



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined eighth and ninth periodic reports of the Republic of Ecuador at the Committee's sixtieth session, held in March 2015. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/ECU/CO/8-9). You may recall that in the concluding observations, the Committee requested the Republic of Ecuador to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 21 (a), (b) and (d), as well as in 33 (c) of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2017 (CEDAW/C/ECU/CO/8-9/Add.1) under the CEDAW follow-up procedure. At its sixty-seventh session, held in July 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 21** of the concluding observations, that the State party “continue its efforts to improve the systematic collection of data on violence against women, disaggregated by age, type of violence and relationship between the victim and the perpetrator”: The State party indicated that its National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women (PNEVG) provides for the creation of a single register. The State party added that it has strengthened its administrative records on gender based violence using different channels: The Ministry of Health currently collects data on health care provided in cases of physical, sexual and psychological violence, which can be disaggregated by sex, age, ethnicity, origin, nationality, sexual orientation and gender identity, type of violence, cause and location; the Ministry of the Interior is maintaining a database on causes and factors of domestic violence; the Ministry of Education collects data on sexual offences that occur within the educational system; and the Council of the Judiciary collects data on judicial proceedings, which allows generating data on physical, psychological and sexual violence against women, femicide, attempted femicide, sexual harassment, statutory rape, sexual assault and rape, as well as on members of the immediate family of victims. This data can be disaggregated by age, type of violence and the relationship between perpetrator and victim; the Office of the Attorney General is using three different tools to collect data on gender-based violence, one of which includes data on

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the relationship between the victim and the perpetrator; the Office of the Public Defender collects data on violence against women and members of the nuclear family, based on cases treated in its Victims Unit.

Alternative information before the Committee underlined the non-implementation of the planned establishment of a unified registration system for complaints relating to violence against women, as well as on the Presidents' refusal to conduct the planned 2016 survey on family relations and gender violence, following his objection to include psychological violence. Alternative reports also informed that the current system for the registration of consultations relating to violence does not include obstetric or gynaecological-obstetric violence.

The Committee takes note of the detailed information provided on existing mechanisms for the collection of data in relation to violence against women, partially allowing for disaggregation by age, type of violence and relationship between the victim and the perpetrator. The Committee welcomes the very recent public commitments (12 July 2017) from the highest levels of national authorities to give high priority to the eradication of violence against women, as well as the concrete plans to create a unified register in this area and to conduct a second survey on family relations and gender violence. The Committee welcomes plans to create a single register in this field and to conduct a survey on family relations and gender violence in 2016. It regrets, however, that these plans have not yet been implemented. It considers that the State party has taken significant steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

In relation to the recommendation that the State party “expedite the adoption of a comprehensive national action plan for the elimination of violence against women that covers the prevention of all forms of violence against women, including physical, psychological and economic violence, with an appropriate budget and time frames and that provides for awareness-raising and education programmes”: The State party mentioned that under the PNEVG, a Strategic Action Plan for 2015 - 2017 was designed to ensure coordination, as well as appropriate and effective investment of resources. It added that a monitoring and evaluation system has been established to track implementation of the plan. It further stated that in order to ensure engagement on the issue of gender-based violence on all levels of government, prevention, monitoring and compliance with the Plan at the local level was discussed in 12 inter-agency round tables, and that a National Pact for the Eradication of Violence against Women was signed. Finally, the State party presented five educational and awareness-raising campaigns on sexual violence, trafficking and gender-based violence, which have been implemented through the PNEVG.

Alternative sources of information reported on insufficient implementation of the PNEVG and the National Plan for the Eradication of Sexual Offenses in the Educational System, and underlined the necessity to include territorial and environmental violence in the PNEVG, given the impact of extractive industries on the lives of women.

The Committee welcomes the development of a Strategic Action Plan for 2015 – 2017, the establishment of a monitoring and evaluation system and efforts made to raise awareness on sexual violence, trafficking and gender-based violence. The Committee however regrets the lack of information on the inclusion of preventive policies regarding all levels of the educational system, as well as on the available budget and set timeframes of implementation. The Committee considers that the State party has taken significant steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “ensure that a sufficient number of State-funded shelters are available to women who are victims of domestic violence and their children and that such support services as counselling and rehabilitation are fully accessible to women living in rural and remote areas and to women with disabilities”: The State party reported on an increase in the number of comprehensive care centres from 14 to 28 between 2014 and 2016, and on the maintaining of 5 shelters and 18 comprehensive care centres in 14 of the 24 provinces,

