

Country Report to the CEDAW Committee

Committee on the Elimination of all forms of Discrimination against Women

Thank you Mrs. President,

On behalf of the Ecuadorian Government, I present our greetings to the President of the Experts Committee, Mrs. Secretary, to the representatives of non-governmental organizations of our country, to the other countries' delegations and everyone joining us here today.

We have come from the middle of the world, this group of women authorities from the three state functions, witnesses of the real equality in the access of decision-making positions and political participation, to present the 8th and 9th State reports of Ecuador. We also bring the hopes of our citizens' revolution that has as principal axis the fight against all forms of inequalities, including gender based, as well as the required humbleness to listen to your valuable recommendations, acknowledging in each one of you the legacy of women before us whose fights we now undertake as heritage.

Ecuador has walked a long path regarding women's rights. I emphasize Ecuador because the construction has been collective; it has involved non-governmental organizations, women's organizations, the personal changes made at home, mothers and fathers that have taught their children nondiscrimination attitudes and of course, the State that has made a relevant political effort so that the law, policy, plans and programs are applied equally for all.

In 2008, the Ecuadorian state approved a Constitution that has as a principle the coexistence within diversity and harmony with nature to attain the "Good Living", Sumak Kawsay. This Constitution broadens the recognition of human rights in general; and in particular to women, by adding formal and material equality and nondiscrimination.

The National Development program for the "Good Living" has as transversal element the compliance of human rights and the search for equality, particularly on opportunities without exclusion or discrimination based on gender and sex, among others. It includes strategies and policies related to the access and equal participation of men and women.

On this speech I will focus on the most relevant topics of the State's report and principally on the improvements we've lived since 2012. In this sense, with the gender approach, along with the

rights approach, Ecuador has built a conceptual frame that strengthens the state's obligations in the promotion and protection of women's human rights. Thus, **regarding equality and nondiscrimination**, the Constitution of Ecuador enshrines the principle of equality and nondiscrimination, according to which everyone is equal and will enjoy the same rights, duties and opportunities and that nobody can be discriminated, among others, based on sex and gender identity. Based on these principles, the Ecuadorian state has made it a priority the attention to women that face different types of discrimination and exclusion, by including on its policies and laws actions to close those gaps. The indicators of access to education, decent employment, the access to housing, health, political participation and others, evidence the course the country has taken towards substantive equality.

In Ecuador discriminatory behavior is punished. The Organic Integral Criminal Code, in force since 2014, typifies discrimination based on sex, gender, and sexual orientation. Likewise, the Criminal Code typifies acts of hatred base on sex, gender and/or sexual orientation and punishes the person that commits such acts.

Another significant improvement has been the approval of the Law of National Councils for Equality in 2014 that includes the Council for Gender Equality as a guarantor mechanism of the formulation and surveillance of public policies, laws and other mechanisms for the advance of women, in such way the expectation for the gender mechanism to have a larger institutional structure has been accomplished. We are working so that this Council can count with the capacities to achieve the assigned goals.

On a transversal way, the Ecuadorian National Assembly has adopted measures towards the legal protection of women's rights in equality with men, it has approved 80 laws out of which 43 contain dispositions to implement the principle of equality and rights enshrined on the CEDAW: law for insurance and retirement of women that devote to non-paid housework; labor law for the punishment of sexual harassment; law for parity in political participation between men and women; law to claim sanctions on media or journalists that express androcentric and sexist messages, among others.

One of the most relevant advances has been the incorporation in the Organic Integral Criminal Code in 2014, of physical, sexual and psychological violence against women and within the family. This has led to a transcendent institutional change that implies the transformation of old Women and Family Commissariats adjacent to the police, to specialized Judicial Rooms of Violence that

have 80 judges at service and are part of the judicial system. Currently, there are 30 specialized units working in 24 cantons of 18 provinces out of the 24 in total. This new instance, with multidisciplinary staff articulates women's demands in the justice system. In addition, it must be noted that at this point all multi-competent judges, criminal or contraventions judges, present in all the national territory can also know causes of violence against women or family members, and issue protection measures. Additionally, all judges have been trained to attend cases of violence against women.

