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Joint Statement

Situation on the Rights of the Child in Ecuador

Submitted by:

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A. INTRODUCTION

1. The following report is a *joint submission* of the above mentioned organizations. Taking note of the significant advances achieved by Ecuador to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report seeks to focus on the major issues affecting children living in urban zones (specifically the city outskirts of Guayaquil), in Afro-Ecuadorians communities, as well as children belonging to indigenous groups (namely, of the *achuar* and *shuar* ethnicities in the Amazon, and the indigenous communities "de la sierra"). Each section of the report conveys recommendations to the Government of Ecuador.

2. This report is a result of an intensive consultation process that took place over the course of four months. Ascribing to a methodology of empirical investigation, the data and information reflect the field experience of 85 operators, including professors, professional educators, volunteers and other actors involved in the formal and informal education of children and youth in the age range of 4-18 years. An open-ended questionnaire was sent to collect all pertinent information considering the report that resulted from the Universal Periodic Review and the Concluding Observations of the Committee on the Rights of the Child in 2010¹.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

4. **Association Points-Cœur** is an international Catholic non-profit organization founded in 1990. The organization is a global network of volunteers who assist, promote the dignity, and form deep, personal bonds with troubled, disadvantaged, and socially isolated individuals in some of the world's most desperate areas. Heart's Home is active on five continents, with 41 centres in 20 countries.

5. **VIDES International** is an international NGO in special consultative status with Economic and Social Council, which is present in 38 countries worldwide. Founded in 1987, VIDES promotes volunteer service at the local and international levels and protects children and women's rights.

B. NON-DISCRIMINATION

6. IIMA, Association Points-Cœur and VIDES acknowledge the positive steps taken in the adoption of the New Constitution of 2008 that recognizes the character of Ecuador as multinational and intercultural, and provides guarantees against racism and discrimination, promoting the integration of the indigenous people and the Afro-Ecuadorian communities. However, the NGO coalition remains concerned that a high percentage of people belonging to these categories continue to suffer from *de facto* racism and discrimination, especially children. Regrettably, in Ecuadorian society there persists the concept of "second class citizens" and there is a lack of true work to raise consciousness in order to diminish this sense of discrimination.

¹ U.N. Doc. CRC/C/ECU/CO/4, 2 March 2010.

7. Therefore, this NGO coalition takes note of the growing attention in the last years brought by the Government to major issues affecting indigenous people and Afro-Ecuadorians, and of the significant progress achieved in this respect. However additional efforts are needed to reach total eradication of discrimination against these members of the population and to ensure them full enjoyment of their rights.

8. In respect to the Afro-Ecuadorians, it is important to recall the “Plan nacional de Lucha Contra el Racismo y la Discriminación” (The National Plan against the Racism and Discrimination) during the years 2008-2009. This plan aimed to strengthen the development of the communities, supporting their integration, and improve the condition of Afro-Ecuadorians women. Of these measures, we particularly highlight the establishment of quotas in public institutions.

9. However, this NGO coalition notes with concern that Afro-Ecuadorian children are constantly subject to discrimination in access to education. Discrimination is particularly prominent in respect to secondary education: in some cases, the parents are illegally required to pay a sum of money to enrol their child in school, a school that in principle should be free of charge. Furthermore, the Afro-Ecuadorians find grave difficulties in accessing the labour market. This situation is not only due to the lack of education, but also it is due to prejudices that exist against the Afro-Ecuadorians, who are frequently categorized as thieves. Consequently, this population is forced to accept employment in precarious conditions, for very short durations (2-3 months) and that is poorly paid; or they seek informal employment that lacks social security.

10. With respect to the indigenous population, we are satisfied with the numerous measures realized by the Ecuadorian Government, such as support of the intercultural bilingual education through the construction of the *escuelas del milenio* (schools of the millennium), the creation of the *bono de la vivienda* (food vouchers) for the more vulnerable populations, as well as the advances in transportation infrastructures. In spite of the established legal framework and political developments, the indigenous people are still suffering discrimination, especially in respect to education, health, and employment.

11. In particular, this NGO coalition notes some shortages due to the lack of budget or poor administration that impedes the fulfilment of the projects, especially in isolated zones. For example, cases were reported about “schools of the millennium” that remain incomplete in some indigenous communities. The shortage of education at the primary and secondary levels negatively affects access to education at the higher levels and in the labour market. To this respect, there are reports of cases of indigenous people (*shuar* and *achuar*) that have not been accepted to universities because they are not able to meet the same educational standards as the other students. Additionally, due to the lack of necessary preparation they have not gained access to work.

