



## Problems faced by Children in Ecuador: Realizing the Rights of Children

Gautam Makwana<sup>1\*</sup> and H. Elizabeth<sup>2</sup>

<sup>1</sup>*Department of Social Work, School of Social Sciences, Mizoram University, Aizawl 796004, Mizoram, India*

<sup>\*</sup>*Present Address: Avenida Amazonas N2020 y Av. 18 de Septiembre Quito 170526, Ecuador, South America*

<sup>2</sup>*Department of Social Work, School of Social Sciences, Mizoram University, Aizawl 796004, Mizoram, India*

\*Corresponding Author: [gautam\\_makwana@hotmail.com](mailto:gautam_makwana@hotmail.com)

**Received: 29.11.2022: Revised and Accepted: 30.12.2022**

©Society for Himalayan Action Research and Development

**Abstract:** There is limited information available on the prevalence of child abuse in developing countries, particularly in South America, despite substantial study on the link between childhood physical, emotional, and sexual abuse and mental health problems. The culture of Ecuador is a colourful fusion of African, European, and American Indian customs. Even though children's situations in Ecuador have significantly improved recently, more has to be done, notably in the areas of education, healthcare, gender equality, and children's everyday living circumstances. Despite recent considerable improvements for children in Ecuador, more has to be done, particularly in the areas of education, healthcare, gender equality, and children's day-to-day living conditions. With the establishment of the Declaration of Human Rights and the Convention on the Rights of the Child, the current study seeks to develop a human rights-based strategy to realise every child's rights, particularly those of the most disadvantaged, and to heed the call to "leave no child behind" in order to uphold those rights for every child in Ecuador. The nation frequently implements fresh tactics to improve child protection. Despite these initiatives, children's concerns continue to hinder the country's development. The absence of regulations and actions by the government to protect school-aged children is one of the problems that has to be resolved first.

**Keywords:** CRC, Constitution, Legislation, Education, Malnutrition, Labour, Violence

### Introduction

Ecuador is a nation in western South America that is surrounded by Peru to the east and south, Colombia to the north, and the Pacific Ocean to the west. Ecuador also includes the Galápagos Islands, which are located around 1,000 kilometres (621 miles) to the west of the continent. With mestizos making up the majority of Ecuador's 17.1 million citizens, followed by a sizeable minority with European, Native American, and African ancestry, the country's ethnically diverse population reflects the legacies of both empires. The bulk of the population speaks Spanish, the official language, although there are also 13 officially recognised indigenous languages, including Quechua and Shuarare. Between 2006 and 2016, poverty dropped from 36.7% to 22.5%. (Reference: [worldbank.org](http://worldbank.org)) Although significant progress has been made in reducing inequality, Ecuador, like the other nations in the region, continues to struggle with it. Primary education is free and compulsory for six years beginning at age six. Ecuador has made progress in making public education available to disadvantage classes and ethnic groups and women. Religious and non-denominational private schools also play a significant role. Population growth and limited funding have placed great strains on the educational system. Many schools are underneath particularly provided in rural areas. Nevertheless, the literacy rate has steadily improved in the country. (Source: Country Brief, 2021 Ecuador). The basis of the government's effort to eradicate poverty is multidimensional poverty and



its manifestations across generations. Ecuador has made great strides toward ensuring that women's, children's, and adolescents' rights are upheld. In terms of the Millennium Development Goals, the national averages indicate significant advancement. Natural disasters including floods, earthquakes, volcanic eruptions, and tsunamis as well as other humanitarian circumstances can affect Ecuador. (Source: Encyclopaedia Britannica Ecuador, 2022)

**National laws on Children's Rights:** Status of CRC (The Committee on the Rights of the Child) in National Law - Under the Ecuadorian Constitution ratified international treaties and conventions including the CRC stand as the supreme law alongside the Constitution itself. Within the legislation, basic laws that protect fundamental rights prevail over ordinary laws. (Source: Child Rights International Network, 2019)

**Constitution:** The Constitution of Ecuador includes several provisions that directly address the rights of children:

\*Article 23 prohibits discrimination on, among other things, the grounds of age.

