



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

**Combined sixth and seventh periodic reports of States parties**

**Ecuador\***

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\* The present report is being issued without formal editing.

For the initial report submitted by the Government of Ecuador, see CEDAW/C/5/Add.23 which was considered by the Committee at its fifth session. For the second periodic report, see CEDAW/C/13/Add.3 which was considered by the Committee at its thirteenth session. For the third periodic report, see CEDAW/C/ECU/3 which was considered by the Committee at its thirteenth session. For the combined fourth and fifth periodic report, see CEDAW/C/ECU/4-5 which was considered by the Committee at its twenty-ninth session.



**Combined sixth and seventh periodic reports<sup>1</sup> of Ecuador in implementation of the Convention on the Elimination of All Forms of Discrimination against Women — CEDAW, 1998-2006**

**Quito, December 2006**

**Working Group on Women's Human Rights of the Committee for Public Coordination of Human Rights of Ecuador**

**Public institutions**

Congressional Commission on Women and the Family

Council for Development of the Nationalities and Peoples of Ecuador — CODENPE

Afro-Ecuadorian Peoples Development Council — CODAE

National Council on Disabilities — CONADIS

National Council for Women — CONAMU

National Directorate for Gender of the Ministry of the Interior

National Women's Unit of the Office of the Public Defender

National Statistics and Census Institute — INEC

Ministry of the Environment

Ministry of Social Welfare

Ministry of Economics and Finance

Ministry of Education

Ministry of the Interior

Ministry of Foreign Affairs

Ministry of Public Health

Ministry of Labour and Employment

Office for the Defense of Women's Rights of the National Police — ODMU

PLANESA Programme — Ministry of Education

Technical Secretariat of the Social Front

Constitutional Court

Supreme Electoral Tribunal

Gender and Youth Unit of the Ministry of Labour and Employment

Free Maternity and Child Care Act Implementation Unit

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<sup>1</sup> Reports drafted by a Working Group on Women's Human Rights, established under the Committee for Public Coordination for Human Rights of Ecuador. The information considered in the Working Group was gathered and analysed by Dr. Elizabeth Garcia and the final version of the report was drafted by Cecilia Valdivieso Vega, Cooperation and International Relations Specialist of CONAMU (National Council for Women).

**Civil society organizations**

Association of Provincial Councillors of Ecuador — ACOPE

Ecuadorian Association of Municipalities — AME

Centre for Multidisciplinary Studies and Research of Ecuador — CEIME

Ecuadorian Centre for the Promotion and Advancement of Women — CEPAM

Latin American and Caribbean Committee for the Defense of Women's Rights —  
Ecuador Chapter/CLADEM

Consortium of Provincial Councils of Ecuador — CONCOPE

National Indigenous Women's Council of Ecuador

Coordinator for Women's Policy

Coordinator for Youth Policy

National Women's Forum

Equity Foundation

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## Introduction

1. The State of Ecuador is pleased to submit to the Committee on the Elimination of Discrimination against Women its sixth and seventh combined periodic reports, in accordance with the recommendation made in paragraph 41 of the document (see A/58/38, Part II, sect. B, paras. 282-336) of 18 July 2003, which contains the concluding comments of the Committee on the fourth and fifth combined periodic reports of Ecuador considered at its twenty-ninth session. The Committee's observations were widely disseminated by the Committee for Public Coordination of Human Rights of the Ministry of Foreign Affairs, among State institutions and civil society organizations, through workshops for discussion and on the Ministry's web page: [www.mmrree.gov.ed/politicaexterior/politicamultilateral/ddhh](http://www.mmrree.gov.ed/politicaexterior/politicamultilateral/ddhh).

2. The reports were drafted in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (known by its English acronym CEDAW), signed by the Government of Ecuador on 17 July 1980 and ratified on 19 October 1981, and on the basis of the Committee Guidelines for the Drafting of Periodic Reports (HRI/GEN/2/Rev.1/Add.2). For the first time, women's organizations which are members of the Working Group on Women's Rights, established under the Committee for Public Coordination of Human Rights beginning in 2003, contributed to the drafting of the report. The reports will be made available to the public on the website mentioned in the previous paragraph.

3. The first part of this report presents statistical information on the situation of women in the country, with data disaggregated by gender, age and ethnicity, thereby addressing the Committee's recommendation made in paragraphs 36 and 37 of its concluding comments.

4. The second part describes the actions the Government of Ecuador has taken to incorporate a gender perspective into public policy during the period 1998-2006, in particular relating to the management of the National Council for Women, by Constitutional mandate the governing body for policies on the promotion and protection of women's human rights and gender equality in Ecuador. Information is also included on measures taken by the various public sector ministries and institutions, and, to a lesser degree, because of space limitations and the nature of the report, information from other private organizations that help to improve living conditions for women.

5. The final part describes the principal remaining challenges that the Ecuadorian Government faces as a whole in order to make progress in the fulfilment of the commitments contained in the Convention.

6. Since 2003, the Office of Human Rights and Social Affairs of the Ministry of Foreign Affairs and the National Council for Women have been coordinating the Working Group specializing in issues of women's human rights and gender. The Group, established under the Committee for Public Coordination of Human Rights, an inter-ministerial mechanism for the fulfilment of human rights obligations, promoted by the Ecuadorian Ministry of Foreign Affairs, is composed of representatives of the State and civil society and is responsible for gathering quantitative and qualitative information in its respective institutions and organizations, under the technical coordination of CONAMU, for the drafting of the combined reports for submission to the Committee. The Working Group intends to continue providing sustained follow-up to all international commitments in the area of women's human rights undertaken by the Ecuadorian Government.

7. In addition to being an obligation of Ecuador to the Committee and to the women of the country, the Government hopes that this information will be highly useful to public institutions involved in the formulation of public policy, non-governmental organizations (NGOs), women's organizations, academic institutions, local governments and international cooperation agencies.

## **Part I**

### **Statistical information**

#### **A. General political and economic overview**

8. The Republic of Ecuador is defined in its constitution as a sovereign, unitary, democratic, multicultural and multiethnic social State under the rule of law. According to the latest Population Census of 2001, it has a population of 12,156,608, of which 50.5 per cent are women (6,138,255). Over 3 million women live in the Costa and Insular regions, 2.5 million in the Sierra and over 250,000 in Amazonia; 61.1 per cent of the population is concentrated in urban areas, where the female population index reaches 104.9 per cent. In the 0 to 14 age group, 49.3 per cent are female, with 52.5 per cent women in the over-65 age group.

9. According to population projections made in October 2003 by the National Statistics and Census Institute and the Economic Commission for Latin America and the Caribbean, the population in 2005 was projected to be 6,684,639 women and 6,723,631 men. The average fertility rate has declined to 3.4 in 2001, with 2.9 in urban areas and 4.4 in rural areas. Three out of ten Ecuadorians are youth. Of the youth population, the largest age group is between 19 and 24 years old, at 41.65 per cent, with similar percentages of males and females.

10. The majority racial groups are mestizo and indigenous, with smaller percentages of whites and people of African descent. According to 2001 census data, there are 604,009 black or mulatto persons, or 5 per cent of Ecuador's total population. Afro-Ecuadorian organizations estimate that their number varies between 900,000 and 1.2 million persons.<sup>2</sup> The indigenous population is around 830,418, of which over 50 per cent are women. Data from ECLAC tells us that the indigenous population numbers 95.08 men per 100 women, while in the Afro-Ecuadorian population, the ratio is 106.7 men per 100 women.

11. Nationally, 21.3 per cent of households are headed by women, according to 2003 data. The basic needs of 52 per cent of persons speaking an indigenous language or living in households where native languages are spoken are not being met.

12. As established in the Political Constitution, the Government of Ecuador is a republic, with an elected president and representatives, which is alternating, participatory and decentralized administratively through local, provincial and cantonal governments. However, over the past eight years, two Presidents have not been able to complete their terms as a result of popular uprisings. In both cases, the office of President was assumed by their Vice-Presidents. The process of achieving independence of State functions is ongoing, especially the depoliticization of the Judiciary. In that regard, the citizens recently

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<sup>2</sup> Technical Secretariat of the Social Front, System of Social Indicators for the Afro-Ecuadorian People, Racism and Racial Discrimination in Ecuador 2005. Quito, October 2005.

held an unprecedented public referendum, with international and national oversight, for the designation of members of the Supreme Court of Justice currently in office.

13. The political and financial crisis of 1999-2000 had a profound effect on the country's economic and social development. Indicators show that the poverty rate increased and the unemployment rate as well as the rate of migration to urban centres and abroad (around 700,000 persons in 2003)<sup>3</sup> were high. In 2000, after one of the most serious drops in productive and banking activity, the Government reformed the monetary system, adopting the American dollar as the sole official currency in use (rate: 25,000 sucres/dollar). In 2001, Ecuador showed signs of stabilization in economic activity, including a downward trend in the unemployment rate, considering that remittances from Ecuadorian migrants that year amounted to \$1.43 million, an amount higher than the foreign direct investment received the previous year.

14. During 2002, the performance of the national economy was moderate in almost all productive sectors, highlighting growth in the construction sector and investment in the oil sector. Beginning in 2000, budgetary investment in social expenditure doubled from \$690 million to \$1.5 billion in 2002 and to \$2.5 billion in 2006, due to a national agreement between the Government and civil society known as the Fiscal Policy Observatory, intended to ensure accountability to the people in the formulation and approval of the State budget.

15. Beginning in 2003, macroeconomic indices have been favourable but the people's economic situation has been difficult because dollarized inflation means a cost-of-living increase. The fiscal deficit continues to be a structural problem. Nor have the budgetary minimums established in the Constitution for the education and health sectors been reached, due to external debt commitments, despite the increase in social investment by the State.

16. At the national level, the poverty rate according to the income method rose from 56 per cent in 1995 to reach its highest level of 69 per cent in 2000.<sup>4</sup> It later declined and stabilized at 60 per cent in 2003. According to these sources, the unrecovered cost of the crisis would be about 4 per cent in terms of poverty. The change in extreme poverty is more pronounced and its unrecovered cost is 13 per cent. In other words, the poorest of the poor have seen their situation worsen irreversibly.

17. During the period covered by the report to the Committee (1998-2006), the Ecuadorian Government has taken measures to fulfil its commitments to achieve equality between men and women and eliminate discrimination. With this objective, economic and institutional resources have been invested, although still inadequate, to bridge the principal gaps in access of women, girls and adolescents to basic social rights. These actions are in keeping with the requirements of the Millennium Declaration, the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women, collected in the Plan for Equal Opportunity for Ecuadorian Women 2005-2009, a national policy established by Executive Order 1207-A, issued 9 March 2006.

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<sup>3</sup> Data from the National Office for Migration.

<sup>4</sup> Integrated Household Survey System, 2000.

## **B. The current situation of women in figures<sup>5</sup>**

18. The data presented in the following paragraphs provides an approximation of the situation of Ecuadorian women in the current context, as well as the gaps remaining in economic, educational, social and political participation in relation to men.

### **Means of production**

19. The economic independence of women depends in large measure on their relationship to the means of production and their level of ownership. Land in rural areas constitutes social and cultural capital and allows generation of income, food and sustenance for families. However, 73 per cent of men and 79 per cent of women do not own their land.

20. Agricultural production is in the hands of people with low levels of education: 30.8 per cent of women and 19.7 per cent of men have no formal education. Women producers with secondary education and above amount to barely 9.7 per cent (13.1 per cent for men). In addition to the low levels of formal education, agricultural producers have no agricultural education. This further undermines the productivity of the land and the welfare of producers.

21. Women are owners or partners in small businesses, especially in manufacturing.

22. Although complete information on the number of businesswomen and the size of their companies is not available, information on independent work and managers or partnerships sheds some light. Of women surveyed, 3.4 per cent are managers or partners and 32 per cent work for themselves.

23. At the national level, 17 per cent of women are engaged in unpaid family work; 60 per cent of such work is done by women compared to men. Likewise, women do 94.9 per cent of domestic work.

24. Limited access to credit is one of the weaknesses of national agricultural production. According to the Third National Agricultural Census 2000, among women producers, only 4.6 per cent have received credit for purposes of production, and only 8 per cent of men. Discrimination in access for women can be observed: they represented 25 per cent of total producers but only 16 per cent of those receiving credit.

### **Poverty**

25. The average economic income of households headed by women is significantly lower than for those headed by men. In urban areas the difference is 65 per cent; it is 80 per cent in rural areas.

26. From the perspective of the gender of the person earning the higher income in the household (economic head), 32.5 per cent of poor households are headed by women. Among households not in poverty, 27 per cent are headed by women owing to the small size of the households they support and where the income is basically directed to supporting the household.

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<sup>5</sup> Taken from the publication CONAMU-INEC-UNIFEM, Women and Men in Ecuador in Figures II. Strategic Information Series. Information from the Integrated System of Social Indicators of Ecuador (SIISE) and its subsystem SIMUJERES. Authors: Alba Perez and Claudio Gallardo. Quito, November 2005. This section of the document was produced with the support of Monica Camacho, Strategic Information Specialist of CONAMU.



### Access to basic services

27. According to data in the latest Population Census (2001), 66.6 per cent of housing in urban areas and 16.4 per cent in rural areas has access to sewer systems. The health and well-being of the members of the household depend on the sanitary conditions of the housing and its environment. The sanitary elimination of solid waste is fundamental in order to ensure a healthy living environment. In urban areas, 86.8 per cent of housing has garbage collection services, 21.7 per cent in rural areas.

28. The elimination of sewage in a hygienic manner is necessary in order to ensure a healthy environment. The availability of sanitation for the elimination of waste is a reflection of housing quality. In urban areas 95.3 per cent and in rural areas 61.1 per cent have systems for collection and disposal of human waste and waste water which is flushed by flowing water.

29. In urban areas, 64.5 per cent of housing, and in rural areas 19.5 per cent, have water piped from a public supply, which, however, does not mean that it is treated.

30. The multivariable index of basic infrastructure (IMIB) is a measurement that summarizes the various dimensions of basic infrastructure. According to the 2001 Census, in Ecuador the index is 40 per cent.

31. According to the 2001 Census, 1.6 per cent of the population in urban areas and 32.8 per cent in rural areas uses wood or charcoal for cooking. The availability of cooking fuel and the use of safe fuels are determining factors in quality of life and well-being among the population.

### Right to education<sup>6</sup>

32. In Ecuador, equality in formal education represents one of the major achievements of women. Although differences still exist between men and women, they are insignificant. There are some major disparities related to school drop-out rates between the indigenous and non-indigenous population and the rural and urban population.

33. According to the report on compliance with the Millennium Development Goals, the target for primary education was reached in 2005, and the trend in this direction continues. Between 1990 and 2004, 98.3 girls per 100 boys attended primary school. At the secondary level in 1990 the situation was much more favourable for women (106 girls per 100 boys) while in 2004 the ratio was one to one (100 girls per 100 boys). A growth trend can be observed in higher education. Despite the fact that more women than men are in higher education, restrictions remain in access to good jobs, meaning that education alone does not guarantee higher income levels for women.

34. The ratio of access to education by language and ethnic group at the secondary level for 2003<sup>7</sup> is 88 women per 100 men among speakers of native languages. In rural areas, a similar ratio can be seen in higher education (92 women per 100 men).<sup>8</sup>

35. Although access to education is virtually equal for girls and boys in primary school, the rate does not reveal the degree to which girls remain in the educational system, an

<sup>6</sup> Taken from the report of the National Council for Women on Goal 3 of the MDGs: Achieving Gender Equality and Women's Autonomy. Quito, January 2005.

<sup>7</sup> SIISE-INEC, Integrated Household Survey System.

<sup>8</sup> The results are supported by the trends discovered in the Population and Housing Census of 2001.

essential variable in the definition of gender policies and programmes. However, longitudinal studies of poverty clearly demonstrate the link between girls staying in school and improved quality of life in the future.

36. There are no substantial differences in school dropout rates between girls and boys. However, the reasons that girls and adolescents do not enrol are well known, as are the reasons for dropping out associated with gender discrimination factors, especially the obligation to care for younger siblings and elderly family members (13 per cent of girls and 0.8 per cent of boys), teen pregnancy (9 per cent) or simply being unable to continue higher education because of economic hardship, 48 per cent because of lack of economic resources and 16 per cent in order to work; for men the rates are 47 per cent and 29 per cent respectively.

37. Therefore, the essential concern is to guarantee not only that girls will enrol but will stay in primary and middle schools, as well as to guarantee their access to higher levels of training, whether technical, technological, university or vocational. Moreover, whether girls stay in school is closely linked to institutional responses promoting improvement in the quality of education and developing an educational environment without risk or discrimination for girls and adolescents.

38. The raw illiteracy rate in Ecuador is 9.02 per cent, which represents 732,089 persons, 58 per cent of whom are women (INEC 2001). The data shows a higher level of illiteracy among rural women speaking native languages and over age 65.

39. Combined literacy rates for women and men for the 15 to 24 age group were 98.9 per cent in 1990, 100.1 per cent in 2000 and 100.4 per cent in 2004 at the national level. When this indicator is disaggregated for language, the literacy rate for indigenous women drops (89.3 per cent in 2001).

40. As age rises, illiteracy among women rises, especially among the rural population, where the illiteracy rate for women over age 65 is 62 per cent. The data shows the need to establish policies for positive action aimed at rural women, especially speakers of indigenous languages.

### **Right to health**

#### **Sexual and reproductive rights**

41. Pregnancy among adolescents is one of the problems affecting the full exercise of their rights. To address the problem, progress has been made in the dissemination of more sexual education, in all schools and secondary schools in the country, in particular since 2000, when the National Plan on Education for Love and Sexuality was adopted, and the programme for its implementation in 2003, as well as the new Health System Organization Act, which incorporates the requirement of education on the subject of sexual and reproductive health at all levels, to be discussed further below.

42. It should also be noted that teen pregnancy carries the highest risk of mortality for mother and child. Teen mothers cut off their opportunities in life, must work outside the home earlier and usually have a higher number of children over the course of their lives. Society does not have adequate mechanisms for psychological support to adolescent couples, leaving it to the teen girls to take on responsibility for motherhood alone. However, since 2004, the Ecuador Adolescent Project has begun to assist teen girls and boys with this problem, which will be further discussed below.

43. In 2003, adolescents between 12 and 19 years old represented 16 per cent of the pregnancies in the country (SIISE, 2003). According to data in the Demographic and Mother-and-Child Health Survey, ENDEMAIN 2004, the problem of teen pregnancy is greater in rural areas and occurs more frequently in teens with less education: 32.3 per cent of adolescents with no schooling and 16.7 per cent who had not completed primary school were already mothers.

44. In 1998, the Ministry of Education conducted the first survey of drug use and sexuality in educational establishments. According to this source, 30 per cent of adolescents between 12 and 17 years old had had sexual relations. In the area of sexuality, society must “promote greater knowledge and connection with their own bodies, as an element of self-esteem and support them in caring for their own health”; in other words, foster the “adoption of sexual behaviours that are aware, agreeable, free and responsible towards oneself and others” (Cerutti: 1995), as the Political Constitution of the Republic also stipulates.

45. Pregnant teens between 15 and 19 years old run a risk of dying during childbirth twice that of the 20 to 29 age group; the risk for those under 15 is five times higher. Although the phenomenon of teen pregnancy is found among all ethnic groups, data from the 2001 Population Census suggests that it is more pronounced among Afro-Ecuadorian women, especially in rural areas.<sup>9</sup>

46. According to a study conducted in rural areas of Ecuador, in 1998 some 64 per cent of women between 15 and 49 years old knew about contraceptive methods, rising to 88 per cent in urban areas. With regard to use, 23.4 per cent of rural women and 35.6 per cent of urban women used contraceptives.<sup>10</sup>

#### **Women’s morbidity and mortality**

47. At the top among the main causes of death for women related to maternity and obstetrics/gynaecology are complications of pregnancy and delivery (15 per cent), followed by pregnancies terminated through abortion (6.1 per cent) and maternal care related to the foetus and the amniotic sac.