12. Furthermore, we register bureaucratic system that persists as an obstacle to civil participation of the indigenous peoples, instead of favouring it. Another element that compromises efficient interventions promoting the inclusion of indigenous people is that government programs do not properly take cultural specificities of addressees into account. Consequently, aid is provided that does not meet the real need of the indigenous people, rather it creates a dependency.

13. Referring specifically to rights of women and indigenous children, we are concerned about the lack of specific government measures to protect and promote these rights. Existing offices are established to look after indigenous people as a whole, yet a special dedication for the women and the indigenous children does not exist. Furthermore, in the jungle and in more remote zones, there is

no office to which women and children can report violations of their rights. In addition to these clear deficiencies, cultural factors also constitute obstacles for the protection of the rights of women and for the punishment of perpetrators of such violations.

14. Consequently, this coalition of NGOs recommends Ecuador to:

- a) adopt all necessary measures to guarantee all the basic services to the indigenous peoples and the Afro-Ecuadorian communities;***
- b) adopt preventative measures to combat discrimination in the society and develop a culture of human rights that leads to changing the attitudes toward those belonging to indigenous and Afro-Ecuadorian groups;***
- c) put in action sensitization campaigns through mass communication and educational structures, with the goal of promoting multiculturalism and valuing of cultural differences in the country;***
- d) promote, at the primary and secondary level of education, learning of the history and culture of all the Ecuadorian society including that of indigenous people and Afro-Ecuadorians.***
- e) adopt policies and programs of development that take into account the specific cultures of the beneficiaries.***

C. BIRTH REGISTRATION

15. We affirm with much satisfaction the progress realized in this respect thanks to the close collaboration among civil society and State institutions. We note that some indigenous groups have been able to obtain their own civil registration and that mobile teams have been created to guarantee birth registration to those indigenous communities living in different places of the Ecuadorian forest. However, there still persist cases of negligence on the part of those in charge of civil registration as well as parental oversight. Furthermore, mobile aid units reach the removed zones with very little frequency.

16. This coalition of NGOs recommends Ecuador to:

- a) continue its efforts to assure birth registration of all children, including those belonging to the indigenous communities living in zones difficult to access;***
- b) continue improving initiatives for birth registration in remote areas by supplying new technologies and resources;***
- c) carry out, through the media, awareness raising campaigns in the most remote indigenous and Afro-Ecuadorian communities to promote civil knowledge of the birth registration obligation and the procedure to complete it.***

D. THE RIGHT TO EDUCATION

Access to education:

17. We recognize the efforts made by Ecuador to ensure free primary education through various measures, such as the program to eliminate extra school fees for families and provide school texts for free. However, we highlight that the manuals for English and technology still represent an extra cost for families. Furthermore, though the school uniforms are free in the rural school, this is not the case in the urban schools. The families are responsible to purchase the uniform, this extra cost amounts to about 6 dollars for every child.

18. In reference to the indigenous people, this NGO coalition remains concerned for shortages of educational establishments that force students and teachers to cover long distances to arrive at the school. The combination of these factors hampers access to education for indigenous children.

The quality of education

19. In the field of education they are undergoing continuous adjustments and restructuring pertaining to students and educators. Despite the fact that education is generally free, the quality is not the same for all Ecuadorians. Although evaluation and training of the teachers proves to be a positive government initiative, the requirement of the 40 hours work week and 30 students per class resulted in a reduced number of teachers, leaving children often neglected.

20. Public schools in urban zones present conditions that prevent learning, such as large class size and shortage of teaching staff. In fact, there is only one teacher for each level, which is composed of 50 to 60 students. At times there is not a sufficient number of rooms for each grade level so children from two different grades are taught in the same classroom. Due to these circumstances many children reach the 4th or 5th level of basic education without knowing how to read.

21. In regards to the reality of indigenous education, the quality provided is rather low. In theory, a child is expected to complete ten levels of basic education, but in practice Ecuador lacks the infrastructure and teachers to provide quality care to the child.

22. Teaching material distributed in the public schools is often designed for the *mestizo* population². Even when referring specifically to the indigenous addresses, the didactic material is poor in form and content. In fact, these texts do not reflect the cultural reality of each specific indigenous group and, given that indigenous languages frequently are not standardized, the terminology used is not familiar to the students. Furthermore, the teaching staff is not sufficiently trained to value indigenous culture; and the requirement to wear uniforms does not harmonize with indigenous reality.

