

UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL
UNICEF INPUTS – ECUADOR

I. Trends

1. Ecuador is a middle-income country with wide social disparities as well as weak and complex political governance. Over the past ten years, it has repeatedly suffered from political crises. These political debates and confrontations contrast with the government's efforts to strengthen the local government and promote a broader vision of social commitment, promoting results-based programming approaches, making commitments to achieve the Millennium Development Goals (MDGs), and reaching out to the public.
2. Since the economic crisis of 1999, the country has had steady economic growth, largely thanks to oil revenues. While in 2000, inflation was over 100%, it declined significantly, reaching one single digit in 2004. This allowed partial recovery of real salaries, as well as greater economic stability and trust in economic players.
3. Despite the continuing economic recovery, there are still important social difficulties that affect children and adolescents, particularly in rural areas in the central Sierra and the Amazon region. Three out of every ten children live in extreme poverty, subsisting on less than US\$1 per day, and six out of ten are poor, subsisting on US\$2 per day¹. In 2004, poverty measured by unsatisfied basic needs affected 85% of households in the rural sector (over 4 million Ecuadorians). Two thirds of the child population affected by chronic malnutrition belongs to the poorest 40%.
4. Social inequalities and geographical and ethnic disparities have become barriers that undermine children's access to health, education and social protection. The gap in income distribution between the poor and rich remains, as the wealthiest 10% of the population accounts for 42% of the country's income, while the poorest 10% receives less than 1% of the total national income.² For example, in the predominantly indigenous Province of Chimborazo, where 61% of the population lives in rural areas, the chronic malnutrition rate is 44% compared to the national average of 21%.
5. In the health area, although progress has been made in reducing child mortality (28 per 1000 live births), the Infant Mortality Rate in Chimborazo is 53 per 1000 live births and 46 per 1000 live births in the Amazon Province of Orellana. The neonatal mortality rate shows no improvement. Of the total number of children dying before reaching the first year of life, 6 out of 10 die in the first month of life. An increase in the incidence of diseases such as HIV/AIDS has also been observed. Official data on HIV prevalence is approximately 0.3%, although there are geographical areas where prevalence is double the national average.
6. With respect to education, between 1982 and 1990, school attendance of children from 6 to 11 years of age increased from 85% to 90%, and this rate has risen to 94% according to unofficial data for 2006. Per capita spending on education declined from US\$60 in 1980 to US\$25 in 1990. As of 2000, a recovery was recorded, stemming from an increase in the overall spending on teacher salaries, but no significant improvement has been achieved in the

¹ State of the Rights of the Child, Watch for the Rights of Children and Adolescents, 2005.

quality and equal access to education. National investment in education is reflective of the disparities that exist between private, public urban and public rural schools, as well as those between ‘mestizos’ and indigenous people. The national average of per capita-teacher investment is US\$ 225. However, it is worth noting that while in the Province of Galapagos, this amount is US\$ 811.00 per year, and in Quito, it reaches US\$ 1, 200.00, in the Municipality of Guamote (indigenous population), it is a mere US\$ 83.00. The gap between indigenous and ‘mestizos’ is also evident when one looks at the average amount of years of schooling of adults. While the national average is 7.3 years, the average in Guamote is 2.2 years for women and 3.4 years for men. According to the Social Contract for Education, an important citizens’ movement promoting education for all, it is estimated that 14% (about 400,000 children from 5 to 15 years of age) are outside the school system. In terms of secondary education (15 to 17 years of age), 46.9% of adolescents were not enrolled in high school. This situation reflects the shortage of educational supplies for marginalized urban and rural sectors, as well as the direct incidence of child labor, which affects about one million children in Ecuador.

7. The current economic and social situation means that serious thought must be given to social protection of the poorest. Social spending³ grew from 15% of Ecuador’s total budget for 1999 to 27.9% in 2006, reaching US\$2.352 billion for the health, education, labor, housing and social welfare sectors. This figure contrasts with the amounts allocated to servicing the external and domestic public debt, that is, US\$2.857 billion (33.3% of total budget expenditures). Non-social spending amounts to US\$3.355 billion (39.2% of total budget expenditures). For the year 2006, social spending in Ecuador remained at a standstill accounting for the equivalent of 6% of GDP, whereas the average in Latin America is 15.1% of GDP. However, Ecuador's Congress recently (26 November 2007) approved the government's \$10.36 billion budget plan for next year, reallocating \$327 million earmarked for public debt payments to public spending, especially for courts and social projects.

