides that children under 18 are subject to a specialized system for the administration of justice, which forms part of the judiciary.

277. In 1997 the Centre for Research in Law and Social Studies (CIDES) prepared a study entitled "Observance of the Convention on the Rights of the Child in the Administration of Justice",⁷⁴ which sought to establish the extent to which the principles of the Convention are observed in practice by ordinary judges and the specialized system of justice.

278. In Ecuador the authority of the juvenile courts is not limited to cases involving children and adolescents in conflict with the law, but also includes the hearing of claims relating to maintenance, paternity and abandonment, as well as the application of protection measures such as family placement and adoption.

279. Notwithstanding the profound differences existing between the guardianship model based on the premise of “irregular situation” and the thinking underlying the 1992 Minors’ Code, the Code retained juvenile courts with the same multidisciplinary structure and essentially the same sphere of competence, with one such court to operate in each provincial capital. The Ministry of Social Welfare was empowered to establish other courts, as required, in other localities.

280. The 1992 Code provided for the establishment of district courts in six provincial capitals: Quito, Loja, Protoviejo, Riobamba, Guayaquil and Cuenca. In 1995 a decree was issued establishing district courts in Guayaquil and Cuenca, and the National Juvenile Court was designated as the Quito district court. As a result, the judicial service was divided into three districts.

281. The district courts serve as appeals bodies for decisions by juvenile courts and exercise administrative oversight over the courts in their district.

282. The National Court is empowered to provide information, settle conflicts of jurisdiction, appoint judicial service personnel and exercise certain disciplinary authority, but cannot hear appeals against decisions of district courts.

283. Some current difficulties regarding the structure of the judicial service, which the new Children’s and Youth Code seeks to resolve, are:

- Failure to define the extent of the competence of the juvenile courts and the overlap of competence with the civil jurisdiction, so that there is duplication of jurisdiction. This occurs with regard to civil and family judges;
- Multidisciplinary composition, that is educators and doctors who today act as “judges” in juvenile courts will become advisers or experts in the various courts, but will not act as judges, since that requires specialized training in the law;
- A subordinate unit of the executive. Under the new Code, existing courts will become part of the judiciary, as provided for in the 1998 Constitution;
- Prior intervention by the president of the juvenile court in any matter involving minors in ordinary cases.

Administration of justice in Indian villages

284. In some communities there are internal child protection regulations which provide that any violation of rights shall be punished by the community; for example, if a father disowns his child, he is expelled from the community and the mother and child are protected.

285. When hearing cases of ill-treatment, the community council or mayors draw the matter to the attention of the parents or the person responsible for the ill-treatment.

286. This is done publicly, which represents the worst that can happen to the party involved in that it constitutes severe moral punishment. At the same time a general council is convened, in which the offender is given advice as to his behaviour.

287. Public punishment is carried out. He who speaks the truth discharges his guilt, and he who lies is punished.

288. Intervention in personal matters is not possible, but public strictures are applied.

Children deprived of their liberty⁷⁵

289. The number of children placed in juvenile offender centres doubled between 1995 and 1998, from 2,219 to 4,291 children; of the latter, approximately 1,000 were repeat offenders. The main offences were against property.

290. The new Children's Code deals with the responsibility of juvenile offenders as follows:⁷⁶

Adolescents (12 to 18 years of age) are not imputable under criminal law, but are liable for their actions;

Children under 12 are fully unimputable and may not be tried;

Provision is made for socio-educational care measures;

Due process is guaranteed;

Deprivation of liberty is exceptional, and is applied only in the case of extremely serious violations.

Offenders and juvenile gangs in the indigenous world⁷⁷

291. The migration of children to cities in search of work, far from their families, has resulted in the formation of gangs within communities; these operate during vacation periods when children and adolescents return home.

292. Within communities a code of justice is applied involving severe public punishment, which has led to the break-up of gangs.

5. Trafficking in and sale of children⁷⁸

293. Cases have come to light in which children have been transported overland to neighbouring Colombia and Venezuela in a journey that lasts weeks and months. The traffickers' trade seems to be very profitable, and it is presumed that there are many intermediaries involved in this "business". Poverty is a factor exploited by this group of traffickers in children.