48. An analysis of the top ten causes of death in 2004 from the Ministry of Public Health data shows that the leading cause of death for women and men is heart disease, which includes such chronic and degenerative illnesses as heart problems, pneumonia, cerebrovascular disease and hypertension. Heart disease affects 8.6 per cent of women and 7.3 per cent of men. Diabetes mellitus is the second leading cause of death for women (6.4 per cent), followed by cerebrovascular disease (6.0 per cent), pneumonia (5.9 per cent), and certain perinatal illnesses (3.4 per cent).

49. In 2004, 23,500 women died of cervical cancer (1 per cent of the female population) and 30,800 women died of breast cancer (1.8 per cent). According to the Demographic and Mother-and-Child Health Survey, in 2004 only 16.1 per cent of women between ages 35 and 64 had been examined for early detection of uterine or cervical cancer, a disease which is among the country’s main causes of death.

<sup>9</sup> ECLAC and IDB, *Indigenous and Afro-Ecuadorian Population in Ecuador: Sociodemographic Diagnostic based on the 2001 Census*. Project report. Santiago de Chile, April 2005.

<sup>10</sup> Gender and Development Service, Office of Gender and Population and FAO, *Rural Women and Food Security: current situation and perspectives*. Santiago de Chile, 2002.

**HIV/AIDS**

50. According to data from the Ministry of Public Health,<sup>11</sup> there are 1,108 persons infected with HIV/AIDS in Ecuador: 406 men and 221 women carry HIV, and 364 men and 117 women have AIDS; 102 infected children under 14 years old are excluded from these figures.

51. For 2005, of the total number of cases of HIV/AIDS in Ecuador, 73.2 per cent are men and 26.8 are women. Compared with earlier years, an increasing number of women are contracting the virus. The ratio of men to women during the period 1984-1999 was one woman per 3.7 men; in 2005 the ratio was one woman per 2.14 men.

**Right to a life free from violence**

52. Article 2 of the Violence against Women and the Family Act considers domestic violence to be any action or omission that consists of physical, psychological or sexual abuse carried out by a family member against women or other family members. The vast majority (94 per cent) of victims are girls and women.

53. In the 2004 demographic and mother-and-child-health survey (ENDEMAIN 2004), 15.3 per cent of the 7,217 women surveyed stated that they had been the victim of verbal or psychological violence, 10.3 per cent reported physical violence and 3.8 per cent reported some form of sexual violence.

54. This survey shows that 7 per cent of women between the ages of 15 and 49 reported that they had been raped (with penetration) in the course of their life and 4 per cent reported some form of sexual abuse (rape without penetration).

55. Other specialized studies show that 121 of every 1,000 young women and men have suffered unwanted kisses and caresses, 32 of every 1,000 young women and men have been raped and 27 of every 1,000 have suffered from oral and genital sexual violence (CEPAM, Quito. 2003: 46).

56. Although complaints of violence to the offices of the National Directorate for Gender have remained constant over time, an increase in complaints of psychological violence has been observed, showing that this type of violence is being reported more often because there is greater awareness of the problem.

**Women and armed conflict**

57. Although Ecuador is not directly affected by armed conflicts, the neighbouring country's Plan Colombia has triggered an increase in violence at the border. In the last few years, there has been an increase in displacement of Colombians towards Ecuador but also in the displacement of Ecuadorians who have been forced to leave their homes near the border with Colombia.

58. The Colombian non-governmental organization Consultancy for Human Rights and Displacement (CODHES) notes that 49,545 refugees have crossed the border between Venezuela and Ecuador since 2000. According to the Ministry of Foreign Affairs of Ecuador, in 2003 alone Ecuador received 11,345 applications for asylum, of which 50 per cent were accepted.

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<sup>11</sup> MSP, Bulletin of Basic Health Indicators 2005.

59. The worsening conflict in Colombia in the context of implementation of Plan Colombia and the Andean Regional Initiative and the systematic violation of human rights and international humanitarian law are the main reasons for the increase in the number of Colombians leaving the country in search of refuge, mainly in Ecuador and, to a lesser extent, in Panama and Venezuela. Women leave their communities in search of refuge “mainly because they, their partners or relatives have been the victims of persecution, they are afraid that their children will be forcibly recruited, they have suffered the death of close relatives as a result of the violence, or they have been affected by illegal crop fumigations”.<sup>12</sup>

60. According to a study carried out in 2004 by the United Nations Development Fund for Women (UNIFEM) Andean Regional Office,<sup>13</sup> the northern border region, which includes Carchi, Esmeraldas, Imbabura and Sucumbíos, received over 21,000 applications for asylum from displaced Colombians between 2000 and 2003 (United Nations High Commissioner for Refugees (UNHCR), 2003). The northern border region is characterized by high levels of poverty, unemployment, lack of basic infrastructure and environmental pollution, which represent unfavourable conditions for developing and implementing policies that guarantee the full exercise of displaced persons’ rights.

61. According to the Ministry of Foreign Affairs of Ecuador, the number of persons with Colombian nationality who sought refuge between 2000 and August 2004 was 27,495, indicating a clear upward trend because 60 per cent of the applications were submitted between 2003 and August 2004 (Camacho, 2004).

62. The main challenges that can be identified from a gender perspective are:

- Lack of documentation and exploitation of workers (excessive work hours, low wages, non-payment of wages, lack of benefits and social security, sexual harassment and blackmail using the threat of deportation, risk of detention, abuse, confiscation of merchandise, poor security and health conditions on the job, such as exposure to chemicals in the flower-growing industry);
- Types of occupation and excessive workload based on systems of gender subordination;
- Discrimination and stigmatization;
- Gender-based violence.

## **Right to work**

### **Employment and wages**

63. Discrimination has an impact on the social vulnerability of women, since such factors as access to and continuation in the educational system, access to the job market and their association with non-economic activities, play a part in determining women’s wages. According to a survey on urban employment in Quito carried out by the Economic Research Institute of the Pontifical Catholic University of Ecuador and the Central Bank, underemployment and unemployment mainly

<sup>12</sup> Conclusions of the Commission on the Occupations of Migrant and Refugee Women. Simon Bolívar University, Quito, 1, 2 and 3 September 2004.

<sup>13</sup> Camacho Zambrano, Gloria. “Mujeres al borde. Refugiadas colombianas en el Ecuador”, UNIFEM, Quito, February 2005.

affect women. According to the latest available data from January 2003, 50 per cent of women were underemployed, compared with 25 per cent of men, while 11 per cent of women were officially unemployed, compared with 6.5 per cent of men. Young women represent the most affected group: the unemployment rate of women between the ages of 15 and 29 is 19 per cent; for young men it is 11.3 per cent.

64. According to this data, women's wages are on average 22 per cent lower than men's wages due to their level of education, experience and commitment and a further 12 per cent lower than men's due to a second element, gender-based discrimination. Discrimination and subordination are reflected by poorly paid, insecure, low-skilled jobs without social security benefits.

65. According to this source, 37 per cent of women work in the informal sector, compared to 33 per cent of men. On the other hand, 35 per cent of men are employed in the agricultural sector, compared to 25 per cent of women. Women represent 95 per cent of the total workforce in the domestic service sector.

66. Women's increased participation in the informal sector and its instability in the context of the crisis led to a decline in the quality of jobs undertaken by women and to their increased participation in the informal economy. The crisis in Ecuador in the last few decades has definitely heightened these tendencies, widening gender gaps and placing women at a disadvantage both economically and with respect to access to and diversification of opportunities.

67. Average incomes provide evidence of wage discrimination: in urban areas, women's average income represents 67 per cent of men's income and in rural areas this figure stands at 47 per cent.

68. At the national level, the average income in female-headed households is lower than in male-headed households: for every \$100 earned by men, women receive \$70. Inequality is greater in urban areas (64.6 per cent).

69. With respect to manual labourers, although women's income is comparable to men's in domestic trade, it is lower than men's in the manufacturing sector because factories employ women in lower-paying jobs or simply discriminate against them. Mining is a very special case in which inequity affects men; women earn 56 per cent more than men. Available data shows that 91 per cent of women working in this sector are employed in oil-related activities. On the other hand, over 50 per cent of male manual labourers in this sector are employed in mines and quarries in lower-paying jobs; women barely participate in this sector.

70. With respect to sectors of the labour market, wage differences are not as pronounced in the modern (formal) sector as in agriculture, where women's work is severely undervalued. Surprisingly, men's income is also higher in the domestic service sector.

#### **Dismissal on the basis of gender**

71. In the period from January to May 2006, the Inspection Department of the Ministry of Labour and Employment received a total of 2,023 complaints with respect to dismissal of women.

72. Complaints received relating to dismissal without notice that did not specify the circumstances or reason for the dismissal numbered 1830, and 81 complaints

were received relating to termination for cause, whether by mutual agreement or resignation, showing that employers have not met their obligations as managers.

73. A total of 40 complaints were received with respect to maternity. When employers find out that employees are pregnant, they dismiss them on any pretext or force them to perform tasks that put their pregnancy at risk and require a great deal of effort, such as lifting heavy weights or cleaning, or even subject them to psychological abuse. If women continue working despite these circumstances, employers dismiss them on the grounds that they do not have a specific job for pregnant women.

74. Seven complaints were received with respect to breastfeeding. When these women returned to work at the end of their 12 weeks' maternity leave, they found that their posts had been taken by their replacements or that the company had simply hired another person on a permanent basis.

75. Sixty-five complaints were received with respect to harassment. One complainant cited sexual harassment as the reason for dismissal. In view of the fact that the Sexual Offences Unit of the Attorney-General's Office receives complaints relating to harassment, the Inspection Department of the Ministry of Labour and Employment considers the number of complaints of harassment received by the Ministry to be low. The physical and psychological abuse that female workers have been subjected to are taken into account in determining harassment.

#### **Day care in the workplace**

76. Indicators are positive with respect to the resources available to enable mothers of children who require full-time day care to participate in activities outside the home. Day-care centres and other institutional care services represent an important social resource to care for children who do not attend school and who otherwise would be left alone or be cared for by young members of the household.

77. These centres also play a role in health care and education. They ensure food security and safety for children, contribute to their growth and development, establish a vaccination schedule, stimulate psychomotor development and prepare children for reading and writing.

#### **Labour migration<sup>14</sup>**

78. The lack of systematized and updated data on the incidence of migration by Ecuadorian women and men makes it impossible to establish an overview of the conditions in which migrants are living in destination countries.<sup>15</sup> The National Statistics and Census Institute (INEC) gathers information on international migration with a view to quantifying and characterizing the inflows and outflows of Ecuadorians and foreigners. A set of questions was included in the 2001 census in order to obtain information relating to the last five years (since 1996) on the outflows of citizens.

79. The Census shows that 53 per cent of the total number of migrants between 1996 and 2000 were men and 47 per cent were women. In terms of age groups, the data shows that almost 91 per cent of women migrants were between the ages of 15

<sup>14</sup> CONAMU, report by Alba Pérez.

<sup>15</sup> Incidence means the population group affected by migration.

and 64; this figure is similar for men (92 per cent). The data also shows that among the population of 65 and older, most migrants are women (57 per cent).

80. With respect to women's reasons for migration, 37 per cent stated that it was for employment, 34 per cent for residence, 17 per cent for tourism and the remaining women gave other reasons. During the last five years, Spain was the destination of choice for these migrants (51 per cent), followed by the United States of America (21 per cent) and Italy (13 per cent), and several other countries to a lesser degree.

81. The findings of *International Migration*, which analyses the outflows of Ecuadorian women and men between 2001 and 2003, shows similar tendencies as the census, with the exception of the reasons for migration: the number of women who stated that they left for tourism decreased from 96 per cent in 2001 to 80 per cent in 2002 and to 64 per cent in 2003. The second reason they gave was for employment: this figure rose from 4 per cent in 2001 to 19 per cent in 2002 and to 35 per cent in 2003.

82. With respect to the occupational groups of Ecuadorian women leaving the country in 2001, 49 per cent of women migrants were professionals, scientists or intellectuals, 19 per cent were students and 17 per cent worked in the domestic service sector. In 2002, 56 per cent were professionals, scientists and intellectuals, 18 per cent were students and 13 per cent worked in the domestic service sector. In 2003, the figures changed to 50 per cent, 21 per cent and 14 per cent respectively. This shows that the economically active and qualified female population is migrating to look for work or to look for better jobs.

### **Women's political participation**

83. The political participation of women and men has different characteristics due to socialization, cultural stereotypes, organizational cultures, rules and procedures. Political participation strengthens women as a social group by allowing them to organize themselves, articulate their needs, express their opinions and secure their rights.

84. Legal reforms have been promoted by a number of actors and especially by the women's movement. Through quotas for women's participation in elections, the Employment Protection Act (1997) and the Political Participation Act (2000) have represented strategic actions to enhance women's political participation. This legislation stipulates that women must be placed on the electoral rolls on an alternate and sequential basis with men. In 2000, the percentage of elected women rose to 25 per cent, representing a 20 per cent increase over the 1996 elections. This increase is undoubtedly the result of the positive action and work carried out by organizations to strengthen women's political leadership.

85. According to the Equity and Development Foundation, an organization that specializes in women's political participation,<sup>16</sup> the number of male candidates for 22 vacant seats in the prefectural elections was 118, compared to 12 female candidates. The election of 4 women prefects out of 12 female candidates is equivalent to a 33.33 per cent success rate. However, looking at the breakdown of

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<sup>16</sup> Equity and Development Foundation, "Elecciones generales 2004". Document prepared by Solanda Goyes. Quito, 2004.



the figures from another perspective, 9 per cent of women stood as candidates compared with 21 per cent of men, and women achieved a representation of 18.18 per cent in the prefectures compared with men, who achieved a representation of 81.82 per cent. The percentage of women elected compared with the number of women candidates doubled, whereas men's participation decreased from 94 per cent of candidates to 81.82 per cent actually elected. This shows that voters favoured female candidates in the prefectural elections.

86. For election as municipal mayors, 137 women stood as candidates representing 10.66 per cent of the total number of candidates, and 13 women were elected to the town councils, representing 5.94 per cent of the total. Although the proportion of women elected compared with the number of female candidates decreased, women's participation increased compared with previous elections. In 2002, six women were elected, representing 2.74 per cent; in 2004 this figure had doubled.

87. The percentage of women elected as provincial councillors is significant: 31.87 per cent. This figure is less than the percentage of women who participated as candidates but greater than the number of female councillors who were elected in previous elections.

88. The 31.01 per cent of women elected as local councillors is also historic and is higher than the percentage achieved in previous elections. Analysis of the decrease in the number of women elected compared with the number of female candidates in multi-candidate elections is the same as for council elections.

89. As of the date of this report, it was reported that in the October 2006 elections 25 women deputies were elected for the 2007-2011 legislative term.

90. With respect to female presidential candidates, it should be noted that a female presidential candidate stood for election in 1 of the 13 binomial elections and came in fifth with a very low percentage of the votes. The little support shown by the electorate for this candidate was not because she was a woman but reflected a general rejection by voters of the traditional policies of the party she was standing for, which has shown itself to be exclusive, patriarchal and elitist.

### **Women in decision-making**

91. In recent years, women's representation in the State ministries has been very low compared with such other countries as Colombia and Chile. In 1998, women's representation was 20 per cent, in 1999 it was 26.7 per cent, in 2002 it was 14 per cent, in 2003 it was 26 per cent and in July 2004 it barely reached 13 per cent. However, in 2007 women's representation will reach 45 per cent with the appointment of eight ministers of State.

92. In November 2006, 2 of the 15 ministers were women: the Minister of Tourism and the Minister for the Environment. During this presidential term, there was a woman Minister of Economy and Finance and Minister of Education for five and eight months respectively. For 2007, the President-elect has appointed 8 women ministers among the 18 ministerial portfolios.

93. At present, the State Attorney General is a woman and the post was also held by a woman during the previous term. Women are underrepresented in the superior courts, district tribunals, criminal tribunals, civil courts, children's courts, rent tribunals, criminal courts, labour courts and traffic courts. The rent tribunals have

the highest proportion of women judges with 56 per cent. The number of female public defenders in the country is also significant.

94. All posts in national police stations and municipal administrations are occupied by men, whereas all posts in women's and family commissariats are occupied by women, except for commissariat in the capital.

## **Part II**

### **Implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

#### **Article 2**

##### **Legal framework ensuring women's human rights**

#### **Article 3**

##### **Safeguards for the exercise of human rights**

95. Article 3, paragraph 2 of the Constitution of Ecuador, which has been in force since 1998, establishes that one of the State's aims is to ensure the protection of human rights. The Constitution recognizes gender equality and establishes guarantees for the protection and exercise of human rights. Article 23, paragraph 3 prohibits discrimination against women without any distinction, article 34 ensures equal opportunities for access to productive resources and in marriage, article 36 guarantees women's labour and reproductive rights, articles 41 and 254 establish the development and implementation of gender equality policies, article 67 promotes gender equality in education, and article 102 promotes equal participation in elections and political participation.

96. Since 1996, the Constitution incorporates the remedy of amparo into the constitutional justice system as a guarantee of human rights. This remedy is used by constitutional judges in the first instance and by the Constitutional Court in the last instance in protecting specific women's rights that have been violated. In addition, as an instrument of constitutional control, the Political Charter provides for an action of unconstitutionality which is the responsibility of the court in protecting rights such as equality, non-discrimination and political participation.

97. In view of the fact that Ecuador has ratified the Convention, the definition of discrimination against women provided in the Convention has been incorporated into the Ecuadorian justice system as a constitutional norm (article 163), as with all international conventions to which Ecuador is a signatory. Although no statistics are available on the subject, the Convention has been invoked in national litigation, especially in cases of domestic violence and in the exercise of sexual and reproductive rights.

98. Although there is no law that explicitly impedes women in the exercise of their rights, certain legal and social practices discriminate against women in the public and private spheres in that they give men preferential treatment compared with women.

99. Ecuador has established the following important laws with a view to achieving equal opportunities for women and men and promoting women's rights: the Violence against Women and the Family Act, the Elections Act, the Act on Sexuality and Love, the Free Maternity Care Act, the Employment Protection Act and the

Code of Childhood and Adolescence. In some cases, the implementation of these laws through programmes at the national level has been envisaged with a view to ensuring women's full enjoyment of their rights. An assessment of this process has shown that, in addition to greater economic resources, it requires the development and implementation of mechanisms for effective enforceability which, to a large extent, depend on real access to justice.

100. In response to the observations contained in paragraphs 8 and 9 of the Committee's concluding comments on previous reports submitted by the State party with respect to the abolition of discriminatory provisions that still exist in criminal, civil and family matters, the combined fourth and fifth periodic reports state that "on 18 August 1989, the National Congress passed Act No. 043 containing 81 reforms to the Civil Code. These relate to the legal status of women within marriage, the administration of conjugal property, mutual and responsible parenthood, marital rights and obligations between spouses, parental rights and termination of marriage", eliminating all forms of discrimination in civil and family matters.

101. The greatest progress has been made in the area of criminal matters in the last few years. Pursuant to paragraphs 9, 18 and 19 of the Committee's concluding comments, several reforms to the Criminal Code were approved in 2005 (Official Register No. 45 of 23 June 2005). This legislation incorporates into the Criminal Code new acts of criminal behaviour relating to violations of the rights of children, adolescents and women. It establishes penalties for trafficking in persons, sexual exploitation of children and adolescents, child pornography and sexual tourism and increases the penalties for rape. Specific aggravating factors, such as the existence of family ties or relationship, the spread of disease and other circumstances affecting the victims of sexual violence, were incorporated into sexual offences. In addition, it was established that victims who wound or kill defending themselves from sexual violence should not be punished.

102. With respect to the classification of the offence of debauchery, the subjective element that stipulated that the victim should be an "honest woman" was removed. The section that excused the "spouse who kills, wounds or beats the other spouse or lover after surprising them in the act of adultery or when a woman commits the same acts in defence of her modesty and is seriously endangered" was replaced by article 22, which indicates that no offence is committed when a person kills or wounds another person during the act of being sexually abused or raped. The reform added to the aggravating circumstances of an offence set out in article 30, paragraph 6, when an offence is committed due to discrimination on the grounds of place of birth, age, sex, ethnic origin, colour, social origin, language, religion, political views, economic position, sexual orientation, state of health, disability or any other kind of difference.