On the other hand, the Code punishes *femicide* as the most extreme violence against women.

Since 2014, the Investigation protocol of violent women's death is applied. In December, Ecuador obtained the first judgment for *femicide* in the province of Chimborazo. Currently, 21 claims are under investigation for this crime type.

The General Prosecutors' Office counts with 18 special units for investigations on intra-family violence crimes and sexual crimes. It has 21 Attention Units on Integral Expertise whose teams are formed by a professional on legal medicine, one in psychology and another in social work and they count with a Gesell Chamber.

In our country, the judicial defense of victims of intra-family violence, especially those with low resources is offered according to the Constitutional competence by the Public Defender.

In addition, the Network of Attention Centers and Shelter Homes for women victims of violence have been strengthened in different provinces managed by NGOs. The Ministry of Justice has doubled its investment for 2015 in this service to count with 9 Shelter Homes and 18 Attention Centers foreseeing to attend more than 132 000 women that represent about 34% of claims of violence and that do not have the economic resources for these types of services.

It must be mentioned that in the security field, through Integrated Security System has the emergency line 911 to assist help calls for violence. Also, the Ministry of Interior provides fast attention on events against women and intra-family violence through their Communitarian Police Units.

About the Mechanism for the advance of women in Ecuador

Considering the general reform process of the State, the Council for Gender Equality is created regulated from now on by law, strengthening its institutional structure because it will no longer

depend on the political will of the authorities in office for the exercise of its role. It must be noted that during this process some valuable results were obtained:

- The first National Survey on Family Relations and Gender Violence done in 2011 along with the National Institute of Statistics and Census that has generated a base line to orientate public demarche.
- The Satellite Count that calculates women's input to national economy through non-paid housework that represents 15.41% of GDP and the low male participation in house tasks.
- The National Agenda of Women and Gender Equality 2013-2017 that allows a path for the mandate of equality between men and women and GLBTI communities, it contains proposals of transversal policies, affirmative actions and will be applied in a transversal way in all government levels being a tool of the National Planning System.

Regarding the Committee's recommendation on the incorporation of a gender approach in economic and social policies, in the National Plan for Good Living, 8 out of 12 objectives, 22 policies and 44 guidelines are related to women's rights. To guarantee its application, the National Secretariat of Planning with the assistance of the Office of the High Commissioner in Geneva built two fundamental documents: the Guide for the Formulation of Sector Public Policies with a Human Rights Focus and the Socio-Economic Inequalities' Atlas¹ that defines the level of gaps in gender and the rights formulated by the *good living*: employment, housing, social security and violence.

Another fundamental document, elaborated with the support of the Office of the High Commissioner is the information system known as SIDERECHOS that is a digital platform that contains all international binding instruments for Ecuador in human rights matters, the observations, Rapporteur Reports and Committee's recommendations. This website allows to expand and to democratize the knowledge of human rights standards to state officials and general citizens.²

In addition to the Council for Equality, the legislative, judicial and executive functions of the State count with gender mechanisms. For example, in the Legislative Function the Parliamentary Group for Women's Rights (GPDM) *ad hoc* was created and it is formed by men and women. In the Executive, the Ministry of Finances has the National Direction of Fiscal Equity and the Ministry of

¹ www.senplades.gob.ec

² WWW. Minjusticia.gob.ec - SIDERECHOS

Justice has the National Gender Direction. The Judicial Function has the National Sub Direction of Gender.

On November 25, 2014 the National Agreement against gender violence was signed and it articulated the Judicial Function, the National and the Executive that are part of the National Plan on Eradication of Violence, giving a firm step to the establishment of the National System of Integral Victim Protection.