294. One of the difficulties encountered by organizations dealing with this issue is the lack of awareness among parents who still do not view this as an offence and thus give written consent authorizing their children to leave the country.

295. Testimony taken from children who have returned and described their situation has not helped to impede the operations of the network of traffickers; such children have been threatened and are afraid to initiate legal actions.

6. Child labour and street children

296. According to the survey of living conditions conducted by the National Statistics and Census Institute, almost 1 million children between 6 and 17 years of age were working in 1999; 17 per cent of children in this age group worked and did not study, while 28 per cent studied and worked at the same time. Of these children, 63 per cent worked more than 40 hours a week, 88 per cent were compelled to work, and 40 per cent worked on the street. Approximately three out of every four Ecuadorians, in rural areas and in cities, began to work before the age of 14. Of the children working in 1997, 15 per cent received no remuneration, and three quarters of working children gave their pay to their parents or other relatives, that is, they contributed to household income. In 1994, 1 out of 10 children gave "personal preference" as the reason for working; the remainder worked out of personal or family financial necessity (79 per cent) or because they were compelled to do so (8 per cent).⁷⁹

297. Work refers to labour or productive activities, and does not include domestic chores.

298. The percentage of children between 5 and 17 years of age who work can be broken down as follows, on the basis of data from 2000:

By rural or urban area

Rural areas:	19.9 per cent
Cities:	8.8 per cent

By region

Coast:	12.6 per cent
Sierra:	13.9 per cent
Amazon:	12.3 per cent

By sex

Boys:	16.7 per cent
Girls:	9.7 per cent

By place of work⁸⁰

Streets:	69.2 per cent
Offices:	1.1 per cent
Farms:	6.1 per cent
Shops:	8.7 per cent
Workshops:	6.3 per cent
Households:	5.6 per cent
Other:	3.1 per cent

By type of work

Informal sales:	43.4 per cent
Sales in stores:	9.6 per cent
Workshops:	3.5 per cent
Mechanic:	3.2 per cent
Office:	0.1 per cent
Construction labourer:	1.6 per cent
Agricultural:	6.7 per cent
Watchman:	0.3 per cent
Caretaker:	1.1 per cent
Shoeshine:	14.3 per cent
Newspaper vendor:	7.4 per cent
Domestic service:	5.25 per cent
Other:	3.4 per cent

Receipt or non-receipt of payment for work

Yes:	85.0 per cent
No:	15.0 per cent

Duration of working day

One to three hours	11.2 per cent
Four to six hours	39.0 per cent
Seven to nine hours	35.5 per cent
Over 10 hours	13.1 per cent

Work on Saturdays

Yes:	89.4 per cent
No:	10.6 per cent

Work on Sundays

Yes:	62.2 per cent
No:	37.8 per cent

Preferred alternatives to premature work

Work only:	14.4 per cent
Study only:	26.7 per cent
Work and study:	56.6 per cent
None of the above:	2.2 per cent

Major dangers encountered and suffered by child workers

Work accidents:	23.7 per cent
Traffic accidents:	28.5 per cent
Sunstroke:	6.1 per cent
Illness:	24.4 per cent
Theft:	12.0 per cent
Abduction:	14.3 per cent
Physical abuse:	24.6 per cent
Sexual abuse:	8.7 per cent
Sexual harassment:	4.7 per cent
Verbal abuse:	32.7 per cent
Other:	2.0 per cent

Views of children as to who is in the most danger when working

Women:	57.5 per cent
Men:	5.3 per cent
Both:	31.8 per cent
No one:	2.7 per cent

299. With regard to work by children and adolescents, the new Children's Code:⁸¹

Establishes the obligation of the State to formulate policies for the eradication of child labour;

Defines harmful and dangerous work;

Establishes 15 years as the minimum working age;

Guarantees the right to education and recreation for child workers;

Establishes administrative penalties for failure to comply with the Code.