103. The reforms to the Criminal Code reduced the number of extenuating circumstances applicable to the offence of trafficking in persons and sexual offences from 12 to 2 (unnumbered article after article 29) and established 12 aggravating circumstances for such offences (unnumbered article after article 30). In addition, the wording of article 31 was amended to establish more clearly that it is an aggravating circumstance when the victim is the spouse, partner, a blood relative up to the fourth degree and the second degree of kinship, or relative in the ascending line or a descendant of the perpetrator.

104. The reforms to the 2005 Criminal Code also defined offences relating to trafficking in persons for sexual exploitation (unnumbered articles after article 190), increasing the penalties if the perpetrator takes advantage of the vulnerability of the victim or if the victim is incapable of resisting the aggression. Articles 511 and following of the Criminal Code also developed and improved the definition of sexual abuse and established the offence of child pornography, in respect of which legal proceedings have already been instituted.

105. With respect to paragraphs 30 and 31 of the Committee's concluding comments on providing equal employment opportunities, in September 2005 the Ministry of Labour and Employment issued Ministerial Agreement No. 261, which prohibits gender discrimination in public and private contracting and establishes fines in cases of non-compliance, in accordance with the Labour Code.

106. With the support of the International Labour Organization, the Ministry of Labour and Employment has drafted a new Labour Code, which contains articles referring to sexual harassment in the workplace. The designation "domestic service" has been replaced by "domestic work", work hours have been reduced and an obligatory regime of benefits has been established. In accordance with Ministerial Agreement No. 261 of September 2005, sexist or exclusionary vacancy announcements have been prohibited. The constitutional principle of non-discrimination has also been included in the bill. With respect to equal pay, provisions aimed at reducing the pay gap between men and women have been incorporated into the bill.

107. With respect to the applicability of the new Labour Code to cases of sexual harassment, it should be noted that between January and May 2005 only one case of sexual harassment was reported by the Inspection Department of the Ministry of Labour and Employment in Quito. This is due to the fact that sexual harassment is reported to the Attorney-General's office as a criminal offence. However, as stated in the previous paragraph, the offence of sexual harassment is also included in the new Labour Code, which means that women can report sexual harassment in the workplace to the national offices of the Inspection Department.

108. Since 2000, the Congressional Commission for Women, Children, Youth and the Family has developed a system for monitoring the exercise of rights which has had an impact on public entities, including the Transit Commission of Guayas, that limited women's access to work based on discriminatory criteria.

109. The Congressional Commission for Women, Children, Youth and the Family, the Congressional Commission on Social and Labour Issues and the Congressional Health Commission have introduced bills and/or legal reforms to the Health Code, Criminal Code, Labour Code and the Free Maternity and Child Care Act in favour of women's rights. These initiatives were supported by women's movements and CONAMU. The following is a list of the draft acts that have been introduced:

- Draft election reform act;
- Draft Labour Code reform acts (measures to regulate, monitor, control and penalize abuses of employers against child and adolescent workers);
- Draft political parties reform act to enhance women's political participation;
- Draft civil service and public service career reform act;

- Draft act reforming the National Council of the Judiciary Organization Act;
- Draft Health Code reform act;
- Draft reform act on the protection, control and empowerment of persons performing paid sexual activities;
- Draft Criminal Code reform act;
- Draft sexual and reproductive health act;
- Draft social security reform act to incorporate voluntary enrolment for unpaid domestic work into the compulsory health insurance scheme;
- Draft Code of Childhood and Adolescence;
- Draft act on education for sexuality and love;
- Draft Family Code;
- Draft disabilities reform act;
- Draft free maternity care reform act;
- Draft act on the rehabilitation of street children; and,
- Draft act on the protection of destitute children and adolescents.

110. To date, the following new legislation has been approved and enacted: the Election Reform Act (Official Register Supplement No. 20 of 18 February 2000), the Code of Childhood and Adolescence (Official Register No. 737 of 3 January 2003), the Criminal Code Reform Act (Official Register No. 45 of 23 June 2005), the Labour Code Reform Act (Official Register No. 198 of 30 January 2006) to promote employment opportunities for persons with disabilities, and the Health System Organization Act (Official Register Supplement No. 423 of 22 December 2006).

### **National Gender Machinery**

111. The National Council for Women was established by Executive Decree No. 764 of October 1997 as the lead agency responsible for developing and promoting public policies with a gender perspective. It has legal capacity, its own assets and managerial-financial regime and it reports directly to the Office of the President.

112. The Council's operating model provides for the establishment of a board comprising representatives of the State and national women's organizations and establishes a relationship of shared responsibility between State and civil society in defining broad policy lines for gender equality and the promotion of the rights of Ecuadorian women.

113. The board is chaired by a delegate appointed by the President of the Republic and comprises a delegate appointed by the Secretary-General of Public Administration, a delegate from the National Secretariat of Planning and Development and a delegate from the Technical Secretariat of the Social Front. With respect to civil society, the board comprises three representatives of national women's organizations designated by the organizations themselves. At present, these women's organizations are represented by the Permanent National Forum of

Ecuadorian Women, the Confederation of Women for Change and the Women's Political Coordinator. None of these members from civil society represents the indigenous women's movement or the Afro-descendant women's movement.

114. In order to address the concern expressed by the Committee in paragraph 11 of its concluding comments, the National Council for Women (CONAMU), as part of the participatory process of preparing the draft equality for women act (initiated in early 2006) made representation of Ecuador's indigenous women and women of African descent on its Board of Directors one of the primary topics for discussion. This discussion made it clear that the country's women's organizations should be authorized by or registered with CONAMU as organizations with national representation. The National Indigenous Women's Council of Ecuador, an indigenous women's organization, has met the legal requirements but has not specifically requested a place on the Board. The leaders of the black women's movement are authorizing all organizations to be represented on its board of directors in the near future. CONAMU is working with the National Coordinator of Black Women of Ecuador, through legal advisors, in order to achieve that goal.

115. CONAMU's Executive Director is appointed through a technical selection process, which is internal to the Board and totally independent of the successively elected governments, in order to ensure fulfilment of its overall mission of public policy formulation and implementation. In 2003, an internal crisis left it without a director for a lengthy period. However, the women's organizations that make up the Board, with support from the other members and in response to the Committee's recommendation in paragraphs 10 and 11 of its concluding comments, took the necessary steps to select a new director. The resumé of three professional women with a recognized history in the women's movement were submitted and the most highly qualified of them was selected. The current Executive Director will hold her post until September 2007.

116. Also in response to paragraphs 10 and 11 of the Committee's concluding comments, with respect to the Council's mandate to guarantee the enforcement of laws, plans and programmes for gender equality, the role of the Chair of the CONAMU Board is essential if the Board is to play a role at the highest levels of decision-making as a bridge between the President of the Republic and the Council. Similarly, the representatives of State bodies are an appropriate channel for mainstreaming a gender perspective into national planning and into economic and social macropolicy, because the Technical Secretariat of the Social Front (STFS), which is linked to all competent ministries in this important area, is represented on the Board. The Council's technical team is made up of 42 appointed technical experts and 5 expert advisers.

117. The institutional profile of the national gender mechanism has been strengthened significantly during the past three years. The Council has become the lead agency for gender-related public policy at the highest levels of government. This addresses the concern addressed by the Committee, in paragraphs 8 and 9 of its concluding comments, regarding the "lack of an integrated policy to institutionalize a gender perspective among the major elements of the State party's strategic priorities"; in fact, such a policy had existed since the Council's establishment in 1997, although it had yet to be strengthened.

118. CONAMU has worked to build institutional partnerships with the human rights bodies of a similar nature, particularly the National Children's and Youth

Council, the Council for the Development of the Nationalities and Peoples of Ecuador, the National Council on Disabilities, the National Health Council, the Association of Ecuadorian Municipalities and the Technical Secretariat of the Social Front. It has begun to coordinate with these bodies in order to ensure the inclusion of specific policies in the Social Agenda and in the decentralization and autonomy processes.

119. The Council has supported the creation of institutional and legal equal opportunity mechanisms in 19 provincial municipalities and 5 provincial governments and in the various ministries. Partnerships with international cooperation<sup>17</sup> are essential elements of this process in order to comply with the mandate to mainstream a gender perspective into development projects and provide the necessary resources for doing so.

120. The issue of transparency has been a fundamental principle of the Council's management. To that end, it has made a great effort in the areas of technical development and human resources and has invested financial resources in launching a web site ([www.conamu.gov.ec](http://www.conamu.gov.ec)) in April 2006 pursuant to the Transparency and Access to Public Information Act. Women and women's groups, organizations of civil society, international bodies and public agencies have access to all information on institutional matters, including management-related achievements and limitations, budget, the Equal Opportunity Plan, the principal programmes and projects implemented under the Plan and internal rules and regulations.

#### **Other institutions that promote gender equality in Ecuador**

121. The Council's role is complemented effectively by the work of other agencies working on gender issues. At the sectoral level, its activities are strengthened by the establishment and implementation of gender and women's mechanisms in the various ministries and governmental agencies.<sup>18</sup>

122. At the territorial level, the local governments also have women's or gender committees, most of which are established within the planning or development departments. At present, 18 municipal and 5 provincial governments have gender mechanisms.<sup>19</sup>

123. In the late 1990s, the Office of the Ombudsman was established. It originally included an Office of the Deputy Ombudsman for Women, within which human rights accountability mechanisms were established in order to address acts of discrimination, exclusion and sexism perpetrated against women by government bodies. The Office of the Deputy Ombudsman for Women was subsequently

<sup>17</sup> The United Nations system, particularly the United Nations Development Fund for Women (UNIFEM) and the United Nations Population Fund (UNFPA), and bilateral cooperation agencies such as the Spanish International Cooperation Agency (AECI), cooperation provided by Sweden, and the German Agency for Technical Cooperation (GTZ).

<sup>18</sup> Two of the principal mechanisms established during this period are the National Gender Office of the Ministry of the Interior and the Police and the Gender Equality and Youth Unit of the Ministry of Labour and Employment.

<sup>19</sup> Several gender or women's mechanisms have been established in Ecuador; they are sometimes called "offices", "committees", "divisions", or "bureaus". These mechanisms have been established, with support from CONAMU, in the municipalities of the following cantons: Salcedo, Riobamba, Colta, Chunchi, Salinas, Santa Elena, Libertad, Cotacachi, Otavalo, Chone, Jipijapa, Manta, Sucre, Santiago, Tena, Quito, Lago Agrio, Orellana and Joya de los Sachas.

reclassified and is now known as the National Women's, Children's and Adolescents' Rights Office and has somewhat limited powers under the current Office of the Ombudsman Organization Act.

124. The Women's, Children's and Adolescents' Rights Office is responsible for enforcing respect for the human rights of women, children and adolescents in a rapid, efficient manner, promoting inter-agency cooperation and raising public awareness of the importance of human rights.

125. The Office receives and transmits complaints and appeals from these vulnerable groups and reports to the First and/or Second Deputy Ombudsman so that they can be addressed. This specialized body participates, together with similar State and civil society institutions, in the development of children's, adolescents' and gender mechanisms and policies and is involved in monitoring the work of the judiciary, the juvenile courts and public and private institutions. It also offers conflict mediation and advisory services to the public.

126. Its technical support division provides social and psychological services. Its activities include home visits; preparation of reports on social issues; intervention with families that are in crisis, dysfunctional or exhibiting pathology; therapy aimed at promoting non-violence and respect for human dignity; and assessment of victims' safety within the family environment. The Office also provides crisis care for victims and individual and group psychotherapy in order to increase the self esteem of women victims of violence; prepares case files when an incident is reported and conducts psychological evaluations at the request of the Public Prosecutor's Office.

127. These activities address some of the Committee's concerns regarding programmes to protect the victims of violence against women (paragraph 23 of the concluding comments).

128. With respect to legislation, the Special Standing Committee on Women, Children and Families, which is responsible for legislating and monitoring in support of the rights of women, children, adolescents and the family as a whole, was established in 1998. As stated above, this Committee has sponsored significant draft legislation benefiting women.

129. In the Executive Branch, the Ministry of the Interior's National Directorate for Gender is responsible for coordinating the work of the 32 women's and family commissariats that have been established in all provinces of the country, pursuant to the Violence against Women and the Family Act, as the body responsible for coordinating all activities related to the administration of justice in domestic violence cases. Its general goal is to promote and facilitate the implementation of gender equality policies, strategies and mechanisms and to reduce the incidence of domestic violence.

130. The Office for the Defence of Women's Rights of the National Police is responsible for policy-making in implementation of the Violence against Women and the Family Act.

131. Also in the Executive Branch, the Ministry of Labour has had a Gender Equity and Adolescents Unit, which monitors compliance with labour regulations aimed at protecting vulnerable groups, since 2004.



132. Because the investigation and prosecution of sex crimes requires technical staff, the Public Prosecutor's Office has established specialized domestic violence and sex crimes units in the country's three largest districts: Guayas-Galápagos, Pichincha and Manabí.

**Equal Opportunities Plan: 2005-2009<sup>20</sup>**

133. Preparation of the Equal Opportunities Plan: 2005-2009 was concluded in March 2006; the Plan addresses the concerns expressed in paragraphs 12 and 13 of the Committee's concluding comments. It was prepared through a process of consultation, participation and methodological drafting involving hundreds of women from different groups: indigenous peoples, Afro-Ecuadorians, rural women, adolescents, lesbians, national and regional organizations, sex workers, social and political leaders, local authorities and the CONAMU team. The Plan is therefore binding on each of the Ecuadorian Government's bodies and agencies responsible for the planning, development and implementation of public policy and is CONAMU's principal technical and policy-making tool.

134. The 2005-2009 Plan is structured according to four categories of rights that are important to various types of women and provide the rights-based focus of the Plan:

- Promotion and protection of women's participation in society and politics, exercise of their citizenship and democratic governance;
- Promotion and protection of the right to a life free of violence and to peace; of health, sexual and reproductive rights; and of the right to access to justice;
- Promotion and protection of cultural and intercultural rights and of the right to education, quality of life and autonomy; and
- Promotion and protection of economic, environmental and labour rights and of the right to access to financial and non-financial resources.

135. The Equal Opportunities Plan is important because it makes it possible to take policy decisions at the highest level of Government in order to mobilize the human, economic and technical resources necessary to promote the equality of women, girls and adolescents from Ecuador's various ethnic and social groups. It is also a national Equality Pact in which civil society and the State undertake to reduce significantly, in the medium term, and to eliminate, in the long term, the inequality gaps that affect the lives of girls, adolescents and women.

136. The STFS and CONAMU are making a major joint effort to incorporate the Equal Opportunities Plan into the operative planning of all public sector institutions and are monitoring social sector spending from the gender perspective.

137. In March 2006, the President of the Republic signed Executive Decree No. 1207-A, declaring the Equal Opportunities Plan to be a State policy.

**Gender budgeting**

138. With respect to financial resources, during the period 2003-2004 CONAMU achieved its goal of increasing its institutional budget for 2005, within the general State budget, by US\$ 1,700,000, of which US\$ 750,000 was allocated to investment in gender-based public policy development; 97 per cent of that amount was spent.

<sup>20</sup> CONAMU, Equal Opportunities Plan: 2005-2009. Quito, March 2005.

139. However, despite the clear progress in such a short time in providing guidance for public policy development, and despite the investment capacity displayed by the national gender mechanism, CONAMU's budget for 2006 was reduced by 70 per cent for a total of US\$ 200,000. This limited its institutional management capacity to promote women's rights. Other State institutions have faced a similar situation owing to a strong trend towards social sector budget cuts, as a result of policies adopted by the Ministry of the Economy at the beginning of the year and to a failure to understand the need to invest in social policies.

140. This budgetary decision has not lessened the commitment of CONAMU and other public sector institutions; it is therefore to be hoped that their budget for 2007 will be increased.

141. In October 2005, in order to create conditions for the formulation of social and economic policies for gender-based action, CONAMU signed an agreement with the Ministry of the Economy and Finance, the Millennium Development Goals Secretariat, the National Planning and Development Secretariat and the United Nations Development Fund for Women (UNIFEM) with a view to incorporation of a gender perspective into fiscal policy. This fiscal policy instrument makes it possible to implement the constitutional mandate to incorporate gender mainstreaming into the general State budget and into public investment and public credit mechanisms, including the non-reimbursable cooperation managed by the Department of Public Credit.

142. A project entitled "Gender-Sensitive Budgeting", implemented within the framework of the Convention, is becoming a key tool in incorporating a gender perspective into the work of the bodies responsible for setting the country's economic policy and thus for reallocating resources to the gender equality commitments and objectives included in the Equal Opportunities Plan, which the Government has declared to be State policy.

143. This project was to be implemented over a four-year period — from 2005 to 2008 — and includes four principal components: (a) awareness-raising and commitment generation for policy-making bodies, civil society, international cooperation agencies and academics; (b) development and implementation of a planning and budgeting system that takes gender-based instruments and criteria into account; (c) monitoring the sectoral ministries with a view to budgetary guidance; and (d) capacity-building and generation of the technical inputs needed for implementation of a planning and budgeting system with a gender perspective.

144. As at September 2006, significant partnerships had been developed between the central Government and organizations of civil society with a view to action related to gender-sensitive budgeting. Gender indicators have also been successfully incorporated into the methodology used to qualify projects for funding and into the general State budget guidelines for resource allocation to public investment. The matter was considered and a guide to incorporation of a gender perspective into the preparation of State budgets was developed. All these activities are accompanied by various training programmes for public officials and academics, organized by CONAMU, UNIFEM and the Latin American Faculty of Social Sciences.

### **Draft equal opportunities act**

145. As stated above, the Equal Opportunities Plan: 2005-2009, which incorporates a focus on rights and on ethnic and cultural diversity, the local-level priorities of women and the Government's contribution with respect to public policy for gender equality, is the principal technical and political instrument that guides the activities of the Ecuadorian Government as a whole.

146. However, it is important to strengthen all bodies involved in gender mainstreaming in Ecuador and all existing technical and political instruments (the Equality Pact and the Equal Opportunities Plan) by formulating a legal framework that supports the existence of these mechanisms for the promotion and protection of women's rights and provides solid administrative, economic, legal and political conditions for their functioning and sustainability.<sup>21</sup>

147. Since November 2005, pursuant to the Committee's recommendation,<sup>22</sup> the Ecuadorian Government, through CONAMU, has been promoting participatory preparation of the draft equal opportunities and gender equality act. This process began with the widespread participation of women's groups and local authorities. The process of drafting and adopting this act will allow for discussion of diversity, particularly ethnic diversity, through the representation of indigenous and Afro-Ecuadorian women on the CONAMU Board, as the Committee suggested in paragraph 11 of its concluding comments.

148. One of the draft act's objectives is to ensure the allocation of significant resources for gender-related action. Although there has already been a major effort to incorporate a gender perspective into fiscal policy, this is largely dependent on the political will of the government currently in power; thus, appropriate legislation is needed in order to ensure the sustainability of gender policies.

### **Incorporation of a gender perspective into national social sector policy**

149. In May 2006, CONAMU and the Technical Secretariat of the Social Front signed a framework cooperation agreement with the goal of incorporating a gender perspective and full protection of women's rights into national social sector policy. The two agencies are working on a draft annual plan of operations that will strengthen the enlarged Board of the Social Front with a view to adoption and implementation of the Equal Opportunities Plan: 2005-2009 as a State policy; awareness-raising and training in the gender perspective for all parties involved in the development, implementation and assessment of social policy; mainstreaming a gender perspective into the Technical Secretariat's follow-up to social sector planning, programming and budgeting; and the development of mechanisms for the generation of knowledge and strategic information, in order to identify gender inequalities in all areas of society and to move towards the full enjoyment of women's rights.

<sup>21</sup> CONAMU, proposal for preparation of the draft equal opportunities act. Quito, September 2006.

<sup>22</sup> In paragraph 11 of its concluding comments, the Committee urges Ecuador to "strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions".

**Statistical and strategic information**

150. The compilation of gender-disaggregated statistical data and the preparation of quantitative and qualitative indicators that reflect gender gaps and make it possible to analyse and evaluate economic and social policy from a gender perspective are another major effort that the State party has made. As stated above, this addresses the concern expressed by the Committee in paragraphs 36 and 37 of its concluding comments.

