



COALICION NACIONAL DE MUJERES DEL ECUADOR

**ECUADORIAN SHADOW REPORT FOLLOW-UP ON THE IMPLEMENTATION OF THE
RECOMMENDATIONS OF THE CEDAW COMMITTEE IN PARAGRAPHS 21 (a), (b) and (d);
and, (c) SUPRA¹**

Quito, may 2017

¹ Carried out under the project WOMEN WITH VOICE. AC Democracia - CARE, with support from the European Union. Ecuador. May, 2017.

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A. INSTITUTIONAL PRESENTATION

Several members of the Women’s National Coalition of Ecuador (CNME) have drafted this report. CNME is a plural space created to promote the defense of the women’s human rights. Their main activities are advocacy, agenda-setting, preparation of shadow and alternative reports, follow-up of observations and recommendations of the Human Rights Committees, drafting legislative proposals and public policies.

The coalition is made up by the following non-profit non-governmental organisations: Acción Ciudadana por la Democracia y el Desarrollo – ACDemocracia, Colectivo Político Luna Creciente, Cabildo por las Mujeres del Cantón Cuenca, Colectivo Nosotras, Confederación Ecuatoriana de Mujeres por el Cambio, Consejo de Mujeres Negras – San Lorenzo, Coordinadora Juvenil por la Equidad de Género, Coordinadora Política de Mujeres del Ecuador, Dirigencia de la Mujer – CONAIE, Federación de Mujeres de Sucumbíos, Frente Ecuatoriano de Derechos Sexuales y Reproductivos, Movimiento de Mujeres de Sectores Populares Luna Creciente, Movimiento de Mujeres de Manabí, Mujeres de Frente, Observatorio Ciudadano de la Comunicación – Cuenca, Plataforma Nacional por los Derechos de las Mujeres, Red de Mujeres Políticas del Ecuador – REMPE, Fundación Desafío, Centro de Apoyo y Protección de los Derechos Humanos – SURKUNA and El Parto es Nuestro (EPEN).



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B. INTRODUCTION

1. In the assessment made by the CSOs women's autonomous organizations indicates that the period 2007-2017 is a decade of losses and setbacks in women's human rights in Ecuador.
2. The inclusion of women's human rights in the National Constitution, represents the answer to the historic demands of equality and human rights from all women and from all social movements that former president Rafael Correa has converted into a rhetorical discourse (of propaganda at the national and international level). The structural barriers that explain the losses and setbacks are linked to the authoritarian and patriarchal model of making politics that encourages patriarchal values, exclusion, stereotypes, and despite the high percentage of women in power, the women's agenda was not assumed as their own and nor women were well represented in terms of legislation and public policies.
3. In this context, the government of President Correa did not assume the state responsibility in compliance with CEDAW: respect, protect and guarantee women's human rights through legislative, administrative, budgetary and judiciary actions and other to prevent and eliminate all forms of discrimination and also to implement comprehensive strategies based on rights' protection.
4. This decision is clearly expressed in the des-institutionalization, through laws and policies aimed to deprive of the governing/regulatory capacity of public policies of all National Equality Councils, to limit their functions of mainstreaming, observance and follow-up of gender, intergenerational, intercultural, disability and human mobility approaches; which has serious consequences for the comprehensive protection of rights as long as it hides the subjects of rights in their specificities, affirmative action mechanisms and budgets or protected expenses. This was the case of *Ley de Maternidad Gratuita* (1998) and *Ley 103 - Ley contra la violencia a la Mujer y la Familia* (1995). The techno-bureaucratic arguments prioritized the "rationality and order" of public finances in detriment of positive action public policies and with that, it discourages public investment for equality and non-discrimination of women.
5. In addition to that, a long institutional transition of eight (8) years- until the end of 2014 when the Law on National Equality Councils was enacted- a period in which the National Councils of Women, Children and Adolescents, peoples and nationalities were dismantled, with the exception of the one on "disabilities" whose rectory remains on the vice presidency of Lenin Moreno (2007-2013). During the transition, all the institutional mechanisms were affected in the sectorial ministries and the local governments. In the National Assembly, the legislative Commission that was permanently specialized on women and family was eliminated. By eliminating this commission, they opted instead for a Parliamentary Group for the Rights of Women to take up the mainstreaming.
6. At the Executive branch, in the institutional transition on the other hand, several priority inter-sectorial policies for the protection of women's rights were affected: partial compliance with the *Plan Nacional de Erradicación de la Violencia de Género hacia la Niñez, Adolescencia y Mujeres* (2007), the elimination of the National Sexual and Reproductive Health Plan (ENIPLA), which was replaced by the Family Plan² with a focus on the traditional family, as well as the National Plan for the Eradication of Sexual Offenses in the Educational Area, did not receive the necessary support to implement all its components, leaving behind the strengthening of student counselor departments, training of authorities, teachers and administrators, case registration and the participation of the different actors including children and adolescents. The direct influence of President Correa has been decisive, due to his conservative confessional position that establishes as a ceiling on legislation and public policies, a sworn enemy to the rights of women in matters of sexual and reproductive rights and abortion. The President's political violence against women - strengthened by the presence of other conservative forces - is one of the visible signs of his management³.
7. At the legislative level, although the Comprehensive Organic Criminal Code (COIP) includes the crime of violence against women and improves some criminal provisions, it weakened Law against Violence