Situation of indigenous children with regard to child labour⁸²

300. Within the Andean world view it is believed that children must learn by doing, and that children must help adults at their work as soon as they are able to do so. Children are involved in agricultural work from the age of 5, and girls from the age of 4 are involved in housework. From sixth grade on, children work outside the home; they often travel to cities and work on construction sites or help in some kind of agricultural work. Girls leave to work in houses in the cities. The money they receive for this work contributes to family income.

Adolescents and work⁸³

301. In 1999, of an estimated population of 1,900,000 adolescents between 10 and 17 years of age, 847,833 worked; of that number, by category 322,633 (17 per cent) only worked; 525,170 (28 per cent) worked and studied; 961,326 (50 per cent) only studied; while the remaining 5 per cent (92,043), a group that included adolescents with some disability, neither studied nor worked.

302. In rural areas, 41 per cent work. The most vulnerable group consists of those who work and do not study, which in cities represents 8.6 per cent and in rural areas 28.4 per cent. In national terms, 17 per cent of children work and do not study.

303. Sixty-one per cent of young persons who work are male, and 39 per cent are females.

Project for the eradication of child labour in mines⁸⁴

304. Child labour in mines is considered by ILO to be one of the worst forms of child labour. In response, the State has sought to prohibit all kinds of exploitation of children through the signature and ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and ILO Convention No. 138 concerning Minimum Age for Admission to Employment, alongside other legal provisions in the Convention on the Rights of the Child, the Constitution, the Labour Code and the Mining Act, among others.

305. Of the 1 million children who work, approximately 4,000 are employed illegally in mining operations in Ponce Enríquez and Bella Rica in Azuay province, in Zaruma and Portovelo in El Oro province and in Nambija in Zamora Chinchipe province.

306. In response to this situation ILO is developing, under its International Programme for the Elimination of Child Labour (IPEC), a programme for the elimination of child labour in mining aimed at helping to prevent and eliminate child labour in mining by improving the quality of life of child workers and their families, thereby holding out real opportunities for their future development.

307. Implementation of the programme is based on three fundamental approaches: direct intervention through local development activities, awareness-raising through national and local campaigns, and a system that monitors and gauges the extent of child labour in mining.

308. This scheme of intervention aspires to become a model applicable not only in mining areas but also in other areas of child labour, and in this regard will contribute to a broader objective, the establishment of conditions leading to the progressive eradication of child labour in Ecuador.

Commitment by banana producers and exporters on the employment of minors

309. An agreement concluded on 23 July 2002 between the associations of banana producers and exporters, the Ministry of Labour, UNICEF, the Ministry of Education, ILO, through its

IPEC programme, and INNFA, all coordinated by the Export Promotion Corporation (CORPEI), undertook to eradicate labour by children under 15 on banana plantations within a period of 12 months.⁸⁵

310. To this end, a pilot project is being implemented to eradicate child labour on banana plantations on the basis of the following commitments:

- Creation of a banana employers' forum to agree on policies for the eradication of child labour in this production sector;
- Monitoring of compliance with child labour legislation;
- Facilitating the conduct of a baseline study for the prevention and progressive elimination of child labour in banana production;
- Non-employment of children under 15 on estates, to be achieved within one year of conclusion of the study;
- Legalization of work by adolescents from the age of 15 in accordance with current norms, but banning their participation in hazardous activities, in particular the handling of synthetic agricultural chemicals;
- Adoption of a social ethics code that would serve as a basis for certification, with a social seal of approval. The code will include, in addition to the prohibitions already mentioned, the provision of educational activities and a prohibition on the employment of women and males under 18 in dangerous and unhealthy activities;
- Facilitation of periodic inspections;
- Promotion of information and education campaigns to prevent child labour and promote minors' education and health;
- Encouraging better coverage and quality of education under a curriculum designed for agro-environmental training.

Lost children⁸⁶

311. To date no studies exist that would allow any differentiation to be made between the "disappearance" of children and possible trafficking in children (either because the children are lost or have left the country illegally with a parent). Data from INNFA and the National Police cover only the two major cities. In Guayaquil, for example, between 1992 and 1996 there were 1,807 reports of disappeared children (1,068 voluntary disappearances and 785 involuntary disappearances), of whom 749 did not reappear.