151. The National Statistics and Census Institute has played a key role in the production and analysis of strategic data used to identify gender inequality.

152. Similarly, the Technical Secretariat of the Social Front, through its Information and Analysis Unit, has made a great effort to maintain and expand the Integrated System of Social Indicators of Ecuador, in which various related systems, including the Integrated Women's System (SIMUJERES) and the Integrated Childhood System (SINIÑEZ), have been implemented. SIMUJERES has facilitated the identification of critical areas as a focus for policies related to the situation of women and to gender inequalities because it is a tool that views women in the context of collective action and makes it possible to analyse the causes and effects of inequality in three thematic areas: private space, public space, and well-being and social equality.

153. The strategic partnership between INEC and CONAMU has borne fruit; in 2005, a book entitled *Mujeres y hombres del Ecuador en cifras II* (Ecuador's Men and Women in Figures II) was published. It contains all available statistical data on the situation of men and women in Ecuador and includes indicators by canton; this makes it possible to set priorities by population groups and regions. However, it is based on the 2001 census.

154. In December 2005, Ecuador's first time-use survey was conducted in the provinces of Esmeraldas, Chimborazo and Pichincha as a model for the employment, underemployment and unemployment survey in order to gather data on the differences between men's and women's use of time and between their productive and social activities, and thus to get an idea of women's contribution to the economy.

**Institutional and legal mechanisms for the elimination, prevention and punishment of gender-based violence**

155. Since the 1995 adoption of the Violence against Women and the Family Act (Act No. 103), Ecuador has made considerable progress in mainstreaming public policy for the prevention, elimination and punishment of domestic and gender-based violence.

156. In March 2000, as part of the restructuring of the Ministry of the Interior and the Police, the National Office of Women's and Family Commissariats was established.<sup>23</sup> In August 2002, it was renamed the National Directorate for Gender office (DINAGE) through a ministerial agreement.<sup>24</sup>

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<sup>23</sup> Established through Ministerial Agreement No. 1187 of 21 March 2000 and published in Official Gazette No. 47 of 30 March 2000.

<sup>24</sup> Ministerial Agreement No. 0244-A24, published in Official Gazette No. 645 of 21 August 2002.

157. The Directorate, in coordination with CONAMU, sets policy aimed at reducing the rate of domestic violence in Ecuador and achieving gender equality in the central and subsidiary departments of the Ministry of the Interior. This means that it is responsible for coordinating and monitoring the work of the women's and family commissariats and related bodies — administrative units and subunits, police commissariats and police stations — in places where there is no women's and family commissariat.

158. The first Women's Commissariat was established in 1994; Ecuador now has 32 women's and family commissariats. The demand for new commissariats in the country's other cities is great, particularly in heavily populated cantons such as Guayaquil (Ecuador's principal port) and Sucumbíos, a province on the northern border where violence has increased in recent years because it is a petroleum area and because of its nearness to Colombia, where population displacement as a result of armed conflict is part of the people's daily life.

159. One of the nation's strategies for combating gender-based violence is the creation of partnerships in order to ensure that the agencies which provide care to the victims of violence are coordinated at the local level and to influence public policy at the national level, thereby strengthening the services of the women's commissariats. To that end, a Policy Impact Committee for the Prevention and Elimination of Sexual Violence and a National Technical Committee for the Prevention and Elimination of Sexual Violence have been established.

160. The Policy Impact Committee plans to ensure that the problem of violence has a place on the policy agenda of all State decision-making bodies with a view to adequate, timely budgeting and to the introduction of new legislation and reforms that protect and promote women's rights, particularly the right to a life free of violence.

161. The Policy Impact Committee is made up of representatives of State bodies such as CONAMU, the Women's Unit in the National Police, the Women's Bureau in the Office of the Ombudsman, the Public Prosecutor's Office and DINAGE. Non-governmental organizations (NGOs) that specialize in the problem of violence, such as the Ecuadorian Centre for the Promotion and Advancement of Women and international cooperation agencies such as the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF), are also involved.

162. The Technical Committee is an important forum for debate and for the preparation of specialized proposals for public policymaking with a view to the prevention and elimination of violence.<sup>25</sup> The Committee has discussed the need to formulate a medium-term national plan for the elimination of gender-based violence.

163. As stated above, the June 2005 reform of the Criminal Code incorporated new offences such as sexual exploitation, child pornography and trading and trafficking

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<sup>25</sup> Some 25 public and private institutions make up the Technical Committee, including those which provide services for victims of violence: the Esmeraldas Women's Forum, the Manta Women's Office, the Manta Network against Violence, the Lago Agrio Protection Network, the CEPAM offices in Quito and Guayaquil, the Woman-to-Woman Corporation in Cuenca, María Amor House in Cuenca, the El Oro Women's Movement, the El Oro Quimera Foundation, the State Prosecutor's Office and CNNA, under the coordination of CONAMU.

in persons. However, some doubt remains with respect to the treatment of women under Ecuador's criminal law; violence against women is still considered a misdemeanour rather than a crime.<sup>26</sup>

164. In order to address the concern expressed by the Committee in paragraphs 22 and 23 of its Concluding Observations, and as a strategy for proper implementation of the Violence against Women and the Family Act (Act No. 103), the focus has been on developing norms that support effective implementation of the Act. In that connection, copies of the implementing regulations for the Act and an implementation manual have been sent to administrators of justice.

165. The implementing regulations for the Act were prepared by various relevant bodies, including the Congressional Committee on Women and Families, the Public Prosecutor's Office, the Office of the Ombudsman, DINAGE, the women's and family commissariats, the Office for the Defence of Women's Rights of the national Police and various NGOs and partners of the Commissariats.

166. The process of drafting these regulations was very important because it incorporated the commissariats' own experience with implementation of the Act. The Implementing Regulations concerning the Violence against Women and the Family Act were issued on 18 August 2004 and published in Official Gazette No. 411 of 1 September 2004.<sup>27</sup>

167. The Procedural Manual for implementation of the Act and its Implementing Regulations was adopted through Ministerial Agreement No. 298 (2005) of the Ministry of the Interior and the Police. The Manual was prepared through a participatory process involving DINAGE and various organizations of civil society.

168. The Manual has been widely distributed through DINAGE and CONAMU. At the same time, training courses are being offered for judges and women's and family commissioners, who are responsible for investigating cases of physical, psychological or sexual violence, and to National Police officers.

169. In 2002, the Public Prosecutor's Office approved forensic protocols for conducting medical examinations in cases involving physical and sexual violence. In 2003, the Gender Committee was established in the Public Prosecutor's Office as part of the process of mainstreaming a gender perspective into the administration of justice in Ecuador. In 2006, the National Women Prosecutors' Network was formed.

#### **Elimination of sexual offences in the schools**

170. In late 2005 and during the first half of 2006, an intense training programme was conducted for officials of the provincial offices of the Ministry of Education concerning Ministerial Agreement No. 3393, which calls for implementation of a set of mechanisms for the elimination of sexual offences in the schools.

171. The Government has made a great effort to ensure a participatory process of preparation of the National Plan for the Prevention and Elimination of Sexual Offences in the Schools; this policy establishes the Ministry of Education as the lead agency, together with the Children's and Youth Council, the Ministry of Health, the

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<sup>26</sup> CONAMU, Accountability Report. Quito, March 2005.

<sup>27</sup> CONAMU, Questionnaire on assessment of implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Balém do Pará), December 2005.

Congressional Committee on Women and Families, the National Institute for Children and the Family (INNFA ), the Public Prosecutor's Office, the DINAPEN, the Young People's Forum and the National Teachers' Union, for implementation of the programmes and projects necessary to the elimination of sexual offences.

### **Combating trafficking in and sexual exploitation of women and girls**

172. In 2004, the drafting committee for the National Plan of Action against kidnapping, illegal trafficking in migrants, sexual and labour exploitation and other kinds of exploitation and prostitution of women, children and adolescents, child pornography and the corruption of minors was established.

173. In April 2006, the draft plan was finalized. Its purpose is to promote comprehensive, coordinated action between the various State bodies, civil society and international organizations with a view to recognition of the existence and consequences of the offences of sexual exploitation of children for profit, forced prostitution of women, kidnapping, trading and trafficking in persons; to the development and implementation of specialized systems for combating these evils; and to incorporation of the international legal framework into domestic law so that women, children and adolescents who are, or are at risk of becoming, victims are guaranteed care, protection and restoration of their rights.

174. At present, the Commission is developing appropriate mechanisms for implementation of the Plan. This will involve adopting a new executive decree that will officially establish the Inter-Agency Committee and the Technical Secretariat and define the roles of each of the agencies which make up these bodies and which have been in existence since 2004.

175. Similarly, the agencies that make up the Inter-Agency Committee have undertaken to include the activities envisaged in the National Plan into their annual plans of operation so that the Ministry of the Economy and Finance can allocate resources under this high-priority programme with a view to its full implementation in 2007.

### **Protection of the victims of sexual violence**

176. In April 2006, the Protection of Victims of Sexual Violence Programme was officially established within the Promujeres Fund in order to fund various programmes and projects such as new shelters, investigations, awareness-raising and educational campaigns, new draft legislation and reforms, and victim and witness protection programmes. In May 2006, a Growing Up Free From Gender-Based Violence fund-raising campaign was launched.

### **Eradicating violence at the local level**

177. The eradication of gender violence has been one of the main activities of local Governments. Efforts undertaken include strengthening inter-institutional networks for the protection of victims of sexual violence and drawing up cantonal plans for the eradication of sexual exploitation in Lago Agrio and Manta.

178. As part of the Cantonal Plan for the Eradication of Violence in Guayaquil, and with technical assistance from the Ecuadorian Centre for the Promotion and Advancement of Women, an NGO, a reporting procedure was established for boys,

girls and adolescent victims of sexual violence and a database of typical cases and the experiences of networks caring for such individuals created.

179. The Municipality of Quito has been conducting a successful campaign against violence since 2000, when the Cantonal Assembly of Women adopted an operational plan as part of the Quito Development Plan for the Twenty-First Century. Subsequently, Municipal Ordinance No. 042 was issued, which recognizes violence as a social and public-health issue. It was the basis for establishing family violence prevention units in each of the eight administrative zones in the Municipality of Quito. These units come under the Unit for the Treatment and Prevention of Gender Violence and Child Abuse of the Directorate of Citizen Security. The fact that this Unit is part of the Directorate of Citizen Security ensures that its services are economically sustainable, since the municipal security tax paid by citizens enables the funding of services provided free of charge.

180. To supplement the system for addressing violence and in order to prevent women who report abuse from suffering further victimization, Equity and Justice Centres have been set up. The services of various institutions involved in the issue, including the Attorney-General's Office, the Judicial Police, the Commissariat for Women, the Office for the Defence of Women's Rights of the National Police and the National Police Department for Children and Adolescents, are available at these Centres. Moreover, a team of professionals from various fields offer services in a wide range of areas, including dispute mediation (except in cases of gender violence and sexual abuse). The Women's Association of the Municipalities of Ecuador is working hard to ensure that other municipalities hear about these centres and replicate them.

#### **Information on gender violence**

181. The State has invested considerable efforts and resources in compiling and disseminating statistical information on gender violence.

182. At the request of CONAMU, the Centre for Population Studies and Social Development (CEPAR) ensured that the fifth demographic and mother-and-child-health survey (ENDEMAIN 2004) included a section on violence against women where specialized NGOs could describe their experiences and put forward recommendations.

183. The findings of the ENDEMAIN 2004 survey section on violence against women are set out in the publication entitled "Violence against women", which was launched by CEPAR, in cooperation with UNFPA, UNIFEM and CONAMU in May 2006. The publication also describes in detail the legal framework for the protection of women's rights.

184. As part of this cooperation effort, informational workshops on the survey's findings have been held in Ecuador's three largest cities: Quito, Guayaquil and Cuenca.

185. In Quito, the Municipal Observatory on Citizen Security collects information on family and gender violence. In an attempt to remedy the lack of information on violence, strategies were designed for action at the local level, such as improving reporting mechanisms and victim protection measures and including the issue of violence in the public citizen security agenda.



#### **Article 4**

##### **Special temporary measures**

186. As stated above, the Equal Opportunities Plan is the official policy for accelerating women's de facto equality. Implementing that policy is the main way of achieving equality, at least in its priority target areas.

187. In order to guarantee women's participation in elections for public office and as an affirmative action measure, Ecuador has adopted the Employment Protection Act (1996) and, subsequently, the Quota Act (2000). The latter introduced reforms to the Elections Act, making it compulsory for multi-person candidate lists to include a minimum percentage of women, both alternately and sequentially, as a mechanism for improving women's participation. Under the reform, at least 20 per cent of people employed in the administration of justice and 20 per cent of candidates in elections for public office should be women.

188. Beginning with the 2000 elections, this reform should have been implemented through a quota formula whereby the minimum percentage of women candidates must increase by 5 per cent in each election until such time as parity is reached. The Act was not applied during the 2002 elections, however, owing to the fact that article 40 of the regulations issued by the Supreme Electoral Tribunal provided an interpretation of the reforms and applied the previous legislation. Women's organizations started impeachment proceedings against the President of the Supreme Electoral Tribunal, but without success. The request that the article in question be declared unconstitutional was, however, accepted by the Constitutional Court.

189. During the 2004 elections, the Supreme Electoral Tribunal issued a new provision which contradicted the rule of alternate and sequential placement of male and female candidates on electoral lists provided in the Quota Act. In practice, however, the number of female candidates and, therefore, the number of women being elected, rose. However, the electoral body did not in any way reprimand the political parties and movements that had failed to comply with the Act. The impact of the application of the Quota Act on the most recent elections (October 2006) is described below, in the section of the report relating to article 7 of the Convention.

190. As stated above, the Employment Protection Act also provides that at least 20 per cent of people employed in the administration of justice should be women. These minimum requirements are still not being met in all judiciaries.

191. Even though international organizations considered the recent selection process for the judges of the new Supreme Court of Justice to have been successful and transparent,<sup>28</sup> problems were encountered when trying to comply with affirmative action in favour of women. Thus, even though the Qualifications Committee said that it was in favour of affirmative action, only two of the thirty-one judges elected were women. Similar problems were encountered in the subsequent elections for the Constitutional Court and the National Judiciary Council.

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<sup>28</sup> See the reports of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, on his two official visits to Ecuador (E/CN.4/2005/60/Add.4 and E/CN.4/2006/52/Add.2).

**Article 5****Changing gender roles and stereotypes**

192. In response to the concerns raised by the Committee in paragraphs 32 and 33 of its concluding comments, the next section describes State-run programmes to eliminate gender stereotypes.

**Gender training for communicators**

193. The media play a key role in creating sociocultural patterns. In order to change society's views about women, violence and discrimination, the State, through CONAMU, decided to start targeting the media by organizing a workshop on gender for social communicators from Quito and Guayaquil.

194. Workshop participants were taught about non-sexist communication, with a view to encouraging the media to identify instances of discrimination against women and act more responsibly, taking account of women's rights, when publishing information about women. The experiment will be repeated in 2007 with journalists from other cities in Ecuador, with a view to creating a network of gender-sensitive communicators.

195. Furthermore, a network of radio producers has been set up at the local level (El Oro, Chimborazo and Sucumbios provinces) to encourage citizen monitoring of sexist advertising, and an agreement has been signed with the Guayaquil branch of CEPAM with a view to generating public opinion about the problem of sexual violence.

196. Other civil society organizations, including the Centre for Planning and Social Studies (CEPLAES), the Ecuadorian Committee of the Inter-American Commission of Women (CECIM) in Quito and the Azuay Women's Movement Support Group (GAMMA) in Cuenca, have had interesting experiences in this area.

**Citizen monitoring of the media<sup>29</sup>**

197. Efforts to monitor the media's role in reproducing discriminatory patterns and stereotypes have been successful at the local level. On 23 June 2004, the Centre for Citizen Monitoring of the Media was set up under Cuenca's first Equal Opportunities Plan.

198. The Cuenca Equal Opportunities Plan was drawn up on a participatory basis by the Municipality and citizens of Cuenca, under the leadership — and thanks to the hard work — of the women's movement. The Monitoring Centre was one of the strategies adopted for achieving equal opportunities for men and women, not only by promoting women's rights, but also by developing the canton of Cuenca.

199. The Monitoring Centre is coordinated by a technical team from the Cuenca-based women's organization GAMMA and serves as a forum where all citizens, male and female, can come together to demand and promote media messages that help develop a fair and caring society. The aim is to influence media policy by creating spaces where citizens can participate, mobilize and put pressure on the media, with the ultimate aim of requiring high-quality and constructive communication products.

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<sup>29</sup> [www.gammaecuador.org](http://www.gammaecuador.org).

200. The Monitoring Centre was set up to counteract the power of the media in today's globalized world, by providing a mechanism for reporting media content that violates human rights, democratic coexistence and equality.

201. The Monitoring Centre is a place where people can report media messages that reproduce or reinforce gender inequalities. Citizens wishing to express their views can contact any of the Monitoring Centre's liaison centres, either to report messages that they consider sexist and/or aggressive or to acknowledge messages that promote social and gender equality.

202. In order to meet the proposal's objectives, each year the Monitoring Centre publicly recognizes or criticizes media messages (in this case, advertisements), depending on whether they have helped or hindered the achievement of a gender-equal society.

203. Another local project that should be mentioned is the competition entitled "Women, Image and Personal Stories", which a group of women's organizations from the south of the country has been organizing since 1994. The competition was held nationally until 1999; in 2000, it became a regional competition and was opened up to writers and photographers from all the Andean countries (Bolivia, Colombia, Ecuador and Peru).

#### **Raising awareness about women's rights**

204. The CONAMU Grants Centre and Documentation and Information Centre distribute material about women's rights with a view to providing information, raising awareness and promoting those rights among the general public, which includes schools, colleges, universities, NGOs and the media.

205. In 2006, they produced 10,000 information packs containing international and regional agreements on women's rights, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, the Vienna Declaration and Programme of Action, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará.

206. The following are also distributed free of charge: the Violence against Women and the Family Act, Act No. 103; the procedural manual and general regulations relating to that Act; pamphlets on Ecuadorian women and their constitutional rights; leaflets about CONAMU and its various services (legal advice, Grants Centre, reference library); and material about the various relevant institutions.

#### **Article 6**

##### **Eradiation of sexual exploitation and prostitution**

207. As stated in the section of the report relating to article 2 of the Convention, in June 2005 a number of reforms to the Penal Code were adopted, resulting in the incorporation of such offences as sexual exploitation of minors, child pornography, trafficking in persons, trafficking in migrants and trafficking in organs, among others.

208. In August 2006, the National Congress unanimously approved the Interpretation Act relating to those reforms. The Act clarified that indecent assault

had not been eliminated or decriminalized as a result of the Penal Code reform of June 2005.<sup>30</sup>

209. Following the adoption of this Act, judges and prosecutors may now, in accordance with the law, punish individuals who commit sex offences against girls, boys and adolescents.

210. The Interpretation Act establishes that “the constituent elements of the types of conduct that, until 22 June 2005, were described in articles 505, 506 and 507 of the Penal Code, which punished acts committed against the sexual integrity of minors, but not involving carnal access (acts considered as indecent assault), have not been eliminated, but will instead be subsumed into the article that is being interpreted, once that article enters into force”.

211. The Act also establishes that the words “subjugate” and “force” contained in this article should be understood as temporary or ongoing acts aimed at breaking the will of the victim and/or as the commission of acts whereby a person uses physical violence, threats or any other form of inducement to force or try to force a person under the age of 18 or a disabled person to accept, consent to or carry out acts of a sexual nature not involving carnal access, whether in the body of the victim, the body of a third party or the body of the active subject.

212. Any person who subjugates a person under the age of 18 or a disabled person with a view to forcing them to carry out acts of a sexual nature not involving carnal access will be sentenced to four to eight years in prison. This stiffer penalty was introduced in June 2005 to protect the victims.

#### **Sexual exploitation of, and pornography involving, women, boys, girls and adolescents**

213. There have been a high number of child pornography cases in Ecuador in the past two years, most of which involved the Internet.

