

January 20, 2015

The Committee on the Elimination of Discrimination against Women  
Office of the High Commissioner for Human Rights  
Palais Wilson, 52 rue de Pâquis  
CH-1210 Geneva 10  
Switzerland

**Re: Supplementary information on Ecuador, scheduled for review by the CEDAW Committee in its 60<sup>th</sup> Session**

1. This report supplements the periodic report submitted by Ecuador, scheduled for reviewed during the 60<sup>th</sup> session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee). The Center for Reproductive Rights (The Center), an independent non-governmental organization that works to advance reproductive freedom as a fundamental human right, hopes to further the work of the CEDAW Committee by providing independent information concerning the rights protected in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This letter will highlight in particular how the sexual abuse and harassment of girls in schools in Ecuador is a systematic problem that violates its obligations under the CEDAW.

2. Violence against women is a structural problem in Ecuador. The structural problems faced around this kind of violence consist primarily on: i) lack of official information around cases; ii) lack of information and sensitization of personal and students around the issue; iii) lack of implementation of measures of prevention of sexual violence in educational settings; iv) as well as lack of adequate investigation and prosecution of cases in administrative and criminal instances. All of those problems lead to lack of adequate access to justice, the perpetration of gender stereotypes and an unequal protection of the law because of gender, age and economic situation. Failure to prevent and punish such violence encourages an environment that condones it and ensures the continued of such acts.

3. Women in Ecuador experience high levels of gender-based violence. One in four women are victims of sexual violence.<sup>1</sup> Forty-three percent of women report having been sexually abused when they were under the age of fifteen.<sup>2</sup> Eighty-five percent of victims of sexual abuse in school are girls. More than a third (36.9%) of female adolescent victims of sexual violence identified teachers as the perpetrators.<sup>3</sup> The Paola del Rosario Guzmán Albarracín case<sup>4</sup> – currently before the Inter-American Commission on Human Rights (IACHR) – illustrates the prevailing human rights violations of girls in Ecuadorian educational institutions. Paola was a 16-year-old student sexually harassed by her Vice-Principal – a public officer –, who conditioned her request for academic assistance on her going out with him. On December 2002, she committed suicide upon finding out she was pregnant. Paola's family have exhausted all remedies of the domestic system without justice. The investigations failed the due diligence standard and violated her right to access

to justice. Her rapist was never punished and continued to perform as an educator. The school was never sanctioned for tolerating this situation and failing to prevent it.

4. The disproportional violence women and girls face in the educational system violates their rights to health, **education, security of person**, and freedom from discrimination, violence, and cruel, inhuman and degrading treatment, which contravenes CEDAW's Article 1.<sup>5</sup> Human rights treaty monitoring bodies have consistently emphasized the need for Ecuador to prevent, investigate and punish the sexual abuse of girls in schools. They have particularly focused on the gendered aspect of the abuse. In its last review of Ecuador in 2008, the CEDAW Committee expressed concern that, "*in spite of specific legislation and plans, sexual violence against girls in schools remain rampant.*"<sup>6</sup> In 2009, the Human Rights Committee stated that it was "*concerned at the large number of cases of violence against women and girls and the high level of sexual abuse and harassment against girls in schools.*"<sup>7</sup> The Committee on the Rights of the Child likewise expressed concern at "*the high rate of sexual abuse and harassment against girls in schools*" in the Concluding Observations of its 2010 review of Ecuador.<sup>8</sup>

5. Sexual violence faced by girls in Ecuadorian schools prevents them from enjoying and exercising the right to life, the right to freedom from cruel, inhuman and degrading treatment, the right to security of person, the right to substantive equality, the right to education and the right to health. We respectfully request the CEDAW Committee to formulate the following questions to the Ecuadorian government:

1. What measures has Ecuador adopted to act with due diligence to investigate and punish sexual violence in educational settings?
2. What measures has the State adopted to eradicate gender stereotypes leading to discrimination against women particularly in the judiciary?
3. What progress has Ecuador made towards implementing the National Plan to Eradicate Sexual Offenses in the Education System?
4. What measures have been implemented to guarantee access to reproductive and sexual health care services for women and girls victims of sexual violence in educational settings?

6. We respectfully request the CEDAW Committee to consider addressing the following recommendations to the Ecuadorian government during the 60<sup>th</sup> Session:

1. To adopt measures to promote due diligence standards to investigate and punish the perpetrators of sexual harassment and abuse against girls in Ecuadorian schools, and provide victims with redress, including full access to free health services:

emergency contraception, abortion, diagnosis and treatment of sexually transmitted diseases as well as psychological treatment.

2. To adopt measures to eradicate gender-based stereotypes particularly in educational settings to remediate the effects that socialized gender roles have on girls' ability to exercise their human rights, including their sexual and reproductive rights.
3. To establish a mechanism to monitor and evaluate the implementation of the National Plan to Eradicate Sexual Offenses in the Education System and have official data about offenses and investigations.
4. To guarantee access to quality and confidential sexual reproductive healthcare services, including access to family planning and evidence-based sexuality education for all adolescents.

Respectfully,



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<sup>1</sup> National Institute of Statistics and Census, National Survey on Family Relationships and Violence Against Women, National Presentation, 10, <http://www.ecuadorencifras.gob.ec/violencia-de-genero/> (last visited January 6, 2015).

<sup>2</sup> Plan Nacional para la Erradicación de la Violencia de Género hacia la Niñez, Adolescencia y Mujeres [National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women], Decreto Ejecutivo No. 620, 15, (Sept. 10, 2007) [National Plan Gender-Based Violence].

<sup>3</sup> Plan International, *Plan Learn without Fear, The Global Campaign to End Violence in Schools*, Plan-International.org, 23 (2008) <http://plan-international.org/learnwithoutfear%3E/files/learn-without-fear-global-campaign-report-english>.

<sup>4</sup> The case, which was declared admissible by the Inter-American Commission on Human Rights in 2008, is currently pending on the merits. Paola del Rosario Guzmán Albarracín and Next of Kin v. Ecuador, Case 12.678, Inter-Am. Comm'n H.R., Report No. 76/08.

<sup>5</sup> CEDAW Committee, *Gen. Recommendation No. 19*, at 331, para. 6.

<sup>6</sup> Concluding Observations of the Committee on the Elimination of Discrimination against Women: Ecuador, UN Doc. CEDAW/C/ECU/Q/7 para. 20 (Nov. 7, 2008).

<sup>7</sup> Concluding Observations by the Human Rights Committee, Ecuador, UN Doc. CCPR/C/ECU/CO/5 para. 9 (Nov. 2009).

<sup>8</sup> Concluding Observations of the Committee on the Rights of the Child: Ecuador, UN Doc. CRC/C/ECU/CO/4 para. 64 (Mar. 2010).