Definition of “lost” or “disappeared” children

312. By lost children or adolescents are meant those who for various reasons and in different circumstances are excluded, voluntarily or involuntarily, from their family environment. This definition includes cases of lost, disappeared, kidnapped, abandoned, abducted and trafficked children, and also children who simply wish to leave home.

An instance of intervention: the National Institute for Children and the Family and the Re-encounter Foundation

313. INNFA, through its citizen’s action programme for tender care (ACT), provides technical and financial support for initiatives to provide care for lost children and young persons. To this end it has been working with the Re-encounter Foundation for lost and disappeared children in the city of Quito, in which it invests an annual budget of US\$ 20,940; the Foundation in turn invests an annual amount of US\$ 24,525.

Extent of the problem of lost and disappeared children

314. A high percentage of cases of children and adolescents disappearing involve voluntary disappearance, owing to family conflict, breakdown of the family, the permanent absence of one or more parents or the fact that one parent is not the biological parent. In other words, this phenomenon frequently occurs when a child’s family is broken or dissolved. Secondly, there are homes where there is ill-treatment, characterized by violence and a lack of financial resources. Because of these problems children and adolescents experience little in the way of communication, trust or emotional instability, and often feel that they are a burden on their families.

315. Poor academic performance is another factor that causes children to leave their homes voluntarily.

316. The economic difficulties being experienced by Ecuador oblige both parents to go out to work, so that at times they need to take their children to the workplace or leave them for long periods on the street, which increases the likelihood that they will become lost. Other causes relate to physical or mental disabilities in children and adolescents or a lack of knowledge of Spanish, as occurs with indigenous children.

Data on cases and care in two provinces⁸⁷

317. According to the CEDANP Foundation, in 1996 in Guayas province there were 454 reports of lost children and adolescents, of which 271 cases were voluntary absences and 183 involuntary. In 1997, 480 cases of missing children were reported, of which 290 were voluntary and 190 involuntary. In 1998, 449 cases were reported, of which 261 were voluntary and 188 involuntary. In 1999, 488 cases were reported, of which 306 were voluntary and 182 involuntary. In 2000, 478 cases were reported, of which 277 were voluntary and 201 involuntary. In the first half of 2001 (January-June), 266 cases were reported, of which 168 were voluntary and 98 involuntary.

318. In Pichincha province, the Re-encounter Foundation dealt with 233 cases in 1998, of which 135 involved voluntary absence and 98 involuntary. In 1999, 333 cases of absence were

dealt with, of which 238 were voluntary and 95 involuntary. In 2000, 449 cases were reported, of which 319 were voluntary and 130 involuntary. In the first half of 2001 (January-June) there were reports of 229 cases of absence, of which 164 were voluntary and 65 involuntary.

7. Abuse and sexual exploitation, child pornography. Sexual exploitation.

319. Activities are being undertaken by various organizations to address ill-treatment of children, education, health and care of lost and/or disappeared children; these organizations have introduced training workshops in education, self-esteem and rights, identity and decision--making, sexual violence, the body and sexuality, communication, and youth leadership.

320. The following information has been provided by various institutions that have conducted investigations into sexual exploitation:

Hope Foundation

Of 215 female sex workers investigated, 48.4 per cent first had sexual relations between 12 and 15 years of age;

Of this sample, the 34.2 per cent who first had sexual relations between 14 and 17 years of age did so as the result of a rape committed by a member of their household: father or stepfather, brothers or close family members;

Information on sexuality and/or sex education was provided by: lovers - 29.8 per cent; friends - 24.7 per cent; teachers - 18.1 per cent; and mothers - 14 per cent;

The work of focus groups reveals covering up as a response to a job that is legally permitted only to those over 18; in addition, information provided by heads of associations provides clear evidence of falsification of identity cards, used by teenagers to engage in sex work. These documents are processed by exploiters such as procurers, owners of brothels and/or clients who prefer under-age women;

In 2000 the investigation into adult underground sex workers was resumed. In a sample of 100 such workers, 18 per cent had first become involved in such work between 12 and 17 years of age;

38.8 per cent of underground sex workers had had their first sexual experience during a rape;

95 per cent of underground sex workers had been the victims of physical and psychological violence during childhood and adolescence;

90 per cent were from broken homes, with few financial resources and low levels of education;

In 2001 a new study was conducted confirming the earlier data.