214. The case of Colegio Máster in Quito is one of the most serious to have come to light. In February 2006, a number of arrests were made after it was discovered that two college employees had been filming female students aged between 12 and 19. The Sex Offences Unit prosecution officer and the National Monitoring Committee<sup>31</sup> are handling the case.

215. The National Monitoring Committee, in coordination with the Cantonal Council for Children and the Pichincha Rights Protection Board, began a process of training, investigation and follow-up in the Colegio Máster case. Support was also provided to help the victims transfer to other colleges and to help the families move house. As part of the Victim and Witness Protection Programme of the Attorney-General’s Office, comprehensive protection and support was also offered to the victims of sexual abuse in this case. Students, authorities, parents and teachers at Colegio Máster are also being offered training as part of the Ministry of Education’s National Education Plan for Love and on Sexuality.

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<sup>30</sup> National Congress information circular. August 2006.

<sup>31</sup> Established in 2004 pursuant to the Ministry of Education’s Ministerial Agreement No. 3393 and made up of the National Council for Children and Adolescents, CONAMU, a representative from Pichincha province, the National Teachers’ Union, the Office of the Attorney-General, the Office of the Public Defender and a representative of the Children’s Forum.

216. The Ministry of Education, together with CONAMU and the National Council for Children and Adolescents are promoting the establishment of monitoring committees in certain cantons (Cotacachi, Cuenca and Manta), as part of a pilot project. The medium-term objective is to extend the integrated system for the monitoring and treatment of sex offences in the educational system to every canton in the country and to apply the provisions of the Equal Opportunities Plan 2005-2009, aimed at ensuring respect for the rights of boys, girls and adolescents.

217. In response to the concerns raised by the Committee in paragraphs 16 and 17 of its concluding comments, it is worth mentioning the State's cooperation with UNICEF in the implementation, on Ecuador's northern border, of a project aimed at mitigating the effects of the displacement caused by the armed conflict in Colombia, in particular the sexual exploitation of women, girls and boys living in that part of the country. To that end, CONAMU and UNICEF have signed an agreement to develop strategic actions as part of the National Plan to combat kidnapping, illegal trafficking in migrants, sexual, labour and other forms of exploitation, prostitution of women, boys, girls and adolescents, child pornography and corruption of minors.

218. Cooperation between the State and UNICEF began in 2005 and, according to the Operational Plan, involves coordinating activities aimed at disseminating information to civil society and the media, with a view to changing sociocultural patterns that perpetuate sexual exploitation, and conducting research and sustainable processes of civic education in conjunction with local governments and other key stakeholders. Local governments and social networks will also be strengthened through training on comprehensive care, restitution and exercise of rights and social reintegration of boys, girls and adolescents who have been victims of sexual exploitation.

219. The aforementioned activities are carried out in the cantons of Eloy Alfaro and San Lorenzo in the border province of Esmeraldas and in the canton of Lago Agrio in the border province of Sucumbios.

220. It should also be noted that, as part of the reforms carried out in 2005, the word "Ecuadorian" was removed from article 1 of the Free Maternity and Child Care Act in order to ensure that migrant, refugee and displaced women also are covered by the Act<sup>32</sup> and, therefore, guaranteed access to sexual and reproductive health-care services throughout their lives.

## **Article 7**

### **Women's political participation**

221. In response to the concerns raised by the Committee in paragraphs 34 and 35 of its concluding comments, we wish to point out that there has been a key legal instrument for women's political participation in Ecuador since 2000, when the Quota Act — an affirmative action measure aimed at guaranteeing women's access to the political arena — was approved.

222. Article 58 of the Quota Act explicitly states that "women shall account, both alternately and sequentially, for at least 30 per cent of primary candidates and 30 per cent of alternates on candidate lists in multi-person elections; this percentage shall increase by 5 per cent in each general election until such time as parity is reached".

<sup>32</sup> Act No. 2005-14, promulgated in Official Journal No. 136 of 31 October 2005.

223. Article 102 of the Constitution provides that “the State shall promote and guarantee the equitable participation of women and men as candidates in elections for public office, in leadership and decision-making posts in the public sector, in the administration of justice, in oversight bodies and in political parties”. Nonetheless, women’s participation still falls short of the desired level.

224. The Supreme Electoral Tribunal has issued sets of instructions, regulations and provisions which, in the opinion of women’s organizations, distort the principles of equality explicitly enshrined in the Constitution and secondary legislation.

225. During the 2006 elections, women’s organizations and other NGOs involved in the issue of citizens’ political participation worked hard to ensure that multi-person candidate lists met the minimum quota of women, both alternately and sequentially, thereby ensuring that the right of women to be elected was correctly observed.

226. However, on 5 July 2006, the Supreme Electoral Tribunal decided that political parties and movements could choose whether or not to observe the rule of alternate and sequential placement of male and female candidates on multi-person lists, thereby contravening the Elections Organization Act.

227. On 12 July 2006, CONAMU, with the support of women’s organizations, asked the Tribunal to withdraw its decision immediately and proposed draft general regulations relating to the Elections Act. Those regulations establish that, in order to comply with the rule of alternate and sequential placement of male and female candidates, multi-person lists must begin with a male candidate followed by a female candidate followed by a male candidate and so on — or vice versa — until the quota is met.

228. The NGO Citizen Participation, meanwhile, asked the Court to withdraw its decision immediately and issue appropriate regulations. Other organizations, including the Quito Women’s Assembly and the Women’s Forum, followed suit. The political movement known as the Ethics and Democracy Network, meanwhile, challenged the electoral body’s decision.

229. On 9 August 2006, in response to the request by women’s organizations, the Constitutional Court gave the Supreme Electoral Tribunal 72 hours to comply with the plenary session’s resolution of 22 November 2002, calling for strict compliance with the Quota Act.

230. As soon as the registration of candidates had been completed, women’s organizations asked the Pichincha Electoral Tribunal to hand over the list of candidates for each provincial post so that they could verify that the rule of alternate and sequential placement of male and female candidates had been observed; they discovered that it had not. However, when they repeated the process in various provinces around the country, they discovered that, compared to previous elections, the number of female candidates had actually gone up on some lists and female candidates had gained popular support.

### **Women in the Supreme Court<sup>33</sup>**

231. The greatest challenge for the restoration of social peace and the confidence of citizens, both male and female, in public institutions was the appointment of the

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<sup>33</sup> CONAMU, Accountability Report 2005-2006. Quito, May 2006.

new Supreme Court of Justice. Because the Supreme Court is the highest court in the country and given that constitutional and legal guarantees are in place to ensure that women are represented on it, CONAMU and various women's organizations together drew up a strategy for positioning and fulfilling women's right to representation through affirmative action.

232. These strategies were designed to tackle the discrimination implicit in a system where the much-vaunted "meritocracy" of the Qualifications Committee's merit-based competitive exam actually increased discrimination against women and, therefore, their exclusion from the Court.

233. Owing to the determination of women's organizations and the support of CONAMU, a rule was introduced establishing a quota that 20 per cent of the judges on the Supreme Court of Justice must be women. However, the former President of the Qualifications Committee, with the support of male judges, decided to ignore previous agreements and his own decisions and revert to the original points-based selection system. Consequently, only two women judges were appointed.

234. The aforementioned process was supported by, inter alia, the Quito Women's Assembly, the Guayaquil Women's Forum for Juridical Security, the Association of Women Judges of Ecuador, the Association of Women Lawyers of Ecuador, the Coordinator for Women's Policy, the Permanent National Forum for Ecuadorian Women and the Ecuadorian Committee of the Inter-American Commission of Women (CECIM), with technical and political support from the Equity and Development Foundation and CONAMU, the national mechanism for gender issues.

235. The unwavering support of international observers from the Organization of American States, the United Nations and the Andean Community — who drew attention to women's constitutionally protected rights and the importance of applying international treaties and conventions — was a major factor in changing the viewpoint of the Qualifications Committee of the Supreme Court of Justice.

236. There is no doubt that this will be a precedent for the application of affirmative action and a minimum quota when selecting and appointing members of the National Judiciary Council, the Constitutional Court and the higher and lower courts. However, in order for that to happen, the justice system as a whole needs to gain full independence from political parties and respect the principles of transparency, impartiality and equality.

#### **Other decision-making arenas**

237. Women's participation in political and economic decision-making bodies is gradually being consolidated. By law, the Civic Commission for Monitoring Corruption, established in 1998, must have at least one female representative of the country's women's organizations among its members; the Internal Revenue Service has been headed by a woman for several years; the Deposit Guarantee Agency, a body established to clean up the banking sector, has been headed by a woman on more than one occasion; and, lastly, the Attorney-General's Office has been headed, consecutively, by women in recent years.

238. Women are also gradually being incorporated, at various levels, into the three branches of the armed forces and the National Police; however, they are still not found in high-ranking posts. The distribution of women throughout the armed forces is as follows: in the army, there are 56 women officers, at the rank of captain,

lieutenant and sub-lieutenant; in the navy, there are 79 women, of which 50 are officers and 29 are rank and file; and in the air force, there are 30 women officers. In total, 2,115 women work in the National Police, of which 225 are officers and 1,890 are rank and file.<sup>34</sup>

239. In the Executive branch, several women ministers have been appointed under consecutive Governments during the reporting period. As regards the Government that will take office in 2007, women have been appointed to 8 of the 18 State portfolios, including National Defence and Foreign Affairs.

240. However, women still lack access to senior positions in other oversight bodies, such as the Constitutional Court, the Attorney-General's Office and the Office of the Comptroller General, institutions whose members are elected by the National Congress.

#### **The agendas of various women's groups**

241. If Ecuadorian women's human rights are to be positioned and strengthened, Ecuadorian women themselves need to draw up clear proposals on the main issues of concern in the country and discuss and agree on their own priorities as a movement.

242. To that end, the State, through CONAMU, has invested all the financial and technical resources needed to help the various women's organizations develop their political agendas through participatory processes. They respond to both territorial demands (national, regional and local levels) and the specific demands of the group that the organization in question represents (indigenous women, Afro-Ecuadorian women, young women, migrant women, lesbians, sex workers).

243. In August 2006, the Ecuadorian Women's Agenda was drawn up at an event attended by around 100 women leaders representing organizations across the country. The Agenda identifies 12 priorities based on the four sub-categories of rights contained in the Equal Opportunities Plan 2005-2009. The process was supported by the Latin American Institute for Social Science Research.

244. The Agenda, which has been adopted by women's organizations at both the local and the national levels, is a medium-term proposal that will enable the women's movement to monitor the extent to which their priorities are being incorporated into the public and political agenda once the new Government takes office in 2007.

#### **Article 8**

##### **Representatives of women at the international level**

245. Ecuador guarantees women equal opportunities to represent the Government internationally and to hold posts in international organizations. In accordance with the Foreign Service Organization Act, there is no discrimination when entering the diplomatic service or when working at the Ministry of Foreign Affairs.

246. Every two years, the Diplomatic Academy organizes an open and public competitive exam for individuals wishing to join the Foreign Service. The three most recent competitive exams were held in the following cities and regions across

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<sup>34</sup> As at December 2006. Data provided by the armed forces and the National Police.



the country: Quito, Guayaquil, Cuenca, Manta, Loja and Región Oriental. Since 1998, the number of men and women joining the Foreign Service has gradually evened out. Thus, in 1998, six women and five men joined. In 2000, five women and seven men joined. In 2002, eight women and eight men joined. In 2004, 17 women and 21 men joined. In 2006, 16 women and 20 men joined.

247. As a result of the reforms to the Act approved by the National Congress on 12 July 2006, a number of discriminatory provisions were deleted and substantive changes introduced. For example, the provision requiring a person who married a career diplomat to adopt their spouse's nationality was deleted. Another provision was introduced whereby two career diplomats who marry can both continue working and, in the event that one of the spouses is posted overseas, the other spouse will keep his or her post and be granted leave without pay so that he or she is able to accompany the spouse being transferred. This provision applies to both diplomatic and support staff.

248. As a result of the reform of the Act, each new Government may award up to 20 per cent of diplomatic posts to political appointees. High-ranking professional women who are not career diplomats would be among those eligible for such appointments. Indeed, two women Ministers for Foreign Affairs were appointed under such circumstances — Dr. Nina Pacari, in 2003, and Dr. Maria Fernanda Espinosa, in 2007 — as well as women heads of mission, consuls, regional under-secretaries and directors of administrative units.

249. It continues to be difficult for women to balance professional life as a diplomat with family life. Even so, between 1987, when the Academy was set up, and 2006 (i.e. in almost twenty years), only four women have resigned from the Foreign Service for personal or family-related reasons; the majority have been promoted to more senior posts, on equal terms, and are currently working in Ecuador or overseas.

250. Between 1998 and 2006, five women were appointed ambassadors, as compared to 55 men. Two of those women were under-secretaries and three were ambassadors abroad. According to Foreign Service statistics, 15 women are ministers, i.e. in the second category, compared to 39 men. Most of those women are *chargés d'affaires*, consuls and directors of administrative units. Sixteen women are councillors, compared to 27 men. Twelve women are first secretaries, compared to 17 men. Fifteen women are second secretaries, compared to 18 men. And lastly, 21 women are third secretaries, compared to 18 men.

251. The aforementioned statistics show that the number of women in Ecuador's Foreign Service has increased considerably over the past decade, and that recent intakes have been characterized by near equality between women and men, especially in the lower and middle grades. That has not been true for senior posts, however, because twenty years ago, before the establishment of the Diplomatic Academy, very few women wanted to enter the Diplomatic Service, a situation that is now reflected in the significant disparities in the number of ambassadors and, to a lesser degree, of ministers.

252. It should also be noted that the previous Act established a specific retirement age for each category, which was contrary to the Constitution and the legislation governing the civil service. That provision, which was in force before the reform, meant that some men and women were retiring before the age of 65. With the

reform, it is hoped that the retirement age for both genders and all categories will be at least 65 years, and that more women will become ambassadors and ministers.

253. More Ecuadorian women have represented State institutions or non-governmental institutions at international meetings and conferences as members of the delegation of Ecuador. The number of women appointed to positions in international organizations has also increased in recent years: Yolanda Kakabatze and Rosalía Arteaga work on environmental issues and subregional organizations, respectively; Nina Pacari is a member of the United Nations Permanent Forum on Indigenous Issues; Juana Sotomayor works for the Office of the United Nations High Commissioner for Human Rights (UNHCR); and Sara Oviedo chaired the most recent session of the Inter-American Children's Institute.

#### **Article 9** **Nationality**

254. The Constitution enshrines the equal right of men and women to acquire, retain or surrender their nationality, stipulates that citizenship is not lost through marriage or divorce, and provides that those who acquire Ecuadorian citizenship can retain their original citizenship or nationality if they so desire and where a relevant bilateral agreement authorizing such measures exists (arts. 9 and 10). The Civil Code and the Naturalization Act translate those legal principles into specific provisions granting both spouses equal rights to retain or change their nationality and define their domicile and place of residence.

255. As far as immigration is concerned, Ecuadorian minors wishing to leave the country require the consent of both parents, even when they are travelling with one of them. If both parents give their consent, the exit permit, which has limited validity and is applicable only in specific circumstances, is issued by a notary public and then registered by the immigration authorities. In the absence of consent from one parent, the permit may be issued only by a juvenile judge. These legal provisions ensure that mothers and fathers have equal rights to authorize their children to leave the country.

#### **Article 10** **Right to education**

256. Under the Constitution, education is a right of the Ecuadorian people and a responsibility of the State. Education is a priority in terms of public spending, and, consequently, no less than 30 per cent of current revenue is allocated to education and literacy programmes. The Constitution also safeguards the intercultural bilingual education system (art. 66 *et seq.*). Despite those provisions, it has been difficult for the State to provide the minimum budgetary allocation.

#### **Literacy**

257. With a view to implementing the Committee's recommendations on the right to education, set out in paragraphs 26 and 27 of its concluding comments, the State is actively supporting the literacy strategy for women, particularly those from rural and indigenous areas, introduced by the Ministry of Education and Culture and local governments. To that end, CONAMU has forged strategic partnerships with the local governments in Cotacachi and the Municipal District of Quito and with other provincial governments in order to implement the literacy and post-literacy

programme for women, entitled “Yes I Can” (“Yo sí puedo”). That programme currently covers 68 cantons in 18 provinces, and has provided literacy training to 31,528 individuals, 21,249 of whom — the majority — were women.

258. The “Yes I Can” programme is receiving targeted technical support from Cuban trainers. In 2005, the programme taught 680 women in the province of Imbabura, Cotacachi canton, to read and write, thereby making Cotacachi an “Illiteracy-Free Territory 2005”. In 2006, 580 women participated in the post-literacy process. Three hundred and eighty women from outlying urban areas in Quito canton have taken part in the literacy programme.

259. CONAMU is also working in partnership with the National Directorate for Continuing Education of the Ministry of Education and Culture with a view to formulating and defining a national policy on women’s literacy.

### **Gender mechanisms in the Ministry of Education**

260. The Ministry of Education and Culture has established the Proequity Network, which brings together all its technical departments. Gender has been mainstreamed into the teaching curriculum, school textbooks, training models for teacher training institutes and measures taken to prevent and punish sexual harassment in the education system. In addition, more public and municipal bodies are now implementing a mixed education policy, i.e. one that allows men and women to attend the same educational establishment.

261. One of the priorities of our national education policy is the Programme for Gender Equality in Schools. The first preparatory workshop for the Gender Impact Plan, organized in collaboration with the Under-Secretariat for the Coastal Region, the Under-Secretariat for the Southern Region and the Under-Secretariat for the Amazon Region, was held in 2005. Also in 2005, a cooperation agreement designed to incorporate the preparation of the Gender Impact Plan into the education policies of those regions, especially the provincial departments of Guayas, Los Ríos, El Oro, Manabí, Galápagos and Bolívar, was signed.

### **Incorporating a gender perspective into teacher training**

262. With reference to the concerns expressed in paragraphs 28 and 29 of the Committee’s concluding comments, the State is actively promoting the national gender impact strategy in the context of teacher training carried out by the Ministry of Education and Culture through a programme entitled “Towards Gender Equality in Education”.

263. To that end, a five-year agreement with the Ministry’s Under-Secretariat of Education was signed in December 2005. The issue of gender in education, in particular rights and violence, was included with a view to incorporating it into courses for teachers seeking promotion. The programme also provides for the revision of educational textbooks to include a gender perspective, with a view to eliminating sexist and stereotypical content which serves to perpetuate discrimination against women.

264. In January 2006, the National Directorate for Professional Development (DINAMEP) of the Ministry of Education and Culture began training educators from the Under-Secretariats of the Coastal Region (five provinces), the Southern Region (five provinces) and the Amazon Region (five provinces) in the

implementation of the aforementioned programme. To date, a series of regional activities have been carried out and 60 technical experts from DINAMEP have been trained in project implementation at the provincial and national levels.

### **Vocational and higher training with a gender perspective**

265. Higher education choices continue to reflect gender-based trends: women choose social sciences whereas men prefer technical subjects. Women dominate in the areas of health and education. There is a need for a higher education impact strategy to ensure that university-educated professionals, male and female, gain a broad understanding of gender issues affecting the country and of the differing status of men and women.

266. In 2006, CONAMU, in conjunction with the Professional Training Service (SECAP), the Ministry of Labour and Employment and the United Nations Population Fund, developed an Employment Plan designed to mainstream a gender perspective into the SECAP curriculum.

267. As part of that Plan, groups of instructors and technical experts from SECAP and the Ministry of Labour received training in the use of a 40-hour educational module on gender issues, women's rights, violence and education. From March 2007 onwards, the course will be offered in SECAP's 22 provincial centres.

268. It should also be pointed out that a number of higher-education training courses in the areas of gender and public policy, geared towards professionals of both genders in various sectors, especially civil servants, have been introduced.

269. The State-run Central University of Ecuador has been a pioneer in the development of higher-education training programmes on the issue of gender. The University Gender Studies Programme, designed as part of the Project for Alternative Education with a Gender Perspective, has been in existence since 1995. Training and research activities are being carried out, and gender is being incorporated into the university curriculum. Encouraging female academics to take part in all areas of the University's academic and political life is a cornerstone of the programme, and one of its main achievements has been the participation of its coordinators in the Network of Programmes and Studies on Women and Gender in Latin America and the Caribbean.