Respect of women in vulnerability situation

The Direction of Refugee of the Ministry of Foreign Affairs and Human Mobility, in coordination with the Ministry of Interior approved the refugee applications of 50% women applicants that have refugee status, women victims of displacement due prosecution, victims of sexual violence, torture, and extortion, among others.

For the extraordinary work Ecuador has done in refugee matters, in June 2012 the UNHCR (ACNUR) launched globally the campaign “Thanks Ecuador” for being the country in Latin America that has received the largest amount of refugees.

Regarding women deprived of liberty, by February 1st 2015, there are 1 594 adult women. On adolescent women, by the same date, there are 20 under socio-educational measures of imprisonment and 7 under socio-educational non imprisonment measures giving a total of 27. The behaviors they have been process for are mainly drug trafficking and theft.

All women deprived of liberty have access to sexual and reproductive health services, legal assistance services and access to non-scholar programs in all levels of education. Additionally, in the case of mothers, they have the right to be with their children until they become three years of age.

Regarding lesbian and transgender women, the National Council for Gender Equality with the National Institute of Statistics and Census developed a comprehensive policy for gender-sex diverse people.

About special temporary measures (affirmative action)

The Organic Law of Public Service establishes that public institutions will guarantee that the selection and incorporation to public service promotes affirmative action policies for the inclusion

of priority attention groups, among them people with disabilities and catastrophic disease and Afro-Ecuadorian, indigenous and *montubia* women, among others.

The Pluri-National Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion (2009) establishes a labor policy of affirmative action so that all State instances incorporate Afro-Ecuadorian, indigenous and *montubios* in a percentage no lower to the proportion of their population. In 2012, the Ministry of Foreign Affairs incorporated to the diplomatic service Afro-Ecuadorians, *montubios* and indigenous people with gender parity.

As a consequence of the application of the gender parity principle in the designation of deliberative-bodies' processes, the following results were obtained: in the National Electoral Council, in the Contentious Electoral Tribunal and the Judiciary Council 2 vocals out of 5 are women. The National Court of Justice is formed by 12 men and 9 women positioning Ecuador 9th globally.

Article 5. Change of socio-cultural patterns

According to the stipulations of the CEDAW, Ecuador committed to take measures to modify the socio-cultural patterns of men and women, stereotypes in education and prejudice respect to gender roles.

In 2007, the fight against gender violence became state policy through Executive Decree that established the National Plan for Eradication of Gender Violence against Women, Children and Adolescents as a part of a global strategy to fight and eradicate all forms of violence. Some of the actions relevant of the Plan were the campaigns: "*Reacciona Ecuador, el Machismo es Violencia*", ("React Ecuador, sexism is violence"), "*Ecuador actúa ya. Violencia de género, ni más*" (Ecuador Act Now. Gender violence no more) and "*Infórmate, Habla y Actúa. Por un Ecuador Libre de Violencia contra las mujeres y las niñas*" (Inform, Talk and Act. For an Ecuador free of violence against women and children) in order to produce structural changes and break stereotypes of discrimination against women and children.

In order to change cultural patterns of professional, academic and inquiry devoted people, the State created the Post-graduate program "Gender, Justice and Human Rights" with two editions in Quito and Cuenca.

The Organic Law of Inter-Cultural Education promotes equality between men and women, among other dispositions it is forbidden expressly to deny enrollment or to separate from the education institution any students due to sexual orientation, gender identity or pregnancy.

To fight stereotypes against the GLBTI communities, the state issued a law that regulates clinics for the treatment of addiction to narcotics and bans the internship against will and the offer of de-homosexualization therapies. From 2012 to 2014, 123 control operations were made and 99 centers were punished. In collaboration with the Prosecutors' Office, processes in 8 centers were started for alleged human rights violations.