Human Rights Collective (PRODH)

Research by PRODH shows that the path taken by most girls who are exploited through prostitution is characterized by a complicated network of relationships that bind them to such a life, from which they cannot easily escape. The bonds of slavery grow stronger the longer they spend in this underworld, which is characterized by histories of early ill-treatment and sexual abuse, broken families or families in crisis, serious unresolved crises in adolescence, an adverse social context with few opportunities for development, the unrealistic dream of easy money, many opportunities to engage in prostitution, either as novices or in well-organized networks of sexual exploiters, approval shown to adolescent girls by customers and procurers for their sex work, an indifferent and individualistic society, and the lack of social protection for victims.

Special Police Department for Children and Young Persons (DINAPEN)

Investigates cases of ill-treatment of children, including sexual exploitation of children. In closures of 500 brothels, it was found that each had three to five teenagers engaging in prostitution. In just one month over 2,000 girls and teenagers were found to be engaging in prostitution in Quito;

A further cause of sexual exploitation has to do with child abuse. In the first half of 2001, DINAPEN intervened in 367 cases, of which 53, (14.4 per cent) involved sexual abuse, five cases (1.36 per cent) involved sexual harassment and 119 cases (32.42 per cent) involved physical abuse.

INNFA child worker programme (PNT)

This programme has organized round tables bringing together local authorities, educators, NGOs and health workers with a view to fostering awareness through the design of posters distributed to various institutions.

Corporation for the Advancement of Women⁸⁸

The research protocol for a study conducted in 2000 offers a definition of sexual exploitation of children and adolescents: “Any activity based on relationships of authority and exchange in which one person sells, offers, solicits or buys the use of the body of a child or adolescent for sexual gratification or financial benefit for themselves or for third parties”;

The study confirmed the causes and modalities noted by other institutions referred to in this report, but also noted the invisibility of such practices in Ecuador and divided sexual exploitation into four categories: structured (invisible and legal places), semi-structured (in outlets selling alcohol, for example stalls and bars that have a legal front in that they sell beverages but which are totally illegal in terms of the sex trade), unstructured (in illegal and clandestine places) and informal (on the street, in ports, markets and bus stations);

In 2002 the women's communication workshop conducted a campaign against such exploitation. Its reports and proposals appeared throughout the year. It is hoped that the media will take up their concerns, increase the awareness of the authorities and alert civil society and families. It is hoped that coverage in media campaigns will respect the rights of the victims, and not be sensationalist or scandalous;

A study was also conducted in the city of Machala in 1998. With reference to minors at risk, it found that in 1997 at least 200 children worked in locations that exposed them to risk; in general children worked along the docks operating cash desks used as a "lure for prostitution, taking young and adult women on board vessels. Another group at risk comprised girls from extremely poor districts and/or those studying in schools near places of prostitution and sexual exploitation;

With regard to promoters of commercial sexual exploitation, the study indicates that groups of adults and young persons are "hired" by paedophiles and procurers; young girls are used too, as a lure to entice children in banks, companies and offices.

Observations⁸⁹ made by the group of organizations participating in the workshops on socialization of work experience and on sexual exploitation

Legal provisions regulating sex work need to be strengthened;

Programmes to prevent cases of sexual exploitation must be implemented to facilitate the rehabilitation and reintegration into society of those involved;

Emphasis was placed on the need for organizations dealing with children's issues to speak the same language and to deal in clear concepts with regard to sexual exploitation, trafficking and pornography; the ongoing training of technical teams so that it becomes part of the range of issues affecting children and young persons is therefore indispensable.