270. Significant efforts have been made to mainstream a gender perspective into the curricula of a number of faculties. For instance, in the Faculty of Medical Sciences, a gender perspective has been mainstreamed into nursing and obstetrics courses; a gender professorship has been created in the Psychology Faculty; and similar steps have been taken in the Faculties of Social Communication and Sociology. The Philosophy Faculty decided to mainstream a gender perspective into the 10 courses it offers. The Level Four Programme is currently being implemented, as illustrated by the second intake of students for the Masters course in Higher Education and Gender.

271. Similarly, the Latin American Faculty of Social Sciences offers training in gender and public policy, including the Diploma in Gender and Policy geared towards technical experts and officials from the Ministry of Health and health-care professionals in general.

272. The Salesian Polytechnic University of Quito, the Casa Grande University of Guayaquil and the University of Cuenca have formed a strategic partnership for the promotion and establishment of university courses in gender and public policy in order to enhance public sector professionalism and specialization, thereby helping to build the capacity of central and local government bodies.

**Article 11**  
**Right to health**

273. Under the Constitution, the State must offer equal opportunities with a view to ensuring that women can take up paid employment and receive equal pay for work of equal value. The Constitution also recognizes domestic work as productive work.

274. Ecuador has signed international agreements adopted by the International Labour Organization in the areas of employment rights and compulsory social security, such as Convention No. 103 concerning Maternity Protection. However, it has still not ratified Convention No. 183 concerning the revision of the Maternity Protection Convention (No. 103), which deals, inter alia, with maternity leave, leave in case of illness on complications arising out of pregnancy, benefits, employment and non-discrimination against pregnant women.

275. The Labour Code provides for compensation for pregnant women dismissed because of their condition and for maternity leave from two weeks before the birth until 10 weeks afterwards.

**Employment policies with a gender perspective**

276. In July 2005, as part of their efforts to mainstream a gender perspective into employment policies, the Ministry of Labour and Employment and CONAMU signed a cooperation agreement. The main aim of that agreement is the mainstreaming of a gender perspective into the Ministry's Operational Plan, in particular its Short-term Plan on Employment, Tripartite Social Dialogue, Vocational Training and Microenterprise Support.

277. That partnership resulted in the establishment within the Ministry of the Gender Equity and Youth Unit,<sup>35</sup> with a view to fulfilling the mandate set out in a number of articles of the Constitution, including article 23, which refers to the elimination of discrimination and equal opportunities, and thereby complying with international commitments in the area of women's rights.

278. The Unit's mandate is to "create and strengthen mechanisms to ensure that employment policies on training and entry into the labour market with an emphasis on gender equality are fully institutionalized by the Ministry of Labour and Employment and, consequently, implemented by the country's public and private institutions".<sup>36</sup>

<sup>35</sup> National bodies such as the Department for Public Sector Remuneration (SENRES), Public Services International (PSI), the Social Research Institute (ILDIS), the National Statistics and Census Institute (INEC) and SECAP, and cooperation partners such as the Spanish Agency for International Cooperation (AECI)/Spanish Ministry of Labour, ILO, the United Nations Development Fund for Women (UNIFEM) and UNFPA, provided support during this process.

<sup>36</sup> [www.mintrab.gov.ec](http://www.mintrab.gov.ec).

279. In the context of the cooperation between the Ministry and CONAMU, specialized advisers provide technical assistance with a view to incorporating a gender perspective and the promotion and protection of women's rights into the process of reforming the Labour Code. In order to comply with the recommendation set out in paragraph 31 of the Committee's concluding comments, efforts are under way to identify the elements of the current Code liable to lead to discrimination against women and promote the exploitation of girls and adolescents for the purposes of labour, and to determine the appropriate legislative amendments to ensure gender equality in the workplace.

280. In order to safeguard the right of working mothers to maternity leave and breastfeeding time, and to ensure that workplace harassment is eliminated, the Ministry of Labour visits companies on a regular basis. Between 2005 and 2006, the Ministry's Employment Inspectorate received over 1,000 complaints concerning violations of the rights of female employees who became pregnant or who were forced to submit negative pregnancy tests. During the complaints process, every effort is made to settle out of court.

281. With regard to mechanisms for filing complaints concerning violations of women's employment rights, the Ministry of Labour has taken significant steps. Women can approach their local Employment Inspectorate to report an incident: inspectors are required to assist complainants with the submission of their complaints, there are ready-made templates and the process is free of charge. The Ministry takes the view that a solution to the problem should first be sought through conciliation with the employer concerned, but if that is impossible, the inspector will resolve the case by seeking the solution that is most beneficial to the employee.

282. Another important step forward in the sphere of employment was the adoption in September 2005 by the Ministry of Labour and Employment of Ministerial Agreement No. 261 prohibiting the publication in the press of classified employment advertisements — for jobs in both the public and private sectors — that discriminate on the basis of age, sex, ethnic or racial origin, disability or for any other reason.

#### **Assessing the value of domestic work done by women**

283. An important step in mainstreaming a gender perspective into employment policies was the development of Ecuador's first time-use survey. Despite a number of State-run programmes and projects designed to promote women's access to the labour market on an equal footing with men and within the framework of shared family responsibilities, insufficient research has been done on the value of unpaid domestic work. In order to carry out that important survey, various stakeholders signed an inter-institutional cooperation agreement.<sup>37</sup>

284. The aim of the time-use survey is to demonstrate the social and economic value of productive domestic work, with a view to informing the development of policies with a human rights perspective. It contains information on situations of inequality, contributes to increasing understanding of peoples' living conditions,

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<sup>37</sup> CONAMU, INEC, UNIFEM, the Pan-American Health Organization (PAHO), the Committee on Gender and Equal Remuneration and the Department for Social Development of the municipality of the Metropolitan District of Quito signed the agreement on the development of the pilot survey in December 2005.

activities and behaviours and the time they spend on particular tasks, and illustrates social dynamics and the interplay between work and family life.

285. The survey formed one section of the periodic survey on employment, unemployment and under-employment conducted by INEC. It focused on three specific groups: the rural population in Chimborazo province, the population of African descent in Esmeraldas province, and the urban population in the city of Quito. The main reason for selecting those groups was the need to obtain indicators reflecting ethnic differences.

286. A document illustrating the main differences between women and men in terms of time-use and the time they devote to domestic and extra-domestic work is currently being published.

287. This first exercise constitutes essential input for a national survey, covering both rural and urban areas, which will be conducted by INEC in 2007.

### **Employment observatory with a gender perspective**

288. The Ministry of Labour and Employment has proposed establishing and institutionalizing an employment observatory to provide the technical assistance and statistical information needed to develop public employment policies with a gender and territorial perspective, modernize the public employment service and study the labour market.<sup>38</sup> In the last quarter of 2006, a team of expert consultants on various specific areas, such as vocational training, labour migration and social security, and an employment coordinator were hired to design the basic principles of the observatory, which will begin its work in 2007.

289. The observatory and the employment statistics system will make it possible to obtain comprehensive, up-to-date and disaggregated data, with a gender and human rights perspective, on employment rates and the composition of the workforce, the labour market, vocational training, social security, labour migration, as well as information from the Ministry's Employment Inspectorates.

290. We hope to follow up and monitor labour market indicators and to assess the impact of the policies and programmes designed to promote employment and improve access to the labour market and contract conditions with a view to fine-tuning them and submitting new proposals. Those activities would be undertaken within the framework of the services offered by the Ministry's regional offices (27 Employment Inspectorates) in the various provinces.

291. The legal framework governing employment relations will also be examined in order to evaluate its effectiveness and impact. All those inputs will contribute to the design, implementation and monitoring of employment policies and to the assessment of their social impact.

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<sup>38</sup> The inter-institutional cooperation agreement was concluded in May 2006 by the Ministry of Labour and Employment, INEC, the Central Bank of Ecuador, the Technical Secretariat of the Social Front, CONAMU, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UNIFEM, UNFPA and the subregional office of ILO for the Andean countries.

**Migration, refuge and women's rights**

292. Ecuador is one of the few countries that are both a country of origin and a country of destination for migrants, and it also receives displaced persons from other countries — a phenomenon that differs from but also complements migration — which makes it the primary country of refuge in Latin America. That phenomenon has necessitated new policies that require significant financial resources; without the still insufficient support of the international community, their implementation would not be possible.

293. The State has embarked upon joint initiatives with friendly States, international organizations, civil society and the public sector, such as the introduction of voluntary return programmes, in cooperation with the International Organization for Migration (IOM), and the conclusion of agreements such as the agreement with Spain on the regulation and management of migratory flows, a bilateral pilot programme that provides for guaranteed employment contracts, on the basis of equal opportunities, for nationals of the two countries without the intervention of third parties and in accordance with relevant social and labour legislation.

294. At the domestic level, the State is implementing a number of measures: the National Plan for Ecuadorians Abroad, which establishes a framework for dealing with the migration problem in a holistic manner; the aforementioned National Action Plan to Combat Kidnapping, the Illegal Trafficking of Migrants, Sexual, Labour and Other Forms of Exploitation and Prostitution of Women, Children and Adolescents, adopted on 30 August 2006; and the Operational Plan on the Human Rights of Migrants, adopted in 2003, which suggests ways of dealing with racism, xenophobia and other practices contrary to international law.

295. In order to address the concerns expressed in paragraphs 16 and 17 of the Committee's concluding comments, the Round Table on Labour Migration was established in 2005. Both governmental and non-governmental bodies are represented on the Round Table, which is currently chaired by the Ministry of Labour. One of its main achievements has been the development of a draft executive decree establishing the National Council on Labour Migration.

296. In 2006, the Round Table on Labour Migration intended to focus on migrant women workers and on strengthening the issue of gender and employment migration. In September 2006, the Ministry of Labour, CONAMU and FLACSO-Ecuador held a workshop entitled "Migrant Women and Public Policies" with a view to obtaining inputs for the development of policies to provide migrant women and their families with legal, social, cultural and economic protection and bringing together the appropriate institutional and social stakeholders to forge agreements and alliances. The study entitled "Migration, Gender and Employment in Ecuador" was presented at the workshop, and a preliminary proposal for public policies on labour migration with a gender perspective was drafted.

297. The State is also supporting the activities of the Technical Legal Committee, which was established to prepare the draft law on comprehensive protection for Ecuadorian migrants and their families. It is composed of the Jesuit Migration Commission, the Permanent Legal Secretariat of the Plan on Migration, Communication and Development Ecuador — Spain, the Metropolitan House of Migrants and CONAMU.



298. As part of the drafting process for that law, the Committee consulted the families of migrants in Ecuador and abroad, incorporating into its methodology differences between women and men and gender indicators. The draft law will be prepared on the basis of the outcome of those consultations.

299. In addition, CONAMU, together with Jesuit Migrant Services (SJRM) and other representatives of civil society organizations who are members of the Round Table on Labour Migration, submitted a proposal to the Ministry of Foreign Affairs and requested that it should be considered during the High-level Dialogue on International Migration and Development, which took place during the United Nations General Assembly in September 2006. The proposal, which was forwarded to the Dialogue, called on States to provide coherent and appropriate solutions in the areas of migrants' rights and the contribution of migrants to the development of poor countries, and to take steps to ensure that migration took on a more human dimension. The proposal also urged the Office of the United Nations High Commissioner for Refugees (UNHCR) to strengthen measures to protect, integrate and support those who, on account of violence, including gender-motivated violence, were forced to move within their own countries or to other countries.

300. During the Dialogue, the Ecuadorian delegation emphatically stated that "the shared responsibility of countries of origin and countries of destination should not obscure the responsibility of transit countries to step up the fight against illegal human trafficking, which involves resources greater than those involved in drug trafficking, and to address the corruption that feeds it and the harmful effects of illegal migration, the most vulnerable victims of which are women and children".<sup>39</sup>

301. With the support of ILO, two important studies have been carried out. The first, entitled "Informality and Domestic Work", is designed to provide inputs for the development, in conjunction with the Association of Domestic Workers, of proposals; and the second, entitled "Migration, Gender and Employment in Ecuador",<sup>40</sup> provides guidelines and proposals to be discussed by the Round Table on Labour Migration.

302. On 8 March 2006, as part of the events held to celebrate International Women's Day, the Ministry of Labour and Employment, together with UNIFEM and the Human Rights Regional Advisory Foundation (INREDH), launched the "Handbook for Women Seeking Refuge and the Right to Work", which was the outcome of a project that provided workshops to officials dealing with refugees and women seeking refuge in Quito, Lago Agrio and Ibarra.

303. The Ministry of Labour and Employment and the Ministry of Foreign Affairs, through their Under-Secretariats in Guayaquil and Cuenca and in collaboration with organizations working to promote migrant workers' rights, have set up Technical Units for the Selection of Migrant Workers in Cuenca and Guayaquil in order to strengthen the protection offered to Ecuadorian migrant workers in Spain and to create a forum in which Spanish companies and Ecuadorian workers can make

<sup>39</sup> Statement made by Ambassador Carlos López Damm, Under-Secretary for Migratory Relations of Ecuador, during the General Assembly's High-level Dialogue on International Migration and Development, 15 September 2006.

<sup>40</sup> Study carried out by Gloria Camacho Zambrano, Executive Director of the Centre for Planning and Studies (CEPLAES).

contact with one another. That initiative will serve to enhance efforts to protect the rights of female migrants, who are more vulnerable.

#### **Equal pay and assessment of the value of work done by women**

304. With a view to eliminating discrimination affecting salary systems and the conditions of employment for women, the National Public Sector Pay Board, CONAMU, the International Public Service Federation and the Latin American Institute for Social Research and signed an inter-institutional cooperation agreement on 8 September 2006, the objective of which is to “contribute to ensuring that the principle of equality between men and women is applied during the institutional modernization process and in the context of efforts to reassess the value of work carried out in Ecuador’s public institutions”.

305. That project should give rise to a proposal to incorporate a gender perspective into the integrated human resources management system and into the management of the National Public Sector Pay Board itself and all public sector institutions.

#### **Child labour**

306. The Children’s and Adolescents’ Code, promulgated in 2003, provides for the right of children and adolescents to be protected from labour and financial exploitation and any form of slavery, servitude, forced labour or labour that is harmful to health or overall development that prevents them from fully exercising their rights (art. 81). In that connection, the minimum age for all forms of employment, including domestic work, is 15 years, except in the case of formative tasks carried out as part of cultural traditions.

307. In order to address the concern expressed in paragraphs 30 and 31 of the Committee’s concluding comments, and in accordance with the Children’s and Adolescents’ Code, on 2 February 2006 the National Congress endorsed the Labour Code Reform Act, which expressly prohibits children and adolescents under the age of 15 from working and imposes severe penalties on companies that violate its provisions (art. 134, amended version). The Act also makes it compulsory for adolescents over the age of 15 to collect their basic work permit (art. 135, amended version). Under the Reform Act, adolescents over the age of 15 may work for a maximum of six hours a day or 30 hours a week (art. 136, amended version). The Ministry of Labour is required to keep a cantonal register of adolescents working and submit the information to the Cantonal Councils for Children and Adolescents (art. 147, amended version).

308. The Reform Act prohibits all forms of slavery or similar practices, work that is dangerous, harmful or unhealthy for minors under the age of 18, the sale and trafficking of children, forced labour, recruiting or offering children for prostitution and pornography and the use of children to produce or traffic drugs (art. 138, amended version). It grants adolescents over the age of 15 all legal powers, such as the power to conclude contracts without the authorization of their representative, the power to receive their wages directly and the power to make administrative or judicial complaints if their employment rights are violated (arts. 35 and 616, amended versions).

309. According to data from the survey on employment and unemployment in urban and rural areas (2001), 789,070 children under the age of 18 work; 298,421 of them

are female, and 93 per cent of the latter do domestic work. The Ministry of Labour, in collaboration with the National Institute for Children and the Family and the National Police Department for Children is implementing programmes to monitor child labour and launching awareness-raising campaigns.

310. According to the information provided by the Unit for the Eradication of Child Labour of the Ministry of Labour, specialized studies on child domestic workers and other forms of servitude have not been carried out and there are no gender-disaggregated statistics. However, the Ministry has expended a great deal of energy promoting the Campaign for the Eradication of Child Labour, which is part of the Plan for the Eradication of Child Labour. One of the components of that Campaign was the establishment of 35 new Child Labour Inspectorates in all the country's provinces.

311. Within the framework of inter-institutional efforts to eradicate child labour, the Ministry has entered into agreements with the National Institute for Children and the Family and the National Statistics and Census Institute in order to conduct a census to ascertain the progress made by Ecuador in that area between 2001 and 2006.

#### **Dissemination of information concerning women's employment rights**

312. In order to promote and disseminate information on women's employment rights, an online version of the Vademecum of Labour Legislation with a Gender Perspective, which brings together national and international legislation on women's employment rights, as well as national and international procedures to be followed in cases of violations of those rights, was launched on International Women's Day. The printed and digital versions of that volume were officially launched on 24 November 2006 during the 16 Days of Activism to End Violence against Women organized by UNIFEM.

#### **Article 12 Employment**

313. Under the Constitution, public health bodies should receive adequate and timely funding from the State budget and should not be subject to budgetary cuts. However, the budget allocated to health services remains insufficient — an average of 6 per cent over the last three years.

314. The Free Maternity and Child Care Act (LMGYAI),<sup>41</sup> which underwent a reform in 2005 and was codified in 2006, is a special measure intended to help lower the economic obstacles to health care for women and for children under five.

315. For the administration of the funds for which the Act provides, the most recent reforms, published in Official Register No. 136 of 31 October 2005, established the Executing Unit for free maternity and childcare, an administratively and financially autonomous body attached to the Ministry of Public Health.

316. This approach is used to provide Ministry of Public Health hospitals with medicines, inputs, materials, laboratory reagents, blood, blood products and milk substitute to provide free care for women, whether in connection with motherhood or in connection with sexual and reproductive health programmes, and for children under five. Services are provided entirely free of charge. To achieve this, funds are

<sup>41</sup> The Free Maternity and Child Care Act was enacted on 9 September 1994.

transferred to 210 executing units (health service areas and hospitals) of the Ministry and to 50 management committees for local health solidarity funds, which are local entities headed by mayors and responsible for administering the fund at canton level.

317. As a result of the reform, the Act requires health centres and hospitals to provide 55 services connected with sexual and reproductive health, including antenatal, delivery and post-partum care; family planning; screening for breast and uterine cancer; screening women for HIV/AIDS; care for victims of family violence; obstetric emergency care; treatment for sexually transmitted diseases and treatment for the most common childhood ailments, including those requiring hospitalization. Of the 2,733,608 individuals who benefited from the Act in 2005, 1,281,177 were women and 1,452,431 were children under five.<sup>42</sup>

318. The Health Solidarity Fund finances free treatment at national level and transfers resources to 210 executing units of the Ministry and to 50 management committees for local health solidarity funds established at canton level.

#### **Committees of users of the Free Maternity and Child Care Act**

319. For the proper implementation of the Law, committees of users have been established at canton level. This mechanism for citizen involvement has been recognized and legitimized by the State and by civil society as offering social supervision and monitoring of matters including the transfer and use of resources. The total number of committees of users recorded is currently at 73 at canton level (excluding Galápagos and Sucumbíos provinces) and is estimated to be 400 at parish level.

320. Since the end of August 2006, efforts have been under way to establish the specific priorities of the committees of users throughout the country with the aim of strengthening their role as a mechanism for exercising supervision and asserting rights, through a national network of committees of users of the Free Maternity and Child Care Act.

321. Training in gender issues, rights and use of the Free Maternity and Child Care Act has been provided for 15,000 women. A guide for the establishment of committees of users has been drawn up and approved. Work is proceeding on an electronic register of committees of users to streamline communication, and on the publication of the reporting procedure to assert rights.

#### **National Policy for Sexual and Reproductive Health**

322. The State has taken action to address the wish expressed by the Committee in paragraphs 24 and 25 of its concluding comments for a strengthening of health-care programmes, including those for sexual and reproductive health, in addition to those covered by the Free Maternity and Child Care Act. The National Health System Organization Act has been in place since 2002. It is coordinated by the National Health Council (CONASA), which is responsible for establishing sectoral policies, plans and programmes to implement the provisions of the State Constitution.