II. Recent developments in relation to children rights (2003-2007)

1. The 2003-2007 period was characterized by processes triggered by the entry into force in July 2003 of the new Code on Children and Adolescents and the elaboration/approval of the National Plan for the Integrated Protection of Children and Adolescents. Both legal instruments are the result of wide consultation mechanisms, together with changes in the political, economic and institutional context. Article 52 of the Constitution affirms that the “State will organize a decentralized national system of integrated protection for children and adolescents, in charge of assuring the realization and guarantee of their rights”. Since the new Code on Children and Adolescents entered into force, the government has progressively implemented the mandates included therein, in accordance to Article 52, and article 4 of the Convention of the Rights of the Child.
2. The legal reform mainly focused on three reform processes: a) reforms to the Law on Free Maternal and Child Care; b) reform to the Criminal Code, and, c) reforms to the Labor Code. The reform of the Law on Free Maternal and Child Care (September, 2006) led to an increase of resources and services provided to women for pre-natal care

³ The Ministry of Economy and UNICEF have signed a cooperation agreement to monitor social spending, draw up and disseminate information about social spending, provide support for the social sector and the Ministry to draft the annual Social Budget, and support the Ministry and Congress in analyzing it.

regardless of the complexity of care needed; for basic treatment schemes for sexually transmitted diseases (except HIV/AIDS); and for normal and high-risk deliveries, cesarean sections, and obstetric emergencies, including those resulting from domestic violence. For children under 5, the law guarantees necessary care regardless of its complexity. The reform of the Criminal Code (June 2005) on the other hand, typified crimes of sexual exploitation of children, clearly describing the characteristics of commercial sexual exploitation of children. Finally, the reform of the Labor Code (December 2005) included regulations on employing adolescents, measures to protect children and adolescents, illegal labour activities, preservation of the minimum age, definition of salaries and remunerations, limits to adolescents' work schedules, sanctions, and inspections.

3. Ecuador has also undergone an institutional restructuring that strengthened the legal reform. The government implemented a transition from 'under-age tribunals' to courts for children and adolescents, which led to the specialization of justice administration on these issues and the appointment of attorneys for adolescent offenders within the Public Ministry. In November 2003, Ecuador created the National Council for Children and Adolescents (CNNA) and its National Executive Secretary started functioning in October 2004. Up to now, 102 Canton Councils for Children and Adolescents have been created and others are undertaking similar processes. The aim is to reach all of the 219 cantons. Eighteen municipalities have implemented Canton Boards for the Protection of Rights. The National Advisory Council on Children and Adolescents was created in July 2007. Moreover, there are currently more than 100 Community Defenders, and more than 18 provincial agreements on Children and Adolescents were signed. Other governmental bodies, such as the Ombudsman, community defenders and the Police Division specialized in Children and Adolescents, have also partaken in the process of building an integrated system, activating their intervention mechanisms.
4. Ecuador has witnessed an increase in the number of Plans focused on issues related to child rights, which were fostered by the mobilization of the society. In 2005, Ecuador implemented the Plan for the Progressive Eradication of Child Labor. In 2006, the government developed a National Plan to Combat Kidnapping, Smuggling of Migrants, Labor and Sexual Exploitation, Prostitution and Pornography, and other Forms of Exploitation of Women and Children. Moreover, in 2006, the National Plan for the eradication of sexual crimes in the education system was developed.
5. All aspects of this process were continually supported by the mobilization of children and adolescents, achieved and strengthened through a series of national actions, such as two consultation processes (1998 and 2004) and the elections campaign aimed at prioritizing the Ethical/Political Agenda (November 2006). This social movement in support of the realization of child rights has been led since 1991 by the "Ecuadorian Permanent Forum of Organizations for and with children and adolescents" constituted by more than 80 public and private organizations. It is worth noting that the development of public policies targeted toward indigenous peoples and women have undergone a similar process.
6. In April 2006, the Citizen's Observatory of the Rights of Children and Adolescents and UNICEF published the second report on children's rights in Ecuador, entitled "State of the Rights of Children and Adolescents 2005". It presents the Child Rights Index and describes the conceptual and operational progress of the National Decentralized System for the Integrated Protection of Children and Adolescents, as well as of the latest related