Indigenous children and sexual exploitation and abuse⁹⁰

In indigenous communities child prostitution does not exist, but as a result of cultural practices there is early exposure to sex and early engagement in sexual activity, more among males than females. Until a decade ago it was important for a woman to be a virgin at marriage. Now this factor is largely disregarded;

In communities there are adult women who are called "initiators", and who initiate boys into sexual activity;

Sexual abuse by indigenous adults of indigenous children is not common and, where it does occur, is very badly perceived in the community, which imposes moral penalties on the offender. However, it is common for indigenous children to be abused by the mestizo population, including bus drivers, storekeepers and others; such individuals use physical force to rape and sexually abuse children, who, to avoid physical violence, beatings and ill-treatment, yield without resisting.

8. Consumption of alcohol and illicit use of narcotic and psychotropic substances

321. The consumption of alcohol, cigarettes and drugs is another increasing risk for adolescents in Ecuador. The first national study of this problem, conducted in 1998, found that 28 per cent of pupils aged 12 to 17 drank alcohol, and one fifth admitted to having been drunk. Alcohol consumption begins early: one in every four students began before the age of 15, and 50 per cent before the age of 18. According to the same source, almost 6 per cent of adolescents had taken some kind of drug during the previous year, with marijuana being the most commonly used by pupils.⁹¹

Consumption of alcohol and tobacco and narcotics by adolescents⁹²

Tobacco consumption: 42.8 per cent

Alcohol consumption: 28 per cent

Consumption of illicit drugs: 6 per cent

Consumption of drugs⁹³

322. Six per cent of adolescents have used narcotics and/or psychotropic substances: by sex, 7 per cent of males and 6 per cent of females. Such behaviour begins earlier among males. Consumption rates in cities are: Quito - 11 per cent; Guayaquil - 5 per cent, and Cuenca - 4 per cent.

323. In Ecuador, 28 per cent of adolescents consume alcohol. The Sierra region, with 36 per cent, has the highest consumption in this group. In terms of cities, the highest percentage of alcohol consumption is in Quito (46 per cent) and Cuenca (33 per cent). Women (34 per cent) consume less frequently than men (23 per cent). The age group with the highest consumption is 15-17 years (31 per cent).

324. Forty-nine per cent of adolescents consume alcohol before turning 18; 28 per cent of males have drunk alcohol between the age of 12 and 14 years, compared with 18 per cent of females. This means that one out of four schoolchildren drinks alcohol before turning 15. The Sierra region (58 per cent) has the highest percentage for beginning alcohol consumption, followed by the coastal region, where 40 per cent of adolescents begin alcohol consumption at an early age.

325. Tobacco use among adolescents stands at 42.8 per cent. The percentage of consumption is higher among males (52.3 per cent) than females (34.4 per cent). In cities, the highest percentage is in Quito, followed by Cuenca.

VI. CONCLUSIONS

326. The major challenge for the first years of the millennium will be the construction, by constitutional mandate, of the national decentralized System of Comprehensive Protection for Children and Young Persons. The governing body of the system, which will have national authority, will represent the State and civil society in defining policies to ensure the exercise and guarantee the children's and adolescents' rights. The system will need, on the one hand, to

define, implement and assess policy, and, on the other hand, to have a set of subsystems coordinating the various associated organizations and institutions. This will make it possible for the first time to ensure coordination between the various public and private entities working on behalf of children. The system must ensure that the network of institutions has an information system to facilitate decision-making and accountability; in this connection it will be important to strengthen SINIÑEZ, principally by working to improve and increase the production of primary information on the situation of children and young persons.