323. The National Health System Organization Act, the Health Code, the Children and Youth Code, the Violence against Women and the Family Act, the Education for

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<sup>42</sup> Official figures from the Ministry of Health, as at December 2005.

Love and Sexuality Act, the Act on HIV/AIDS, the Patient Protection and Rights Act and the newly approved Health System Organization Act include specific provisions on sexual and reproductive rights which provide the regulatory framework for the development of the National Plan on Health and Sexual and Reproductive Rights.

324. Ministerial Agreement No. 00987, of November 1998, established the standards and procedures for reproductive health care. In April 2005, Executive Decree No. 2717 approved the Health and Sexual and Reproductive Rights Policies which had been agreed in national and regional workshops culminating in the second Congress for Health and Life held in Guayaquil in September 2005.

325. In 2005, the National Plan on Health and Sexual and Reproductive Rights was established in collaboration with the Ministry of Public Health and other key health-sector actors. Its aim is to guarantee the implementation of the National Policy contained in the Plan, in the context of human rights and overall health, in order to enable the men and women of Ecuador to flourish and have a better quality of life, including the ability to enjoy a fulfilling sex life and the freedom to decide whether, when and how often to have children.

326. The National Council for Women (CONAMU) has also been broadcasting radio spots on national stations regarding women's sexual and reproductive rights, including HIV/AIDS prevention. Furthermore, the National Health Council, the full Constitutional Court, the Ecuadorian Federation of Obstetrics and Gynaecology Societies and women's organizations, among others, have been encouraged to meet eminent scientific specialists in the field.

#### **Health Code reform<sup>43</sup>**

327. The current Health Code was approved in February 1971. It contains provisions to safeguard individual and collective health through measures to promote and protect health, preventive and convalescent care, and specifies jurisdiction, areas of responsibility, procedures and penalties. Its purpose is to protect the health of the population; it regulates the actions of all those involved and establishes supervision and monitoring mechanisms.

328. The Code enacted 35 years ago was to be updated to suit the standards of the current Constitution, within a framework compatible with the present focal areas of public health, gender, generational and intercultural matters; with advances in human rights, among them advances in collective, sexual and reproductive rights; and, in particular, with the framework of bioethics, biosafety and biotechnology. There was a need to widen the concept of health, strengthening promotion and prevention and the capacity to forestall and analyse risk.

329. Accordingly, in February 2003, the Congressional Specialized Standing Committee on Health, the Environment and Environmental Protection began working on a draft law to reform the Health Code, working with the Ministry of Public Health. Technical assistance was provided by the Pan American Health Organization. The draft law was enacted as Act No. 67, the Health System

<sup>43</sup> See "Argumentos de respaldo para los derechos sexuales y reproductivos contenidos en el proyecto de Ley Orgánica de Salud" (supporting arguments for the sexual and reproductive rights contained in the draft Health System Organization Act), Quito, August 2006.

Organization Act in the supplement to Official Register No. 423 of 22 December 2006.

330. The Organization Act clearly defines health as a fundamental human right and therefore establishes the State's responsibility to promote and protect it. The Act considers health problems connected with current social, cultural, ethnic, generational, gender-related, economic and environmental situations. It includes a chapter on sexual and reproductive health whose guarantees include the right of women and men to decide whether and when to have children; access to contraceptives; and an obligation to provide prevention and treatment in connection with sexual and reproductive health for the whole population, particularly teenagers. It also provides for the formulation of education policies and programmes to promote sexual and reproductive health, prevent teenage pregnancy, prevent HIV/AIDS and other sexually transmitted diseases, encourage responsible parenthood and eliminate sexual exploitation.

331. During the procedure of approving the Organization Act — according to the National Council for Women (CONAMU) and the movement of women's organizations — conservative tendencies and groups within and outside the National Congress exerted strong pressure for substantial changes to the articles regarding sexual and reproductive health. Those groups' resistance to the Act led the President to impose a partial veto on 24 November 2006.<sup>44</sup> A large number of women's organizations, human rights organizations and specialized non-governmental organizations, as well as the National Council for Women (CONAMU), spoke out against the President's veto.<sup>45</sup> The National Council for Women (CONAMU) regards the veto connected with sexual and reproductive rights as unconstitutional, and has said so publicly, taking the view that women who had been raped would be denied emergency contraception, in violation of the rights of victims of sexual violence, resulting in a failure to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and particularly the general recommendations on violence and on sexual and reproductive health.<sup>46</sup>

332. The Presidential veto provided for a pregnancy to be interrupted exclusively in the cases stipulated in article 447 of the Penal Code, rather than in all instances of rape, in order to safeguard the constitutional principle of the right to life from the moment of conception, but it maintained the obligation to treat women in the process of aborting or in inevitable cases of abortion duly diagnosed by the staff responsible for treatment (article 30).

333. Moreover, other civil society organizations and pro-life movements supported the Presidential veto in order to prevent the legalization of abortion in cases other

<sup>44</sup> See "Argumentos a favor de los derechos sexuales y reproductivos" (arguments in favour of sexual and reproductive rights), National Council for Women (CONAMU), August 2006.

<sup>45</sup> In Quito, organizations supporting the Organization Act included *Coordinadora Política Juvenil* (youth policy coordinating group); the *Foro Nacional de Mujeres Ecuatorianas* (National Ecuadorian Women's Forum); the *Movimiento Mujeres por la Vida* (the "women for life" movement); the Centre for the Advancement of Women (CEPAM); the Centre for Population Studies and Social Development (CEPAR); the Christian Youth Association; *Ruptura de los 25*; and the Quito Women's Assembly. The Act was also actively supported by organizations in other cities: GAMMA (Cuenca); CEPAM (Guayaquil) and the El Oro women's movement.

<sup>46</sup> See "Argumentos a favor de los derechos sexuales y reproductivos" (arguments in favour of sexual and reproductive rights), CONAMU, August 2006.

than those referred to in the Penal Code. This demonstrates the substantial controversy surrounding the issue in the country.

### **Prevention of teenage pregnancy**

334. In order to address the concerns expressed by the Committee in paragraphs 24 and 25 of its concluding comments, the State has strengthened programmes for widespread education on sex and reproduction, with the aim of preventing teenage pregnancy.

### **Education for Love and Sexuality Act**

335. The Education for Love and Sexuality Act was enacted in 1998 with the aim of encouraging education regarding sexual and reproductive rights in Ecuador.<sup>47</sup> Significant agreements and decrees have been adopted since 2000 to ensure that the Law is implemented in practice.

336. Ministerial Agreement No. 910, of 28 May 2000, adopted a National Plan for implementing the Education for Love and Sexuality Act (PLANESA) and provided for its implementation at all levels of the education system, in Government and non-governmental organizations and in the media. The national programme of education for love and sexuality (PRONESA) was established by Ministerial Agreement No. 3152, of 16 December 2003, to implement the National Plan. In the same framework, Ministerial Agreement No. 3393 adopted the special regulations for procedures and mechanisms for awareness and handling of sexual offences in the education system.

337. The Interinstitutional Support Committee (CAI)<sup>48</sup> was established within the framework of the National Programme of Education for Love and Sexuality (PRONESA). In June 2006, the Committee signed a five-year memorandum of understanding for the development and institutionalization of procedures and mechanisms for awareness and handling of sexual offences in the education system. This policy was approved through Ministerial Agreement No. 403, which establishes the national plan for the eradication of sexual offences in the education system. The national plan in question includes policies for prevention, restoration of victims' rights, investigation and penalties for sexual offences and HIV/AIDS prevention. Implementation of the plan will begin in 2007, through the Ministry of Education and Culture (MEC) and the Interinstitutional Support Committee (CAI). As already indicated, the new Health System Organization Act includes a chapter on sexual and reproductive rights and makes obligatory sex education which incorporates a gender and women's human rights perspective, as established in Ministerial Agreement No. 403.

338. Similarly, the National Council for Women (CONAMU), as a member of the National Steering Committee on sex education, has supported the participatory approach to formulating the proposed new act on sex education in the framework of women's human rights, gender equality and sexual and reproductive rights. The Act

<sup>47</sup> Published in Official Register No. 285, of 27 March 1998.

<sup>48</sup> The following are represented in the Interinstitutional Support Committee: CONAMU, CNNA, UNFPA, CARE, Plan International, MAP International, Ecuador Adolescente and the Ministry of Public Health; it is led by the Ministry of Education and Culture (MEC) through the National Programme of Education for Love and Sexuality (PRONESA).

was adopted at its first reading. In the framework of the National Programme of Education for Love and Sexuality (PRONESA), the Ministry of Education and Culture (MEC) is planning large-scale sex education training for schoolteachers, with an emphasis on HIV/AIDS prevention. These measures should allay the concerns which the Committee expressed in paragraphs 24 and 25 of its concluding comments regarding implementation of the National Plan for Education on Love and Sexuality.

#### **Ecuador Adolescente project**

339. In connection with the sexual and reproductive rights of young people, the Ecuador Adolescente project has been receiving support since 2004 from CONAMU, in conjunction with the National Institute for Children and the Family and with financial and technical assistance from the Belgian technical cooperation agency. The programme is being implemented in 12 cities, with the aim of publicizing and promoting the sexual and reproductive rights of teenagers and young people from a gender perspective and in a responsible manner, in order to prevent teenage pregnancy and abortion. In 2006, local State-civil society networks were formed and strengthened, with young people in a leading role. The strategy is founded on inter-institutional coordination between the various players: the National Council for Childhood and Adolescence, the National Institute for Children and the Family and the health and education sectors.

340. One of the main achievements of this project is the strengthening of young peoples' social involvement and the establishment of youth agendas in the twelve cities covered. As part of those agendas, communication campaigns have been conducted to publicize sexual and reproductive rights, with a priority on eradicating sexual violence. The project has made it possible to influence health and education services and to give local programmes for teenagers and young people a gender focus.

341. In addition, CONAMU established a major partnership with the Latin American Centre for Health and Women, the Ministry of Health, the Ministry of Education and the National Childhood and Adolescence Council in order to undertake activities to disseminate information on the prevention of teenage pregnancies. One of the concerted actions is the joint observance of Teen Pregnancy Prevention Day, which was held on 26 September 2006. Training has been carried out in various schools in Quito under this framework. Training is based on an unconventional method of communication which uses art as a tool for providing information on these issues and for establishing a forum of debate among students.

#### **Access to emergency contraceptive methods**

342. During the last few years, there has been significant progress in promoting recognition and respect for women's rights in Ecuador, especially through promulgation of the Constitution in 1998, which was referred to above. However, according to CONAMU, "there is still a long way to go in the area of sexual and reproductive rights". Below are the views of CONAMU with respect to this issue.

343. "In 2004, a step backwards was taken when a group of lawyers, acting in their own right, presented an action of constitutional remedy against the Ministry of Public Health and the Izquieta Pérez National Hygiene Institute, opposing the Institute's sanitary registration of the 'morning after' pill, which activists believe



causes abortion rather than contraception. The third rota court of the Civil Court of Guayas ruled that the constitutional remedy was admissible. An appeal was made by the defendants and was admitted by the lower court to be heard and decided by the Constitutional Court.”

344. “The Third Chamber of the Constitutional Court heard the case for constitutional remedy in May 2006;<sup>49</sup> however, it decided to suspend the listing and sanitary registration of the drug POSTINOR-2. This ruling contradicted article 23, paragraphs 2, 20 and 25 concerning the constitutional mandate to protect women’s rights and article 39, which guarantees the right to a life free from violence, the right to quality of life (to make use of scientific and technological advances), the right to make free choices with respect to sexuality and the right to choose the number of children to bear, educate and maintain. The Constitutional Court ruling in 2006, which admitted the constitutional remedy presented by a group of lawyers that opposed the sanitary registration of the ‘morning-after’ pill and which brought about the suspension of the listing of this drug, received mixed reactions from the public, especially from various women’s organizations.”

345. “CONAMU and the majority of women’s organizations in the country consider this ruling to be unconstitutional because it ignores the scientific conclusions of the World Health Organization, which show that emergency contraception pills do not cause abortion.”<sup>50</sup>

346. The State is aware of the continuing debate on access to certain emergency contraceptive pills. However, there are other contraceptive methods that have been approved and are widely used, including for emergency contraception, such as the Glanique pill. Ecuadorian women also have free access to other drugs and contraceptive methods. One of the State’s priorities is to strengthen education to disseminate these methods and allow for the exercise of sexuality in a free, voluntary and responsible manner in accordance with the Constitution of the Republic. The first step towards achieving this goal is implementation of the National Plan and the National Programme for Education on Sexuality and Love, which have been in force since 2000 and 2003 respectively, as mentioned previously.

#### **HIV/AIDS and women**

347. Through the National AIDS Programme, the Ministry of Public Health is carrying out a campaign for the prevention of vertical transmission of HIV and offers free HIV testing to pregnant women with funding from the unit established by the Free Maternity and Child Care Act. In addition, funding from the same source is being used to develop a pilot maternity programme in Guayaquil which provides free breast milk to newborn children of mothers carrying with the virus until the age of six months.

<sup>49</sup> The constitutional remedy was given the reference number 0014-2005-RA.

<sup>50</sup> According to a report by WHO, “levonorgestrel emergency contraceptive pills (ECPs) have been shown to prevent ovulation and they did not have any detectable effect on the endometrium (uterine lining) or progesterone levels when given after ovulation. ECPs are not effective once the process of implantation has begun, and will not cause abortion.” Newsletter entitled “CONAMU and the Constitutional Tribunal’s ruling” of May 2006.

348. In 2006, CONAMU included this item in its programme of work and began a process of awareness-raising with respect to the problems faced by women, youth and adolescents, mainly those living with HIV/AIDS, by exploring alternative cultural avenues, such as travelling theatrical groups which deal with the issue on the stage.<sup>51</sup> A study on gender and HIV/AIDS that will provide insight into the specific situation of our country will be carried out with the objective of ensuring there are sufficient inputs for treating this problem.

349. The Ministry of Labour and Employment of Ecuador has taken steps to combat discrimination against persons living with HIV/AIDS. Ministerial Agreement No. 00398, issued on 13 July 2006, prohibits public and private companies and all State institutions from conducting mandatory HIV testing for job applicants or employees, and prohibits dismissal without notice on those grounds. This Agreement promotes prevention, provision of information and education in workplaces and advocates voluntary HIV testing with informed consent.

350. Efforts are also being made within the Ministry of Labour and Employment to provide staff training on addressing the HIV/AIDS problem. In 2006, a sensitization campaign was undertaken in the Ministry during which 120 civil servants received training, of which 99 took the free and confidential test within a week of the training.

351. Another important legal instrument in the area of public policy and HIV/AIDS is the draft reform act on the prevention and comprehensive care of HIV/AIDS.<sup>52</sup> The Congressional Health Commission of the National Congress proposed that this draft act should be discussed in a national workshop so that the current legislation, which has many gaps, lacks a clearly defined budget and considers HIV/AIDS from a purely epidemiological perspective, could be brought up to date.

352. The draft reform act goes beyond the parameters of the health field and takes into account a human rights perspective. From a gender perspective, it provides for preferential and free access to HIV/AIDS treatment for pregnant women and establishes the National HIV/AIDS Council, which will report to the Office of the President and will comprise various State institutions, including CONAMU.

353. In the framework of the aforementioned National Sex Education Plan of the Ministry of Education and Culture, a great deal of effort is being made to implement the new concept of sex education, including the issue of HIV/AIDS, in educational institutions.

354. The following specific objectives for HIV/AIDS care were included in the framework of the aforementioned National Plan on Sexual and Reproductive Health and Rights 2006-2008:<sup>53</sup> (a) prevention of early pregnancies, sexually transmitted

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<sup>51</sup> The campaigns on the promotion of sexual and reproductive rights, prevention of HIV/AIDS and sexually transmitted diseases will be carried out in schools in Guayaquil, Machala, Cuenca and Quito, which are cities that have been identified as target areas due to the incidence of HIV/AIDS among adolescents.

<sup>52</sup> Published in Official Register No. 58 of 14 April 2000.

<sup>53</sup> The executing unit of the Free Maternity and Child Care Act, the National Water and Sanitation Commission (CONASA), the Ministry of Public Health, CONAMU, the peasant worker social security regime (Seguro Social Campesino), the Ecuadorian Family Welfare Association (APROFE) and the Centre for Population Studies and Social Development (CEPAR), the University Research Co. Quality Assurance Program (QAP-URC), the International Plan of non-governmental organizations, CEPAM, Family Care International and cooperation agencies such

infections and HIV/AIDS, and (b) guaranteeing care for adolescents living with HIV/AIDS.

### **Article 13**

#### **Social and economic benefits**

##### **Access to basic services**

355. Under the Programme for the Modernization of the National Civil Registration and Identification System, which is being implemented by the National Council for Modernization and the National Directorate for Civil Registry, in April 2006 a cooperation agreement was signed between CONAMU, the National Childhood and Adolescence Council, the National Institute for Children and the Family, the National Directorate for Bilingual Intercultural Education, the Council for the Development of the Nationalities and Peoples of Ecuador, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees with a view to implementing the National Plan on Identification, Civil Registration and Free Late Registration, which was entitled "Together for identity".<sup>54</sup>

356. The objective of the first component is universal access to identity and the guarantee of this fundamental right for all Ecuadorians of all ages. Mobile registration and identification brigades were deployed to areas of Ecuador in which inhabitants have not had access to these services.

357. It is hoped that over 1.5 million unregistered Ecuadorians who do not have access to basic services such as health care and education because they do not have an identity card will use the mobile brigades. Approximately 600,000 of these people are children.

358. The identification plan began with a pilot project in eight of poorest cantons in the country, where a pilot project on land registration is being jointly organized by the Land Administration Project (PRAT) and the Ministry of the Environment with a view to enhancing women's access to productive resources.

##### **Social protection policies**

359. With respect to the concerns contained in paragraphs 14 and 15 of the Committee's concluding comments, it should be noted that the Human Development Bond Cash Transfer Programme, which includes indigenous and rural women, has the greatest coverage and social investment of the programmes aimed at the population living in poverty and extreme poverty. The programme covers over 2 million Ecuadorian households and involves a conditional transfer aimed at protecting human capital through health and education. Women are the main participants in this policy because when they receive the transfer, they use it for the welfare of their children.

360. In order to assess the programme's scope, in 2003 CONAMU carried out a gender study on the Human Development Bond with the support of the Economic Commission for Latin America and the Caribbean (ECLAC). The results of this

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as the United Nations Population Fund (UNFPA) and the Pan-American Health Organization (PAHO).

<sup>54</sup> [www.conam.gov.ec](http://www.conam.gov.ec).

study led to the drafting of a proposal on implementation of a pilot service network for women beneficiaries of the Human Development Bond in six of the country's cantons. Its objective is to assess policies on social protection and poverty from the perspective of women's rights and access to basic social services through implementation of a strategy for improving and taking advantage of the opportunities provided by the Human Development Bond Cash Transfer Programme.

361. In 2005, territorial agreements were signed with the local governments of Riobamba and Portoviejo as part of the pilot network. Through a consensus with the Social Protection Programme which manages the bond, it is hoped that a pilot service network can be carried out in other cantons in the country.

### **Economic resources for women**

362. In view of the number of Ecuadorian women living in poverty, the State developed a proposal for channelling economic resources from a gender perspective. This proposal led to the establishment in 2003 of a trust fund called the Programme for the Advancement of Rural Women (Promujeres) which is administered by the National Finance Corporation.

363. Through the Reimbursable Microfinance Programme, the Promujeres fund launched its operations in November 2005 in six credit institutions that are committed to the economic rights of the poorest women.<sup>55</sup> The fund's policies and instruments enable it to serve as a mechanism for promoting access to resources for women living in extreme poverty, establishing their independence and improving their quality of life.

364. Partnerships with women's organizations and institutions that share the fund's philosophy were established with a view to allocating resources and monitoring the strategy. Women's partnership, cooperation and organization are promoted.