School dropout

23. Regrettably, many children coming from poor families, predominantly Afro-Ecuadorian and indigenous, leave school to work to provide financial support to their families. Furthermore, we report that in many cases the parents are not aware of the importance of schooling for their children.

² Mixed race people.

As a result, the rates of completion of primary and secondary school for indigenous and Afro-Ecuadorian children are below the national average.

24. With respect to girls, school dropout rates increase due to early pregnancies. Furthermore, when early pregnancies are present among indigenous groups the situation becomes more critical: firstly, the belief that education is not necessary for women still persists among some indigenous groups. Secondly, it is common for indigenous women to become pregnant at an early age for several reasons, such as obtaining access to government aid or demonstrating they are fertile to avoid discrimination. Some other young girls simply are not informed of birth control methods.

Bilingual and intercultural education

25. Although bilingualism and interculturality are present in national legal framework, in practice there is a lack of concrete implementation of these principles. The teachers have little preparation to provide quality bilingual education and, in general, to value student's cultural variety. On the other hand, parents feel incompetent as they are suffering from the same absence of an adequate education. These factors prevent indigenous children from enjoying an education which fully develops their personal and cultural potentials, as established in the Convention on the Rights of the Child and the Ecuador's national legislation.

26. Furthermore, these shortages in the field of education compromise the local development and give rise to indigenous migration to cities, especially on the part of indigenous youth. Consequently, we note a growing loss of identity on the part of indigenous communities.

Human rights education and freedom of expression

27. In general, this coalition of NGOs notes with deep concern that human rights education is not sufficiently disseminated in school programs. For the primary cycle, human rights education is taught only in the 4th level in classes of civic education, while for the second cycle, it is limited to the 8th level. Furthermore, some themes, such as gender equality, are not adequately addressed and need, therefore, to be reinforced.

28. Regrettably, we register serious shortages in the training of teaching staff. In addition to the lack of material distribution, there is not an institutionalized program and a solid structured formation for teachers covering human rights.

29. In regards to government's specific measures to promote human rights education, we celebrate the "National Education Program promoting Democracy,"³ created by the Minister of Education in 2006 to form, through educational activities, conscious citizens committed to democratic principles, values, and practices.

30. In fact, these guidelines are beginning to be included in school books and curricula. However, we note a strong contradiction between the stated principles and the daily practice where there is a systematic violation of those freedoms that contribute to an active, free and participatory democracy. In particular, we register limitations concerning the possibility of expressing, through social communication means, criticisms towards the current government management. These

³ Programa Nacional de Educación para la Democracia

restrictions do not only represent violations of freedom of expression, but they also negatively affect the population's way of thinking, especially the children and youth.

31. Accordingly, this coalition of NGOs recommends Ecuador to:

- a) adopt all necessary measures to guarantee full access to education for all children, especially those belonging to the most vulnerable groups;***
- b) generate investigation to detect and correct the gaps in the education system in respect to the quality of the education;***
- c) adopt concrete measures to guarantee a quality education in public schools providing the children with improved learning environments;***
- d) provide first and secondary school structures and teaching staff with sufficient preparation to ensure a quality education for children;***
- e) promote sensitization campaigns so parents understand the importance for their children to complete compulsory education (until 15 years of age);***
- f) effectively reduce school dropout rates, in particular for the indigenous and Afro-Ecuadorian children;***
- g) include human rights education in all levels of studies and translate respect for human rights to daily life;***
- h) guarantee capacity building courses for professors, including human rights formation;***
- i) intensify efforts to apply educational strategies adapted to indigenous children;***
- j) provide educational material to deepen and reinforce indigenous cultural specificities;***
- k) coordinate a political work among the various social actors to value cultural diversity of the indigenous people through promotion and development of local sustainable development projects;***
- l) adopt measures in the field of education to emphasize the rich cultural diversity of indigenous people present in all of the country.***

E. CHILD LABOUR

32. We acknowledge the 2010 Ecuadorian Government initiatives completed in collaboration with the *Instituto Nacional para la Infancia y la Familia* (INFA, National Institute for Children and Families), to promote a campaign against the child labour and maltreatment. The objective was to create an understanding among the parents and youth about the importance to complete schooling and afterwards continue formation to develop adequate skills for the workforce.