327. In the view of social actors, the fundamental area in which activities for children and adolescents should be promoted relates to institutions, legality and consensual policy formulation. There is a need to: (i) formulate a new plan of action for children and adolescents for the next decade; (ii) definite areas, methods and indicators for rights-based intervention; (iii) establish mechanisms for evaluation, follow-up and periodic view of targets. Accordingly, it is proposed that social actors should immediately undertake to: (i) formulate and sign a national agreement to promote and conduct comprehensive protection policies, adopt new legislation on children, establish a new institutional framework for the sector (the national System of Comprehensive Protection for Children and Adolescents), develop new mechanisms for ensuring the accountability of actors, and promote greater public investment; (ii) constitute and initiate the Children's and Youth Council pursuant to the executive decree in force as a transitional mechanism for the promotion of agreements; (iii) convene the greatest number of social actors to consider ways of strengthening action by local government on behalf of children and adolescents; and (iv) give broad publicity to this report, particularly at the local level.

Notes

¹ SIGOB was officially launched in September 2002, its web site is www.sigob.gov.ec.

² National Agreement on Children and Youth and Unified Work Agenda, concluded on 20 November 1999, the tenth anniversary of the Convention on the Rights of the Child.

³ Sources: Estimates on the basis of the sixth population census (2001), by the National Statistics and Census Institute (INEC). SINIÑEZ, version 2.5, 2001, based on the survey of living conditions (INEC, 1999) and "My opinion matters" (Survey by Defence for Children International (DNI) - Rädda Barnen (Save the Children)). Cited in the *Observatory* bulletin, Nos. 1 and 2, June and September 2002, a periodic publication by the Observatory on the Rights of Children and Young Persons. INEC is the National Statistics and Census Institute, the official State statistics body.

⁴ Taken from *Index*, a periodic publication by SIISE.

⁵ United Nations Economic Commission for Latin America and the Caribbean (ECLAC), *Serie Mujer y Desarrollo*, No. 33.

⁶ Central Bank of Ecuador; National Employment Institute; National Statistics and Census Institute (INEC).

- ⁷ See: *Human Development Report 2001*, United Nations Development Programme (UNDP).
- ⁸ In 1994 per capita income in Ecuador was US\$ 2,994 (purchasing power parity), compared with \$6,880 for Latin America. See: *Human Development Report 2001*, UNDP. Other sources: *National Accounts* (various issues), Central Bank of Ecuador; *Monthly Statistical Bulletin* (various issues), Central Bank of Ecuador.
- ⁹ Taken from the monthly bulletin *Use of Social expenditure*, No. 10, published by the Ministry of the Economy and Finance and UNICEF. For the web site see: www.gastosocial-ec.org.
- ¹⁰ ECLAC, *Serie Mujer y Desarrollo*, No. 33.
- ¹¹ Survey of solidarity voucher recipients, State Modernization Council (CONAM), July 1999.
- ¹² *National Report on Follow-up to the World Summit for Children* (hereinafter *National Report*), October 2000, Social Front, Ministry of Social Welfare, INNFA, SIISE - SINIÑEZ, action at the national level, pp. 7-9, paras. 13-20.
- ¹³ *National Report*, para. 20.
- ¹⁴ Notes on conversation with the President of the Forum.
- ¹⁵ Source: Defence for Children International.
- ¹⁶ Source: CPINAR 2001-2006, Municipality of Riobamba and UNICEF.
- ¹⁷ Report of the Office of the Ombudsman prepared for the present report.
- ¹⁸ *National Report*.
- ¹⁹ Information document prepared by the Quito Local Management Committee, February 2002.
- ²⁰ *National Report*, pp. 4-7, paras. 7-12.
- ²¹ New Children's Code, contained in *Some answers*, document prepared by the Quito Local Management Committee, 2002.
- ²² Ibid.
- ²³ Ibid., also *National Report*.
- ²⁴ Ibid.
- ²⁵ Survey of living conditions, INEC; cited in the *National Report*, p. 27.
- ²⁶ Ibid.
- ²⁷ *National Report*.

²⁸ *Children Now*, results of the survey of indicators for children and households, EMEDINHO, December 2000, pp. 31-32.

²⁹ Enma Cervone, "Racism and daily life: the tactics of ethnic defence", *Racist Ecuador: images and identities*, Freddy Rivera, FLACSO, p. 144.

³⁰ *National Report*, paras. 58-59.

³¹ EMEDINHO, pp. 57-58.