About Trafficking

For the prevention of this crime, the "National Plan to fight Trafficking, illegal migrant trafficking, sexual labor exploitation and other forms of exploitation, child pornography and minors corruption" has trained state officials, policemen and prosecutors, it has sensitized citizens through several informative fairs and social media; it has put informative wallpapers in the Quito's airport and subscribed bilateral agreements with Colombia and Peru for the prevention and investigation of the crime and victims' protection. Since 2013, the recovery of children and women without documentation has increased in 40% from previous years and criminal prosecution towards traffickers has been more efficient.

Ecuador is the only country in the region that raised its score in the Trafficking Report that measures the compliance of countries on the fight against this crime.

We must note that the Criminal Code includes the non-criminality of the victim when it commits a crime, as a result of being subject to trafficking. From January to December of 2011, 115 complaints were received, from which 16 guilty prosecution opinions were dictated and one condemning judgment. Since 2013 until May 2014, the State General Prosecution Office has obtained 13 accusatory opinions, 18 calls to trial and 12 condemning judgments.

The Ministry of Foreign Affairs and Human Mobility identifies among refugee applicants the possible trafficking victims to send the cases to the competent state entity.

About Political and Public Participation

The Ecuadorian state guarantees for women, in equal conditions with men, the right to vote in elections, to participate in the formulation of governmental policy and in the public and political life of the country.

The participation of women in positions previously occupied by men is notorious. Thus, in the National Assembly 42% of the representatives are women; being its three principal positions held by women.

In the political-electoral participation in Prefects and Municipality, it is reflected a 13% average female participation. In sectional elections of 2011, women occupied the 33.9% of the positions and by 2014 it was 38.70%.

Article 8. International Representation

In order to guarantee the inclusion of women as representatives of the Ecuadorian state in the international scenario, the Ministry of Foreign Affairs and Human Mobility joined in December 2011, 70 people as Third Secretaries, 50% of them are women and for the first time incorporated a representation of nationalities and peoples of Ecuador to external duty. Regarding the representation in the Diplomatic Service, by 2014 there is a participation of 226 women that surpasses the 40% of women participation.

Article 9. Right to nationality

Ecuador commits to grant women equal rights from men to acquire, to change or to conserve their nationality.

The Constitution points in its article 6: “the Ecuadorian nationality is the political and legal bond of the people with the state, without prejudice of its belonging to any of the indigenous nationalities that coexist in the pluri-national Ecuador. The Ecuadorian nationality will be obtained by birth or naturalization and will not be lost by marriage or its dissolution, nor by the acquisition of another nationality”.

Article 10. Education

Ecuador has achieved the universality of basic education from 5 to 14 years of age attaining 96% of coverage. The Organic Law of Inter-Cultural Bilingual Education guarantees the universal access, permanence, mobility and egress without any discrimination and the mandatory nature at the initial, basic and bachelors' lever or its equivalent. Also, the Ministry of Education has made several efforts to eradicate illiteracy, especially on indigenous women that live on rural areas for almost 200 000 women have become literate. To promote women's access to higher education and in order to lower existing gaps, since 2012, the Secretariat of Higher Education, Science, Technology and Innovation offers scholarships to guarantee the transparency of quota assignation.

According to INEC published data, women occupy functions and professions that had larger male participation. In 2001, only 64 women had university titles on Physics and in 2010, that figure reached 1 125 women.

Article 11. Work

Regarding work, Ecuador committed to take measures to eliminate discrimination against women and guarantee gender equality in the labor sphere, fair payment of salaries for jobs in equal conditions than men, acknowledgment of domestic paid work and access to social security.

Relative to work in the public sphere, the Organic Law of Public Service of 2010, guarantees parity presence of men and women in nomination and designation charges in the processes of selection and incorporation to public service.

On domestic work, it has been incorporated in the list of decent employments for the raise on wages, limit of labor hours and mandatory membership to social security. Currently, there are 200 000 domestic workers and 48% are affiliated to social security.

In Social Security, the proportion of women older than 15 years of age affiliated to the IESS has maintained in 43% respect to the total affiliates. The number of women affiliates between 2005 and 2013 has increased by 9% rate annually. In 2011, the Ecuadorian Institute of Social Security granted for the first time a widows' pension to a lesbian whose partner died after a *de facto* union during 3 years and 10 months.