² The Family Plan was eliminated on 25 May 2017 by Executive Decree No. 03 by President Lenin Moreno, on his first day of government, however it is not known what policies will be adopted in the area of sexual and reproductive health.

³ Article "The macho language of Rafael Correa" by Irene Larráz published in http://elpais.com/elpais/2017/05/23/planeta_futuro/1495560980_079621.html?id_externo_rsoc=TW_CC

against Women and the Family - Law 103, leaving defenselessness thousands of women, since the necessary institutional framework to develop policies for prevention and socio-cultural patterns changing that reproduce gender violence is not in place. On the other hand, COIP reduces the competencies of the Judicial Units on Violence against Women, which, from the moment of their approval, they can only hear complaints of contravention in cases of physical violence. The protection system for victims of gender-based violence is weak, it has a limited coverage and it does not have a sufficient budget, considering the increase of violence throughout the national territory. It is necessary to denounce that in the country, judicial violence begins to occur from men who use the COIP, to counterclaim women basing their lawsuit on *psychological violence*, to avoid or hinder the processes of violence against them. This occurs because the criminal provision is *violence against women and other family members*, without explicitly recognizing gender violence that occurs from unequal power relations between men and women, as evidenced by misogynistic judicial decisions in courts and tribunals⁴.

8. The Public Defender's Office accepted the petition of the women's movement regarding developing a specialized service for victims of violence that were defenseless. Therefore, specialized units of the Public Defender's Office were established but only in the two main cities, Quito and Guayaquil. Other provinces have multicompetent Public Defender's offices that give priority to the defense of alleged offenders, but not to victims of violence against women.
9. Regarding the access to justice by women victims of gender violence, there are several limitations that contribute to the impunity and revictimization of women and girls. It is not possible to obtain immediate protection measures without having to initiate legal proceedings; There are no clear routes to denounce and access justice in the territories; The frequent attitude of justice operators that discourage denunciation by pointing out that it can be malicious and reckless; The absence of public policies to prevent and eradicate violence in local protection systems, as well as in the education system⁵.
10. Violence from the State is embodied in systematic actions to criminalize social protest and persecution of human rights defenders and social leaders, particularly to women who have gone to health services with ongoing abortions, to women Opposition politicians, women journalists critical of the regime and women defenders of their territories against the exploitation of natural resources.

C. FOLLOW-UP REPORT AND RECOMMENDATIONS TO THE ECUADORIAN STATE

PARAGRAPH 21, a)

To 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.

Systematic registry for cases of violence against women

11. Although since 2014 there is a better coordination between the institutions that are part of the PNEVG, there is no single registration system, which makes it impossible to have official, disaggregated and reliable data on the different offenses and crimes established in COIP. Several women's organizations that provide comprehensive care services to victims of violence against women currently contribute to

⁴ Universal Periodic Review, 3rd cycle Ecuador, October 2016. Document drafted by the National Coalition of Women of Ecuador http://docs.wixstatic.com/ugd/273e4d_8defaaadb9a0442fad850292af0691e7.pdf

⁵ ROSERO GARCÉS, Rocio - Acción Ciudadana por la Democracia y el Desarrollo (ACDemocracia). *Propuesta de Política Pública Local para la Prevención Atención y Erradicación de las violencias de género contra mujeres y niñas en Ecuador*. Programa Ciudadanizando la política: Aportes de Políticas Públicas para el Debate Nacional. Iniciativa Ecuador DECIDE – GRUPO FARO. Quito, February 2017.

the collection of information on cases of femicide⁶ and are a source of consultation, including for public institutions⁷.

12. Although different public entities have developed specialized computer programs to register GBV, there is no system as such, which collects disaggregated and systematic information. This means that the Unified Register System has not been implemented as established in the National Plan for the Eradication of Gender Violence (PNEVG). This could provide an overview of the situation of violence against women, in order to develop public policies according to reality and allows sufficient resources to be allocated to the provision of comprehensive services. It is important to note that not all information generated is accessible to the public, and in some cases, there are contradictions.

Recommendation for the Ecuadorian State:

13. Establish an integrated system of registry for the complaints of violence that is accessible for the decision makers and all stakeholders including CSOs and people in general that allows the monitoring of the cases. The system must oversee the Justice and Human Rights Ministry, the National Council for Gender Equality and the National Institute for Statistics and Census (INEC).