\*Articles 47 and 50 establishes the government's obligation to protect children and adolescents, especially in precarious situations such as armed conflict.

\*Article 48 establishes that it is the duty of the government, society and the family must give the highest priority to the comprehensive development of children and adolescents, to ensure the full exercise of their rights, and to give priority to the best interest of children in every possible case.

\*Article 49 guarantees children and adolescents the right to social participation, respect for their freedom and dignity, and to be consulted on matters affecting them.

\*Article 50 mandates that the government take measures to guarantee preferential treatment to children and adolescents with disabilities.

\*Article 52 establishes the Decentralized National System of Comprehensive Protection of Children and Adolescents.

\*Articles 66 through 79 guarantees the inalienable right to education and place a duty on the government to provide for it.

**Legislation:** Ecuador's Childhood and Adolescence Code is the most comprehensive law addressing children's rights. Provisions relating to children's rights also appear throughout several other general legislative codes including the Criminal Code and the Labour Code. Other laws relevant to children's rights, but are by no means limited to: (Source: Código de la Niñez y Adolescencia (Code of Childhood and Adolescence) Child Rights Legislation, WHO, 2003)

\*Law on Education for Democracy

\*Organic Law on Health

\*Law on Free Maternity and Child Care

\*Special Education Regulations

\*Executive Decree No. 179 on the Comprehensive protection of the rights of children and adolescents

**Poverty:** While children are overrepresented in poverty in general, indigenous children in Latin America and the Caribbean are in an even worse situation due to a long history of discrimination and exclusion. Poverty has a significant impact on a child's capacity to thrive particularly in terms of education, housing, and health in Ecuador. (Source: situation of the childhood and adolescence in Ecuador, 2019)

**Chronic Malnutrition:** One of the most critical problems that authorities are presently addressing is chronic malnutrition. In truth, the statistics persist in being alarming despite attempts to reduce poverty and programmes meant to improve maternal education and sanitation. More than half of children and adolescents live in disadvantaged homes without access to clean water, sanitary facilities,



or medical care in some areas, especially rural ones. Nearly 35% of the populace in rural Ecuador is housed in overcrowded conditions. (Source, VOA, Chronic Malnutrition, Ecuador)

**Teenage Marriage and Pregnancy:** One of the highest rates of adolescent pregnancy in Latin America is found in Ecuador, where 0.6% of girls between the ages of 12 and 14 and 16.9% of females between the ages of 15 and 19 are moms. 22% of females get married before turning 18 years old. However, given that the legislation enables marriage for both genders between the ages of 12 and 14, this practise is entirely lawful. Contrarily, child marriage is against children's rights, particularly for girls who miss out on their youth and lack the capacity to comprehend and accept such a commitment. In recent years, there has been an increase in the number of births among moms who are between the ages of 15 and 19. These youngsters are susceptible to cultural stereotypes because their role in society is limited to domestic duties and reproduction. On the other hand, a significant proportion of girls between the ages of 10 and 14 who are pregnant exists in Ecuador. The tradition of families giving their girls over to wealthy families or individuals without any arrangements to assure food and housing security explains this. (Source: 2020 UNFPA)

**Right to Health Care:** Despite recent studies indicating a significant investment on the part of the government and improvements in health care coverage and public health, the position of children and adolescents remains unsatisfactory. Infections acquired during pregnancy are the major cause of newborn death. The number of children under the age of five who die continues to rise owing primarily to inadequate medical treatment or a lack of clearly identifiable reasons (around 16%). The high level of chronic malnutrition among indigenous children (over 50%) demonstrates the shortfalls of the Ecuadorian health care system. This malnutrition problem also brings about the issue of obesity. Nearly 9% of preschool children 30% of school-aged children and 26% of teenagers are obese. (Source: Health System Reform- Pan American Health Organization, 2017)