33. However, we estimate that today the number of child labourers surpasses one million and we share the concern that the phenomenon will continue to grow. A majority of time children are working to help support the economic needs of their household. Some of the children go to work after attending school, others abandon school to exclusively dedicate their time to work. In the city of Guayaquil, most commonly the children work in the street: selling candies or tobacco, washing windows of the cars at traffic lights, collecting plastic and scrap metal to be resold, or find work in spectacles (i.e. music, juggling, balancing, etc.).

34. The majority of child labourers come from families that are Afro-Ecuadoran. Children start working since when they have the capacity to walk (c. 5 years), in some cases they work late into the evening which presents a great risk to their security (they are exposed to robbery, aggression, accidents, etc.).

35. Furthermore, we have observed, for some time now, the involvement of gangs in child labour. The children are forced to work and give a large portion of their earnings to the exploiters, namely their relatives or those who control the work in the streets. Children who do not obey are subjected to violence and ill treatment.

36. From the perspective of indigenous people, child labour is not seen as exploitation, rather method of learning and a contribution to family economics. Of course there is a different vision of the type of work that children would participate than that of the cities. The work of the children is considered indispensable for the indigenous people, according to the specific reality, age and sex of the child. In this way the children from the forest learn to protect their habitat and maintain a strong understanding of their cultural identity.

37. Consequently, this coalition of NGOs recommends Ecuador to:

- a) ensure families the minimum standards of living so that children are not forced to work;***
- b) invest in a complete and quality education system to put an end to school dropouts and child labour.***

F. THE RIGHT TO HEALTH

Access to health services

38. This coalition of NGOs expresses deep concern for the general situation of health services in Ecuador. In fact, we register a deficiency in capacity for reception in hospitals. The infrastructure, the staff, the medical materials, and paramedics are insufficient to serve all of the patients. For example, due to the low supply of hospital beds, the sick person rests in chairs during the administration of the medical treatment (injections, etc.). Taking note of these grave circumstances, in January 2011 the Government of Ecuador declared the public health system to be in a state of emergency for a period of 60 days. This demonstrates the growing preoccupation for the national problem. Regrettably, the poorest population did not notice an improvement in the services.

39. With satisfaction we acknowledge the Government's initiative to implement the system of *Brigades de salud* (Squads of health) that distribute free of charge medicines and medical practices in very precarious areas close to the most disadvantaged groups, who are often excluded from the

health system. However, we note that a part of the population still remains uncared for by these services. Furthermore, the services provided by *Brigades de salud* are limited to basic medical interventions and does not include surgery interventions.

40. In the field of social security, we commend the adoption by the Social Security Institute's Administrative Council on the 5th of July, 2010 of implementation measures for the Social Security law of 2001. Nevertheless, we note that the unemployed people will have access to social security only for 60 days after their last pay check. Therefore, all people who are unemployed for a longer that this timeframe, are excluded from coverage.

41. In respect to the indigenous people, we stress the importance of a series of interventions undertaken by State to assure indigenous communities access to basic sanitary services, including the distribution of free medications. Consequently, Ecuador registers a diminishing death rate. However, we remain concerned that in some cases the medical interventions have not properly taken into account the cultures of the indigenous people, causing the transition from their traditional natural remedies to be too quick. In fact, these treatments, even if free of charge, are much more aggressive for indigenous patients who are not accustomed to them.

Quality of health services

42. In addition to shortages that have already been pointed out, we report many cases of misdiagnosis as well as the lack of preparation and care for patients from the medical staff.

Drugs

43. We express a deep concern for families involved in drug trafficking, especially in urban areas. Beginning at the age of five, children become involved in the drug trade, particularly due to the ease they encounter in transporting drugs without calling attention of the police.

44. Consequently, this coalition of NGOs recommends Ecuador to:

- a) guarantee the social coverage for the persons with prolonged sicknesses (including sickness not due to professional reasons) and for the unemployed;***
- b) implement systematically second consultations for those with grave pathologies in order to eliminating diagnostic errors;***
- c) strengthen the program "Brigades de salud" to include critical care interventions (surgical) in the most marginalized areas;***
- d) adopt measurements to integrate medical formation in universities, furthermore take a deontological approach to synergize education and ethics.***
- e) continue strengthening efforts to improve sanitary conditions of indigenous populations, adequately taking into account cultural specificities for all the medical interventions.***