in collaboration with civil society organizations who have ample experience of providing care and protection services to victims of domestic and gender-based violence. The State party further reported on the availability of 62 physicians, 41 psychologists and 36 social workers for expert appraisals in cases of gender-based violence, and of 178 Victim Support Units of the Office of the Public Defender, which are specialized in the handling of cases of violence against women. It also informed that the 151 hotline and mobile units provide free legal counselling, including in rural areas through mobile units. In addition, the State party reported on the availability of shelters of the Ministry of Economic and Social Inclusion for victims of trafficking for sexual exploitation purposes, as well as for victims of sexual violence.

The State party informed that in 2016, two care models on attention provided to children, adolescents and women victims of violence in shelters and centres have been approved, of which one applies a human rights, intercultural, disabilities and gender approach. It added that a Care Protocol for Cases of Violence against Women and the Family was developed and disseminated by the Office of the Public Defender and the Office of the Attorney General, and that a protocol and forensic medicine reporting tool for victims of sexual offences, as well as a tool on health-related technical standards is being drafted by the Ministry of Public Health and the Office of the Attorney General. The State party also referred to the issuance Technical Standards for a Comprehensive Response to Gender Violence, through which response teams in charge of violence cases, which are comprised of a doctor, a psychologist, a nurse and a social worker, are strengthened. Moreover, the State party mentioned that a roadmap for attending to victims of gender-based violence is being developed.

Alternative sources of information pointed out that of 24 provinces, 10 do not have care centres or shelters for victims of family or sexual violence point towards the absence of such shelters in provinces with high rates of registered violence. They also drew attention to low priority in budgets for shelters for comprehensive care services, especially in cases of specific needs and for the provision of assistance in rural areas, and delays in the transfer of funds, putting the normal functioning of shelters at risk. Reports also informed on the absence of protocols on the assistance and referral of women with disabilities who are victims of violence.

The Committee welcomes efforts undertaken to establish care centers and shelters for victims of domestic and gender-based violence, including the dedication of a regular line of budgeting in the Ministry of Justice for this purpose. It further welcomes the provision of legal counselling in rural areas through mobile units and the 151 hotline, as well as efforts made to standardize care and medical attention, including in cases of violence against women. The Committee regrets, however, that 10 provinces are still not included in the coverage of support services and shelters, as well as the lack of information on the access to services by women with disabilities affected by violence. The Committee considers the State party has taken some steps to implement the recommendation. It considers the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Implement plans to create a unified register on violence against women, disaggregating data by age, type of violence and relationship between the victim and the perpetrator, outlined in the National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women (PNEVG) and conduct a second survey on family relations and gender violence.
2. Ensure implementation of comprehensive national action plans for the elimination of all forms violence against women, including physical, psychological and economic violence, which provide for the prevention of such violence, within defined timeframes. Guarantee the availability of appropriate funds for its implementation.

3. Extend coverage of support services and shelters to women victims of violence in all provinces, including counselling and rehabilitation to women with disabilities.

Regarding the recommendation made in paragraph 33 of the concluding observations, that the State party “decriminalize abortion in cases of rape, incest and severe foetal impairment, in line with the Committee’s general recommendation No. 24 on women and health”: The State party reported that the new Comprehensive Organic Criminal Code, which was adopted in 2014, allows for abortion to be performed by a doctor or other trained health professional in order to avoid endangering the life or health of the pregnant woman and when that danger cannot be averted by other means, as well as when the pregnancy resulted from the rape of a woman with a mental disability. The State party further informed that a draft amendment of the criminal code, which would decriminalize abortion in cases of rape, incest or severe foetal impairment, is currently before the National Assembly.

Alternative reports informed that the draft amendment of the Criminal Code regarding decriminalization of abortion in cases of rape, incest, or severe foetal impairment has been before the Committee on Justice and Structure of the State for ten months, without analysis or report on this matter.

The Committee welcomes the initiative to amend the Criminal Code in order to decriminalize abortion in cases of rape, incest and severe foetal impairment. The Committee regrets however that this amendment remains before the National Assembly, and that current legislation exclusively allows abortion in cases of danger of life or health of the pregnant woman or in case of rape of a woman with mental disability. It considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 33 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to legalize abortion in cases of rape, incest and severe foetal impairment, in line with the Committee’s general recommendation No. 24 on women and health.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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