**Education:** The fact that 97% of kids between the ages of 5 and 17 go to school shows that the struggle against both illiteracy and child labour has made tremendous progress. The percentage of people who are turned away from schools due to their race is another goal of the administration. The issue of school dropouts needs to be resolved. Pregnant teenagers and indigenous populations are the two vulnerable groups with the lowest secondary school completion rates, according to studies. It's crucial to keep in mind that more than one-third of kids and teenagers experience violent treatment or disciplinary measures at school. This represents a 10 point increase from 2005. Teenagers of mixed racial and indigenous backgrounds, who make up about 42% of all victims, see this number grow dramatically. (Source: Millennium Development Goals Ecuador, 2019)

**Child Labour:** 14% of children aged 5 to 17 worked and did not attend a school or did neither and were victims of a sort of disguised slavery in domestic labor in 2004. This proportion has now decreased to 8%. When it comes to child labor performed by children under the age of 11, the figures remain high. In rural regions, 15.5% of females labor at least 14 hours per week performing housekeeping compared to 4.3% in urban areas. The number rises to 29% among indigenous peoples. A harmful activity is involved in 56% of child labor affecting roughly 200,000 children and adolescents, 66% of whom are boys. Seven out of ten of the youngsters engaging in housekeeping are female. Working in banana plantations is one of the most dangerous professions for teenagers as they are exposed to poisonous chemicals without any protective equipment. (Source: UNICEF Annual Report 2017)

**Violence towards Children:** The continuance of some societal norms such as the acceptance of physical punishment as a form of discipline adds to violence and is a barrier to the creation of a protected environment that promotes children's and teenagers' development. Ecuador's new constitution forbids all types of violence against children. It does not however clearly prohibit



physical punishment at home, in schools, or in detention centres. As a result, abuse which is deeply rooted in popular culture continues to be frequently practiced. Seven out of ten women have been victims of domestic abuse at some time in their lives. Car accidents, suicide, and homicide are the leading causes of preventable mortality among youths in this nation. (Source: UN Child Rights Committee, 2022)

**Trafficking of Children:** Ecuador has a serious problem with child trafficking that is widespread. Numerous children are still ensnared in networks that exploit them for financial or sexual gain despite the government's efforts to put an end to this criminal behaviour. One of the evils that Ecuadorian teenagers are pressured into is prostitution. Other evils include pornography, begging, and domestic work. Human trafficking is a horrific and illegal practise, and some parents even sell their kids to the criminals. (Source: Report US State Government, 2022)

**The Rights of Minority Children:** Although the country's multi-ethnic and multicultural nature is formally acknowledged in the constitution, children born to indigenous or afro-Ecuadorian parents nonetheless face prejudice there. It is more difficult for the indigenous population in general, and especially for women, to get essential services, education, and wholesome food. One issue that sticks out is the stark difference between young people of indigenous and non-indigenous backgrounds. For instance, six out of ten children in indigenous tribes are malnourished and underdeveloped for their age. 51.1% of indigenous children live in poverty, compared to 44.2% of Montubio children, 35.9% of Afro-Ecuadorians, and 14.3% of other children. Ecuador has one of the highest averages in South America when racial disparities are taken into account, with 40.7% of children and adolescents living in poverty and 15.1% in extreme, multidimensional poverty (Source: UNICEF Annual Report 2017)

**The Right to Identity:** Authorities fail to document over one-fifth of births. Initiatives to raise public awareness of the risks of non-declaration have significantly reduced this number in recent years. Nevertheless, the ratio raises questions. 15% of newborns and young children under the age of five were born unregistered in 2005. Since these children will be seen as invisible in society and unable to exercise their rights as a result, this dilemma poses serious issues. (Source: Humanium International children Ecuador)

**Conclusion:** By ratifying international agreements and upholding domestic legislation, the Ecuadorian government has shown its unwavering dedication to defending children's rights. A subcategory of human rights known as children's rights focuses on the unique protection and care that children are entitled to. By implementing the Convention on the Rights of the Child, a focus will be focused on minimising inequities and injustices. Children would consequently invariably find it difficult to exercise all of their fundamental rights. To help prevent child abuse and protect vulnerable children, Ecuador has improved its legal system and child protection system.