365. During 2006, approximately 80 institutions, including financial institutions, savings and credit cooperatives and non-governmental organizations that specialize in microfinance qualified to participate in the fund. These institutions have expressed the desire to participate in the fund by channelling their own resources to women beneficiaries throughout the country.

366. During this phase, approximately 850 women will benefit directly from the granting of these credits. The fund has attracted the interest of other institutions that would like to become members.

367. One of the potential members is the Council for the Development of the Nationalities and Peoples of Ecuador, which has established the reimbursable programme entitled "Llankari Warmi" in the framework of the Indigenous Peoples' Development Fund. Its objective is to finance indigenous women's productive economic activities through the granting of microcredits with a view to strengthening community savings banks.

368. The Promujeres fund also has a non-reimbursable programme entitled "Gender Equality" whose objective is to support through a public and competitive fund civil

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<sup>55</sup> As of August 2006, seven credit institutions have signed agreements for channelling microcredits to poor women in five of the country's cantons: Santa Elena, Guayaquil, Machala, Coca and Guamote.

society initiatives aimed at strengthening the implementation of the components of the Equal Opportunities Plan.

### **Women with disabilities**

369. According to the household survey carried out by the National Statistics and Census Institute (INEC) in 2004, which included a major component on disabilities, 12.14 per cent of the population of Ecuador has some form of disability. Of these 1,608,334 persons, 829,739 are women. With respect to the population with disabilities in the over-41 age group, 54 per cent are women and 46 per cent are men.

370. The National Council on Disabilities has incorporated the issue of women with disabilities into its operating plan for 2007. Over the last three years, the Council has provided initial funding for training and organizational development projects for women with physical disabilities from a specific gender perspective in order to raise awareness about the reality of the situation of women with disabilities and to strengthen their leadership with a view to countering this double discrimination.

371. The Council established the Network for the Protection of the Rights of Persons with Disabilities comprising the provincial commissioners of the Office of the Public Defender, the free legal clinics of the law faculties of the country's universities and some Bar Associations.

372. In addition, it drafted an act to reform the Disabilities Act currently in force, establishing fines for non-compliance which range from \$250 to \$5,000.

373. The Labour Code Reform Act, promulgated in January 2006, makes it compulsory for public or private enterprises with 25 or more employees to hire disabled persons at a rate of 1 per cent of their total staff in the first year, increasing to 4 per cent by the fifth year, with respect for the principles of gender equality. The Ministry of Labour will conduct ongoing inspections of businesses and will penalize employers for failure to comply with the Act.<sup>56</sup>

## **Article 14**

### **Rural women**

374. In order to address the concerns expressed by the Committee in paragraphs 14 and 15 of its concluding comments, the Government has taken significant action to decrease the levels of poverty among rural, indigenous and Afro-Ecuadorian women.

### **Credit for rural women**

375. With the goal of improving rural communities' quality of life by organizing women and creating a habit of saving and credit that will help make their families and communities sustainable, the Development Project for Indigenous and Black Peoples of Ecuador addressed the issue of private investment in rural areas through the Solidarity Fund Programme; Ecuador has 626 solidarity funds with 15,158 women members, including women of 27 nationalities and indigenous and Afro-Ecuadorian women.

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<sup>56</sup> The first inspections conducted in the province of Cañar, in October 2006, showed that the nine companies visited had hired a total of 12 disabled men and no disabled women.

376. While these solidarity funds were in existence, their members could be self-managing and could administer the resources of a group established through their own families' savings. This represented a major step forward for families, communities and societies; it gave women a spirit of microentrepreneurship and encouraged the development of community-based financial bodies that served their communities over the long term. Thus, 10 per cent of the solidarity funds have been integrated into the national financial system, which is regulated by the Office of the Superintendent of Cooperatives, and another 15 per cent are in the process of integration.

377. In addition, microenterprises have been created, including community stores, bakeries, handicrafts centres, small-animal stock farms and other activities that have arisen as a result of the existence of such associations. Indigenous and Afro-Ecuadorian women have been successfully involved in their communities' and associations' decision-making, making them active rather than passive members of their communities. New solidarity funds have been established in rural areas without financial services, thereby strengthening the various productive activities of peasant and rural families. The women's groups that manage solidarity funds have the capacity to handle funding and administrative matters.

#### **Indigenous women and health**

378. There have been several achievements in health-related areas. One such achievement is the strengthening of the Free Maternity and Childcare Act user groups in areas with a high rural, and particularly indigenous, population.

379. Efforts have also been made to include coverage of vertical childbirth, an ancestral indigenous practice, among the benefits provided by law. This proposal is still under discussion and funding is needed.

#### **Indigenous women's access to education**

380. In rural areas, there are 88 girls for every 100 boys enrolled in secondary school and there is a high percentage of schools with only one teacher and with substandard infrastructure and equipment.

381. The Ministry of Education's Bilingual Education Programme, the goal of which is to eliminate illiteracy and lower the drop-out rate, is focused particularly on rural and indigenous women. According to the National Intercultural Bilingual Education Department, 56,110 women are enrolled in the literacy programme.

### **Article 15**

#### **Equality before the law**

### **Article 16**

#### **Equal rights regarding marriage and the family**

382. The current Constitution establishes the principle of equality before the law for women and men. Many of the secondary norms of Ecuador's legal system have progressively strengthened this principle. Women now have full legal capacity and the freedom to administer their own property, conclude contracts and engage in work, trade and industry. Women can represent themselves or other natural or juridical persons on civil matters and can exercise their professions freely. Therefore, *de jure* equality is guaranteed under Ecuador's legal system.

383. In so far as access by the poor to justice is limited, particularly in civil cases and especially in those concerning family matters, the National Access to Justice for All Women Programme has been given priority status. CONAMU is negotiating with the bodies responsible for the reform of the justice system that will be conducted within the framework of the World Bank's ProJusticia II project.

384. Ecuador's Constitution recognizes that the family is constituted on the basis of legal or de facto ties and has as its underpinning the equality of rights and opportunities of its members. This principle applies to both marriage and de facto unions. The Constitution also establishes that the State shall promote equal paternal and maternal responsibility and shall provide support for women heads of household.

385. The principle of equality had been established by law since the 1989 reform of the Civil Code, although a presumption in favour of the husband in the administration of the couple's affairs is maintained unless the spouses make an explicit declaration to the contrary at the time of their marriage. In practice, when a civil marriage is performed, the authorities, unless otherwise informed, assume that the husband will administer the couple's joint property.

386. With respect to the family, the draft children's and youth code and the draft family code, which have been harmonized with each other, were prepared through a participatory process involving citizens in order to avoid potential conflicts in their implementation. Both draft codes represent legislative progress that reflects the real situation of society. The first debate on the draft family code was held in May 2002, but work on the draft was later suspended. The new Children's and Youth Code, promulgated in April 2003, has improved the principles governing the administration of justice in a specialized manner in the cases to which it applies.

387. The minimum age for marriage is 18; however, adolescents may marry at an earlier age with the consent of their parents or of the competent judge.

388. Article 23 of the Constitution grants access to family planning methods, officially eliminating the requirement of spousal authorization; this is consistent with the civil law currently in force.

### **Other issues of special concern**

#### **Population of border areas**

389. The Office of the Undersecretary of State for National Sovereignty and Border Development was established in May 2004 in order to address issues related to the defence of sovereignty and territorial integrity, implementation of policies and actions aimed at strengthening the populated ("living") borders, improvement of the lives of people living in the border and Amazon regions, physical integration of Ecuador into South America and sustainable development of the Amazon region.

390. The Ecuador-Colombia Commission on Neighbourly Relations was established within the framework of integration, and in implementation of the Presidential Declaration of 20 June 1989, and it was restructured in November 2002.

391. The Commission on Neighbourly Relations is a bilateral policy-making and representative mechanism and is responsible for promoting binational integration, cooperation and development with a focus on the border integration region. The issue of gender is not mainstreamed as a cross-cutting issue, although the Ministry

of Foreign Affairs has invited CONAMU to participate in some forums for the formulation of cooperation proposals.

392. CONAMU, in coordination with the Commission on Neighbourly Relations and the Ministry of Foreign Affairs, initiated relations with Colombia's Advisory Office on Women in September 2006 in order to implement the Ecuador-Colombia Technical Cooperation Project within the scope of the special protection policies for at-risk women: displaced and refugee women, children and adolescents.

393. The project's goal is to mainstream a gender perspective into policies, programmes and projects for the promotion and protection of displaced and refugee groups from the border region and to ensure full exercise of the rights of Ecuadorian and Colombian women, girls and adolescents affected by the armed conflict in Colombia.

394. The Northern Development Unit was established in August 2000 by Executive Decree in order to give priority to economic and social development in the Esmeraldas, Carchi, Imbabura, Sucumbíos, Orellana and Napo provinces of the northern border region.

395. The Unit works in the northern border region within an alternative, preventive, integral and sustainable development framework that includes components that support the social infrastructure, the political infrastructure, production development, environmental conservation, economic development and local management.

396. Through these significant acts, Ecuador hopes to address the concerns expressed by the Committee in paragraphs 16 and 17 of its concluding comments.

#### **The environment and gender**

397. The Government, through CONAMU, has begun to mainstream the gender perspective into environmental policy to a significant extent. On the basis of an investigation conducted in order to give visibility to the role of gender equality and women's rights in environmental policy, CONAMU is working to increase awareness of women's place in ecosystems.

398. In the context of women and the environment, CONAMU is addressing environmental problems by providing women with training on direct and indirect environmental impact and increasing their participation in environmental prevention and renewal activities. Thus, rural women have been taken into account in the relationship between gender and the environment by emphasizing that people are part of ecosystems and ensuring gender equality in the implementation of the Convention on Biological Diversity, to which Ecuador is a signatory.

399. At the national level, guidelines for incorporating gender criteria into environmental management are being developed by the UNDP Office in Ecuador, the Global Environment Facility (GEF) and grants to the nation's non-governmental environmental organizations and community groups. The gender perspective is being incorporated into these initiatives with a particular focus on promoting the active participation of women in the exploitation of ecosystem resources and the taking of decisions on sustainable management, and as the recipients of environmental benefits.



400. The public's environmental awareness has been increasing in recent years, particularly in the oil extraction region (the north-east of the country), and organizations have been established in order to combat the unsustainable exploitation of this non-renewable resource; women in important political posts are leading this movement. A group of women biologists and environmentalists are working at the community level to promote active public involvement in opposing such exploitation.

401. At the local level, there are organizations of rural, indigenous, mestizo, afrodescendent and Montubio women who support themselves through the sustainable extraction and processing of products of the ecosystems in various parts of the country. Some local governments with environmental units support women as important partners in conserving biodiversity at the local level.

### **Part III**

#### **Remaining challenges**

##### **Women and the economy**

402. While the Government has strengthened partnerships with the Social Front, effective coordination of economic and social policy from a rights-based perspective in order to strengthen a development model based on social justice and the principles of equality and social and cultural diversity is still a challenge.

403. Continuing investment of human and financial resources in order to influence public policy-making, and particularly the general State budget, is essential in order to ensure that public investment targets the specific needs of the most disadvantaged groups, including women.

404. Specifically, the funds budgeted for the operations of the Promujeres Fund must be increased as an effective strategy for channelling financial resources in order to encourage poor women's economic initiatives and, in the long term, to help overcome poverty.

405. This means that the nation's system of social indicators must be improved by incorporating new indicators which will reveal the feminization of poverty in Ecuador and that, on the basis of this information, steps must be taken to improve the living conditions of Ecuadorian women and their families.

406. There is no doubt that the reform of major legislation such as the Trade Act, the body of legislation on the functioning of the banking system, the Agricultural Development Act and the Ecuador Land Ownership Act must be promoted.

407. It is also essential to have quantitative and qualitative information on the situation of women in rural areas in order to incorporate a gender perspective into Ecuador's agricultural policy for the period 2006-2016 and to include women farmers' associations at all stages of policy implementation.

408. With respect to the issue of the environment and gender, the priority is to conduct research that will provide information on access to, and use and control of, natural resources from a gender perspective.

409. One remaining item on the gender agenda is the need to quantify women's contribution to the nation's economy. Implementation of Ecuador's time-use survey at the national level is therefore an investment priority that the State should address.

### **Education and training**

410. In the field of education, one of the principal challenges to be overcome is the need to print more copies of low-cost and high-quality textbooks with content that promotes the equality and rights of children and adolescents and the development of their capacities.

411. The National Council for Women and the National Council for Children and Adolescents should establish adequate institutional coordination mechanisms aimed at strengthening the decentralized system of comprehensive protection of children's rights (particularly the Children's Rights Protection Committees) in order to monitor respect for the principle of non-discrimination in education, especially with regard to expulsion or rejection because of pregnancy and to sexual violence.

412. It would be advantageous to support new educational alternatives which incorporate various forms of artistic expression that demonstrate women's contribution and to include sports and alternative activities, such as sex education, in the curriculum.

413. Effective mainstreaming of an intercultural perspective at all levels of Ecuadorian educational initiatives cannot be postponed.

414. Women's access to higher education must also be promoted by establishing a scholarship fund that gives priority to women heads of household for various courses of study.

### **Women and health**

415. It is essential to promote mainstreaming of an intercultural perspective into the health services, particularly by including beneficial ancestral practices such as vertical birth in the benefits package of the Free Maternity and Childcare Act and by developing programmes to recover traditional knowledge for use in health care, particularly taking into account the importance of midwives and the need to include them in the provision of health-care services.

416. Another remaining issue is the need to strengthen the role of local governments in the provision of health-care services through national agreements from a gender and human-rights perspective.

417. It is essential to consolidate progress in the areas of sexual and reproductive rights by strengthening programmes and projects that ensure responsible access to contraceptive methods with full respect for rights.

### **Domestic violence**

418. One priority with regard to the law is the need for the judiciary to implement the gender model in its management of the family courts and criminal courts dealing with violent crimes.

419. There is a clear need to allocate resources to the participatory preparation of a national plan for prevention, elimination and punishment of gender-based violence

that will make it possible to carry out local-level programmes and projects in order to provide treatment and protection to the victims of violence, restore their rights and implement punitive measures for their aggressors.

420. Within the framework of this plan, adequate resources must be allocated in a timely manner, under the general State budget, to activities such as the implementation of policies, programmes and projects for the prevention, elimination and punishment of gender-based violence, strengthening of existing shelters and establishment of new ones, and provision of legal and psychological services.

421. Another priority is to allocate resources for implementation of the National Plan to Combat Trade and Trafficking in Persons and Sexual Exploitation. The Fiscal Policy from a Gender Perspective Project is a key strategy for making Ministry of the Economy and Finance officials aware of the need to invest resources in policy design and the implementation of public policy for preventing and punishing the sexual exploitation of children, adolescents and women.

422. Another remaining challenge is the need to establish violence against women as a crime in the Penal Code. The Government will therefore do its utmost to ensure that this reform is adopted during the next session of Congress.

423. The sensitive situation in the northern border provinces as a result of the armed conflict in Colombia makes it clear that programmes for protection of the rights of the aforementioned displaced and refugee women, girls and adolescents of Ecuador and Colombia must be strengthened.

#### **Women in the exercise of power**

424. With respect to women's political participation, Ecuador needs to provide training in order to encourage women's leadership capacity. While women's participation in the electoral process and in the various decision-making bodies is growing, it is vital to invest resources in political training from the gender- and rights-based perspective.

425. Strengthening Ecuadorian women's political leadership capacity is unquestionably a key step towards democratic governance and a substantial contribution to progress towards egalitarian, inclusive democracy.

#### **Institutional and legal gender mechanisms**

426. One priority in the effort to better mainstream the gender perspective into public affairs is the promotion of wide-ranging discussion with the nation's various women's organizations before the draft equal opportunities and gender equality act is submitted to Congress. Discussion and approval of the draft act is urgent and of vital importance to the formulation of gender-related public policy in Ecuador.

427. It is also extremely important to take the necessary political steps to restore the status of the former Deputy Ombudsman for Women in the Ombudsman's Office in order to strengthen its role in enforcing respect for women's human rights.

#### **Publicizing women's human rights**

428. It is important for all public institutions to allocate resources to publicizing the Convention, and particularly its Optional Protocol, more widely as an instrument for enforcing women's rights. As mentioned above, one major achievement is the work

of the Committee for Public Coordination of Human Rights in the Ministry of Foreign Affairs and of CONAMU, which are widely publicizing these instruments and the Committee's concluding comments on Ecuador's reports, the reports themselves and other gender mechanisms through written publications and on the Internet.

429. Similarly, programmes for the broad dissemination of information on human rights must be offered in the languages of the other nationalities and peoples of Ecuador.

**The environment and gender**

430. It is essential to promote specialized research into the problems of urban and rural women affected by environmental pollution, and particularly land degradation; to learn more about persistent organic pollutants and to integrate cultural diversity as an enabling factor in women's control over natural resource management.

431. Another key aspect of environmental matters is the issue of occupational and environmental health for nurses exposed to radiation, women working in the flower industry and woman shrimpers and the impact of such high-risk occupations on the lives of working women.

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**Acronyms**

AME	Association of Ecuadorian Municipalities
AMJUPRE	Association of Women on Parish Councils in Ecuador
BCE	Central Bank of Ecuador
CEOSL	Ecuadorian Confederation of Free Trade Unions
CEPAM	Ecuadorian Centre for the Promotion and Advancement of Women
CEPAR	Centre for Population Studies and Social Development
CIM	Inter-American Commission of Women
CODAE	Council for Afro-Ecuadorian Development
CODENPE	Council for the Development of the Nationalities and Peoples of Ecuador
CONADE	National Development Council
CONADIS	National Council on Disabilities
CONALMA	National Council for the Support of Breast-Feeding
CONASIDA	National AIDS Prevention and Control Council
CPE	Political Constitution of Ecuador
CPME	Ecuadorian Women's Policy Coordinator
CTE	Ecuadorian Workers Confederation
DFC	Rural Forestry Development Project
DINAMU	National Women's Department
DINAPEN	National Police Department for Children and Adolescents
DNI	Defence for Children International
EAP	Economically Active Population
ECV	Standard of Living Survey
ENDEMAIN	Demographic and mother-and-child-health survey
FAO	Food and Agriculture Organization of the United Nations
FEDAEPS	Ecuadorian Health Support Federation
FLACSO	Latin American Faculty of Social Sciences
FODECO	Community Development Fund
GAMMA	Azuay Women's Movement Support Group
GDP	Gross Domestic Product
IDB	Inter-American Development Bank
IESS	Ecuadorian Social Security Institute
IICA	Inter-American Institute for Cooperation on Agriculture

IIE	Institute for Economic Research
ILDIS	Latin American Institute for Social Research
ILO	International Labour Organization
INEC	National Statistics and Census Institute
INNFA	National Institute for Children and the Family
IPEDS	Teacher training institutes
ISSFA	Armed Forces Social Security Institute
ISSPOL	Police Social Security Institute
MAG	Ministry of Agriculture and Livestock
MBS	Ministry of Social Welfare
MEF	Ministry of the Economy and Finance
MES	Ministry of Education and Culture
MMRREE	Ministry of Foreign Affairs
MODERSA	Health Services Modernization Project
MOMEPE	Military Observation Mission Ecuador-Peru
MSP	Ministry of Public Health
MTE	Ministry of Labour and Employment
NGO	Non-governmental organization
ODMU	Office for the Defence of Women's Rights
ORI	Operation Child Rescue
PAFE	Forest Action Plan
PDHS	Sustainable Human Development Project
PIO	Equal Opportunities Plan
POA	Annual Operational Plan
PROCALMUC	Literacy and Productive Training Programme for Women in the Rural Sector
PROLOCAL	Local Sustainable Development Programme
PRONADER	National Economic Development Plan
PUCE	Catholic Pontifical University of Ecuador
SENRES	National Public Sector Pay Board
SIISE	Integrated System of Social Indicators of Ecuador
SIMUJERES	Integrated Women's System
SINEC	National Education and Culture System
SININEZ	Integrated Childhood System



SIPI	Children's Information System
SOLCA	Ecuador Cancer Society
STFS	Technical Secretariat of the Social Front
TC	Constitutional Court
TSE	Supreme Electoral Tribunal
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

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