In November 2014, the National Government proposed to the National Assembly the "Law for labor justice and acknowledgment of housework" that seeks, on one hand the stability of workers through the elimination of the fixed term contract and other precarious modalities of contracting; on the other hand, to recognize the right to social security of women that do non-paid housework. With this proposal the affiliation of about one million five hundred thousand women is expected.

Regarding mechanisms to promote women's leadership, especially indigenous and Afro-descendants, the Institute for Amazon Region Eco-development promotes the staff hiring of different nationalities. Currently, it endorses gender parity in the Provincial Technical Secretariats. By June 2012, the total women's staff in this institution represented 42.2%.

Regarding Health

The investment in health was increased by 84% from 2006 to 2014. The largest efforts made by the State regarding health have been focused in sexual and reproductive health. The strategies and actions for the improvement of mother's health come from the National Plan for Good Living and the Plan for the Accelerated Reduction of Mother's and new born Death that integrates the legal components for motherhood and new born children, the Guide for culturally adequate birth,

the law and Protocol of Family Planning, the practical clinical guide for diagnosis and treatment of spontaneous, incomplete differed and recurrent abortion, among others.

The Ministry of Health jointly with the Judiciary Council and the Prosecutors' Office implemented a prevention program and integral attention for gender and sexual violence against women and children that counts with a Norm that standardizes attention and avoids re-victimization. New spaces have been conditioned for rooms of first shelter.

The staff of health centers has received training in human rights and prevention of gender violence. It is worth noting that the health care staff that attends victims of violence makes medical reports with legal worth for judicial processes to avoid the victim's re-victimization.

Regarding mothers' mortality it was reduced from 70.44 in 2011 to 45.71 in 2013 showing a decrease of 25 deaths per 100 000 living born child³. By 2014, 90% of women have access to prenatal controls during their pregnancy which lowers the risk of mother mortality.

On another hand, the global fertility rate in Ecuador evidences a decreasing tendency, being 3.26 in 2000 and reaching a value of 2.7 in 2010, according to the National Census. Regarding the specific fertility rate in adolescents from 15 to 19 years there is a reduction of 4% from 2011 to 2014⁴.

Relative to teenage pregnancy prevention, the country has implemented actions to strengthen the education on sexuality, to improve better access to services in sexual and reproductive health and to access modern contraceptives in an informed way, free of charge, including emergency oral contraception. Between 2004 and 2014, coverage in the access to contraceptive methods has increased by 80% to people in fertile age. From 2011 to 2014, there have been installed 256 Integral Attention Services for Adolescents nationally.

Regarding prevention and attention of AIDS, the country counts with a National Plan with integral services that are offered in 32 attention clinics that attend people with diverse sexual orientation and gender identity; also, giving anti-retroviral for free and avoiding vertical transmission to new born children.

Responding the Committee's recommendation to strengthen the preventing approach to cervix and breast cancer, the Ministry of Health guides all its services of the Public Health Network

³Child brith and defunctions. MSP 2011-2014.

⁴ Child brith and defunctions. MSP 2011-2014.

towards prevention, timely diagnosis and treatment. Prevention campaigns include free access to the operation units distributed in the 24 provinces for medical checks for early detection.

Also, women entitled to the human development bond (that is a monetary transfer) have the obligation to assist to a control and talk on sexual and reproductive health and family planning.

Article 13. Economic and social life

According to the Institute of Statistics, from 2007 to 2014 poverty by income decreased from 36.7% to 22.5%, and extreme poverty from 16.9 to 7.7%. Meaning that more than a million and a half Ecuadorians have overcome poverty. Poverty in the rural area has decreased by 26 percentage points from 2007 to 2014, likewise poverty in the urban area was reduced by 7.9%. Women in poverty situation, nationally, reach a 25% and men 23.6% according the INEC. Ecuador by 2014 is found as the second country in the region to have decreased its poverty rate.