*This research is not supported by any financial institution and authors declare no conflict of interest.*

## References

(Goals 2012) a chronic malnutrition stalks many poor children in ecuador.pdf. (n.d.).

Council HR (2011). The Situation on the Rights of the Child in the Democratic Republic of Timor-Leste. March, 0–8.

ecuador-un-committee-urges-end-violence-against-children-during-protests.pdf. (n.d.).

Fundamentales P (2016). Código de la niñez y adolescencia. 2002.

Global Partnership to End Violence Against Children. (2018). Corporal punishment of children in



- Cameroon. June. <https://endcorporalpunishment.org/>
- Goals M D (2012). Rights of >> The Indigenous Children 1. 14, 1–12.
- Guwahati W (2023). Important Dates : Last date for abstract submission : on Quality Improvement in Post-Accreditation Scenario in Higher Educational Institutions – Role of Stakeholders ( Blended Mode ) National Organising Committee : Registration fee and details : Organised.
- Hernandes A T, Leavitt M, Menoscal M E, Rice K (2021). Child Labour Within the Ecuadorian Cities of Guayquil and Quito. January, 1–9.
- International Social Work. (2019). International Social Work, 118. <https://doi.org/10.2307/j.ctvhktd6>
- kids.britannica.com.about.pdf. (n.d.).
- Library Publications. (1971). In Library Review (Vol. 23, Issue 3, pp. 100–109). <https://doi.org/10.1108/eb020903>
- Observatorio Social del Ecuador. (2019). Situación de la niñez y adolescencia en Ecuador. 32,33,156. [https://www.eluniverso.com/sites/default/files/archivos/2019/02/infome\\_de\\_la\\_unicef.pdf](https://www.eluniverso.com/sites/default/files/archivos/2019/02/infome_de_la_unicef.pdf)
- Project C C (2021). Ecuador ' s Constitution of.
- Rivadeneira M F, Moncayo A L, Córdor J D, Tello B, Buitrón J, Astudillo F, Caicedo-Gallardo J D, Estrella-Proañó A, Naranjo-Estrella A, Torres A L (2022). High prevalence of chronic malnutrition in indigenous children under 5 years of age in Chimborazo-Ecuador: multicausal analysis of its determinants. In BMC Public Health (Vol. 22, Issue 1). <https://doi.org/10.1186/s12889-022-14327-x>
- Snapshot C B (2019). Ecuador. March.
- Thomas S (2000). STREET CHILDREN'S RIGHTS AND THE CONVENTION ON THE RIGHTS OF THE CHILD:A study of acceptance and observance in Mexico and Ecuador. 6.
- UNICEF (2018). UNICEF Annual Report 2017 Guatemala. April 2016, 1–35.
- UNICEF (2019). 10 Derechos Fundamentales De Los Niños, Niñas Y Adolescentes.Pdf.
- United States Department of State. (2022). 2022 Trafficking in Persons Report: Germany. <https://www.state.gov/reports/2022-trafficking-in-persons-report/germany/>
- Working F (2013). Ecuador Ecuador. 2, 30–33.
- [www.humanium.org](http://www.humanium.org) es presentacion-humanium.pdf. (n.d.).
- [www.paho.org](http://www.paho.org) journal en special issues health system reform ecuador.pdf. (n.d.).
- [www.unfpa.org](http://www.unfpa.org).news.preventing teenage pregnancy ecuador.pdf. (n.d.).