³² EMEDINHO, pp. 61-62, paras. 2, 6.

³³ Defence for Children International/Ecuador, "My opinion matters".

³⁴ Interview with Pedro de la Cruz, President of FENOCIN.

³⁵ *National Report*, paras. 56-57.

³⁶ *National Report*, para. 17.

³⁷ *National Report*, para. 60.

³⁸ EMEDINHO, pp. 46-47.

³⁹ EMEDINHO, pp. 57-59.

⁴⁰ ACT-INNFA report on ill-treatment.

⁴¹ ACT-INNFA report on the promotion of good treatment.

⁴² *National Report*, para. 65.

⁴³ EMEDINHO, pp. 55-56.

⁴⁴ INNFA - ACT report.

⁴⁵ INNFA.

⁴⁶ Children's and Youth Code, as contained in the Official Records of Congress.

⁴⁷ Final summary of the consultancy for national baseline studies on the prevention and progressive elimination of child labour in flower cultivation, IPEC-ILO, February 2002.

⁴⁸ EMEDINHO, pp. 73-74.

⁴⁹ EMEDINHO.

⁵⁰ *National Report*.

- ⁵¹ Ibid.
- ⁵² *National Report*, paras. 74-75.
- ⁵³ *National Report*.
- ⁵⁴ “My opinion matters” No. 34, Defence for Children International/Ecuador.
- ⁵⁵ DOC: Early cancer detection (cervical, uterine).
- ⁵⁶ First-term haemorrhaging.
- ⁵⁷ Second-term pregnancy haemorrhaging.
- ⁵⁸ Comprehensive care for childhood illnesses (AIEPI).
- ⁵⁹ *National report*, para. 53.
- ⁶⁰ INNFA Childrens Information Network.
- ⁶¹ INNFA-ACT project, “Sexual and reproductive rights of adolescents and young persons and prevention of teenage pregnancy”, undertaken by various institutions.
- ⁶² INNFA-PDI report, prepared for this report.
- ⁶³ Ministry of Social Welfare: report of the Department of Child Protection and Child Rescue Operation programme.
- ⁶⁴ *National Report*, paras. 42-43.
- ⁶⁵ *National Report*, para. 79.
- ⁶⁶ *National Report*, para. 41.
- ⁶⁷ INNFA Children’s Information Network.
- ⁶⁸ *National Report*, p. 25, appendix I.
- ⁶⁹ *National Report*, para. 43.
- ⁷⁰ *National Report*, notes.
- ⁷¹ INNFA, study on approaches to work by organizations of and for young persons, pp. 6-9.
- ⁷² *National Report*, para. 54.
- ⁷³ *National Report*, para. 51.

⁷⁴ The section of this report on the administration of justice draws on the CIDES report.

⁷⁵ *National Report*, paras. 50-51.

⁷⁶ Summary of the new Code, chapter on “Some answers”, p. 4.

⁷⁷ Interview with Pedro de la Cruz, President of FENOCIN.

⁷⁸ ACT-INNFA report.

⁷⁹ *National Report*, para. 44.

⁸⁰ “My opinion matters”, Defence for Children International survey.

⁸¹ New Code, summary.

⁸² Interview with Pedro de la Cruz, President of FENOCIN.

⁸³ INNFA Children’s Information Network (RIINFA).

⁸⁴ Awareness campaign for the eradication of child labour in small-scale mining, Ministry of Labour and Human Resources, IPEC-ILO, and NGOs.

⁸⁵ Commitment signed by representatives of the organizations mentioned.

⁸⁶ National Report, para. 55.

⁸⁷ INNFA-Act report.

⁸⁸ Corporation for the Advancement of Women/workshop on communication for women, study entitled “Sexual exploitation of children and young persons”, Quito, 2001.

⁸⁹ ACT-INNFA report, workshop organized by INNFA, 23 and 24 August 2001.

⁹⁰ Interview with Pedro de la Cruz, President of FENOCIN.

⁹¹ *National report*, para. 52.

⁹² SIISE-SINIÑEZ.

⁹³ INNFA - Children’s Information Network.