In that frame, the Human Development Bond, of US 50 dollars per month, constitutes a payment to mothers for their productive non-paid labor. In 2015, 95% of people entitled to the Human Development Bond are women. A new benefit for those who perceive the bond is the Credit for Human Development Program that incorporates women to micro-business productive sustainable processes and that generate self employment. In addition, Ecuador gives a complete US 250 dollars salary to women that care for people with disabilities and cannot work outside of home, from which for the first time care work is recognized. Ecuador has been recognized in the region for the policies held for inclusion of people with disabilities.

Respect to the Committee's recommendation that urges the State to enforce activities that encourage economic incentives from women, the Pro-Women Fund could be mentioned with results as the granting of 4 051 credits for a total amount of US 1 031 322 dollars. Also, the Fund for the development of nationalities and indigenous peoples of Ecuador from 2007 has executed two programs: Llakari Warmi (entrepreneur woman) and Kawsay (life) that have granted a total of 2 790 credit operations to women in poverty situations for an amount of 7 830 813, 41 dollars.

In addition, in 2011 a call to promote productive initiatives led by women in the provinces of Pichincha and Guayas living with AIDS was presented. 29 local financial structures providing technical assistance and funding and benefitting a total of 580 founder women and members of Local Financial Structures.

Article 14. Rural Women

The Committee's recommendation encourages the state to adopt policies, programs and specific measures to accelerate the improvement of living conditions of indigenous women and Afro-Ecuadorians in all aspects of life and its participation in decision-making processes.

There are plans, programs and projects to support enterprises in favor of women and families in the rural areas like the "Construction and Implementation of the Priority National Policy for Rural Women in Ecuador" and the National Strategy for Good Rural Living, as a public action that allows to broaden capacities and opportunities of rural women in the process of transformation of the productive matrix.

Regarding economic benefits, the Organic Law of the Council of Citizens' Participation sees the establishment and regulation of financial support mechanisms from 2013 to 2017, through contest funds providing non-refundable economic inputs. Regarding the development human credit, women have 66% access and men to 24%.

Article 15. Equality before the law

On the issue of gender equality before the law and the women's legal capacity, art. 67 of the Constitution state that marriage is the union of a man and a woman on equal rights, obligations and legal capacity.

On the other hand, art. 69 establish that the State shall guarantee the equal rights for the management of the conjugal partnership and their assets.

On September 2014, through administrative resolution the registry do *de facto* unions in the citizens' ID was created and that benefits all people, particularly same sex couples as an answer to the demands of the GLBTI communities.

Article 16. Marriage and Family Relations

The Ecuadorian state has taken measures to eliminate discrimination against women in matters regarding to marriage and family relations. In this sense, it guarantees equal rights in the administration of the conjugal society, as well as maternal and paternal responsibility, and protection to those who are heads of family. It also guarantees the rights of children and adolescents related to child support, establishing the responsibility of both parents in compliance with this norm.

The Bill Amending the Civil Code, passed first debate on the plenary of the National Assembly sets the minimum age for marriage, 18 years for men and women; and it eliminates discriminatory practices against women to determine fatherhood through scientific way.

It is clear that along with the social transformation processes as the consolidation of a protection system for women requires several years to consolidate and generate permanent results on people and in the country. In consequence, it is time to set new challenges that are focused not only to legal or institutional reforms that allow the broadening of coverage and improvements of the social services quality, but also the participation and citizens' empowerment for the maintenance of those services and the consolidation of a true equality protection system that allows association and commonwealth work.

With this report, Madame Rapporteur and members of the Committee, Ecuador accounts the substantive achievements in terms of equality and nondiscrimination against women until 2015. We are waiting for your comments and recommendations to advance in these matters; we acknowledge that many processes mentioned are at an early stage, yet we are convinced that the changes will not be reverted