public policies. According to the report, Ecuador has still a long way to go to realize the rights of all children and adolescents. The average score of 4.2 out of 10 is similar across the three age-groups (under 6 years old, children of school age, and adolescents). In 2007, the Observatory pointed to the existing exclusion of indigenous children and adolescents. The Child Rights Index scores within indigenous groups are half of those within non-indigenous groups (for example, 2.2 out of 10 compared to 4.7 out of 10 for children under 6). Similarly, the mortality rate among indigenous children is 51 per 1,000 live births compared to a national average of 35 per 1,000 live births.

III. Summary of UNICEF capacity building and technical assistance programmes

1. UNICEF's 2003-2008 programme seeks the following key results: (a) children aged 6-12 years to complete seven years of quality, intercultural basic education; (b) children and women to have access to culturally sensitive healthcare programmes to reduce malnutrition, anemia and child and maternal mortality; (c) women to have access to programmes to reduce vertical transmission of HIV/AIDS; and adolescents to programmes to prevent transmission of HIV/AIDS; (d) children under five years of age, especially among the poor, to have access to culturally sensitive Early Childhood Development programmes; (e) children under 15 years of age to be prevented from working in hazardous conditions or in activities that prevent school attendance; (f) abused children to have access to legal protection and rehabilitation programmes; and (g) protection of the rights of children affected by emergencies. To achieve these key results, UNICEF has undertaken a series of actions at the national and local levels.
2. UNICEF maintained its focus on Human Rights Based Approach to Programming (HRBAP) and has served in Ecuador as a driving force for monitoring, analyzing and advocating for social investment, especially in the context of promoting sustainable public policies better focused on the poorest sector of the population. UNICEF promotes an approach based on universality of rights, as well as focusing on the protection of those whose rights are being violated. These efforts contributed to an increase in public social investment and greater transparency in discussing the draft budget approved by Congress. This increase however remains insufficient to ensure the achievement of the MDGs.
3. UNICEF Ecuador has pioneered and supported the design and use of the above-mentioned Child Rights Index (CRI), which uses a life-cycle approach to present and analyze health, education, and protection variables. In 2006, the State of the Rights of Children and Adolescents of Ecuador was launched nationwide through the work of the Citizen's Observatory of the Rights of Children and Adolescents. This study is used as reference material for government and nongovernmental institutions. Local CRIs are now being elaborated at the request and interest of local governments.
4. UNICEF has continued to promote legal reforms. Support was provided for the creation of the 102 canton councils for children and 20 canton boards for the protection of rights. The CNNA and other institutions designed and fostered the issuance of the Executive Decree of the National Plan to Combat Kidnapping, Smuggling of Migrants, Labor and Sexual Exploitation, Prostitution and Pornography, and other Forms of Exploitation of Women and Children.
5. Progress was achieved on the extension of the public policy approach to the local level, promoting integrated programming between the local and national levels, as well as

stronger inter-sectoral, holistic linkages. Local governments were trained and strengthened to elaborate public policies that would guarantee access to basic social services. These tools included the CRI, a social investment module, and results-based and rights-based programming. This cooperation made it possible for local governments to set priorities and draw up local plans of action.

6. UNICEF worked closely with the National Women's Council, Congress, and NGOs in establishing a financial base, institutional mechanisms, and local legislative and political reforms to prevent violence, prosecute offenders, and care for victims of sexual and domestic violence. UNICEF supported Congress in preparing the above-mentioned legislation. UNICEF also supported the CNNA and the National Women's Council in organizing a Plan of Action to eradicate abuse, violence, and the sexual exploitation of girls and adolescents.