Official information on violence against women

14. The first National Survey on Family Relations and Gender Violence (2011) gave up-to-date and reliable information, from which several studies⁸ could be developed, and policies were established from various levels of government to address violence against women and girls.
15. In 2015, the Minister of Justice committed to carry out a second national survey of family relations and gender violence. However, the process stopped because of disagreements inside the Executive branch. In November 2016, the President of the Republic expressed his disagreement as to the definition of psychological violence, calling it as *subjective*⁹, which immediately stopped the process of the second survey. Therefore, there is no up-to-date information that would make it possible to measure the impact of public policies put in place in this decade and therefore provide guidance for the coming years.
16. Although the efforts reported by the Ecuadorian State are important, it should be emphasized that two types of information are needed: that generated by a national survey and the data of administrative records that are carried out in the different instances related to the attention and prosecution of violence against women.

Recommendation to the Ecuadorian State:

17. Urgently carry out the Second National Survey on Family Relations and Gender Violence, in charge of the Justice and Human Rights Ministry, the National Council for Gender Equality and SENPLANDES and allocate sufficient financial resources for its periodic application.

Strategic information regarding violence against women in local policy

18. The Cantonal Councils for the Protection of Rights have among their functions, "c) Design and implement policies for the promotion and construction of equity and inclusion in their territory; and h)

⁶ According to human rights standards, women's organizations in Ecuador, we use the category *femicide* since it implies a state responsibility (action or omission). In the Criminal Code it is used the category femicide but we consider this provision is incomplete precisely because it only includes the direct perpetrator.

⁷ We highlight the work of CEDHU and the group #VivasNosQueremos. There are other recent initiatives, such as the group Geografía Crítica del Ecuador, which has developed a map of violence against women, which is available at <https://geografiacriticaecuador.org/2017/04/24/informacion-para-abordar-The-violence-against-women-in-media/>

⁸ National Council on Gender Equality. Camacho, Gloria. Gender violence against women in Ecuador. (2016) UNWOMEN, Ecuadorian women: two decades of change, 1995-2015.

⁹ President's Correa Enlace Ciudadano No 451, November 30, 2015 <http://enlaceciudadano.gob.ec/enlace-ciudadano-nro-451-desde-lago-agrio-sucumbios/>

Promote comprehensive protection systems for priority attention groups to guarantee the rights enshrined in the Constitution "(Article 31, COOTAD)¹⁰. In order to do this, they require statistical data on violence against women, disaggregated information by age, type of violence and relationship between the perpetrator and the victim, allowing them to have a vision of what is happening, especially in small and remote cantons and distant parishes.

Recommendation for the Ecuadorian State:

19. Adopt a public policy to produce specialized information, in the charge of National Institute of Statistics and Census, the Ministry of Justice and the National Council on Gender Equality, and deliver it to the Decentralized Autonomous Governments, and to its population, as inputs for the drafting of public policies according to their specific reality.

Specialized information about gynecological obstetric violence

20. Although the Ministry of Public Health has implemented the “Registro Diario Automatizado de Consultas y Atenciones Ambulatorias (registration of consultations and outpatient care system) since 2012 in order to register gender-based violence in the health system, it does not include obstetric violence or gynecological-obstetric violence¹¹ that occurs during the pregnancy health, childbirth and postpartum, including abortion. In the country, there is no specific data on gynecological-obstetric violence practices, neither in the public system nor in the private system; we can only find statistics on the cesarean deliveries' rate. It is necessary to expand the register of gynecological-obstetric violence regarding the number of routine episiotomies, involuntary inductions, Kristeller maneuver, lithotomy, pre-existing attachment impairment, physical and psychological abuse, violation of autonomy rights, information, intimacy, accompaniment, among others. Therefore, nowadays, Ecuadorian women do not have access to transparent and public information.

Recommendation for the Ecuadorian State:

21. Include the registry of obstetric violence, disaggregated and detailed on the registration of consultations and outpatient care system to generate statistics and information that are affordable for the population in general, for the public and private health services.

PARAGRAPH 21, (b)

To 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 national policy for the eradication of violence against women

22. In November 2015, a PNEVG action plan for the period of 2015-2017 was drawn up - which is a major update of the objectives and targets. Nevertheless, it has not been implemented as planned. The efforts reported by the State in the official report are insufficient in view of the alarming increase in femicide¹².

¹⁰ Ministry of Coordination of Politics: Organic Code of Territorial Organization, Autonomy and Decentralization, February 2011, p. 16.

¹¹ As stated by ECLAC (2016): "Obstetric violence is not only related to the experience of childbirth: it includes other aspects related to sexual and reproductive rights such as contraception, family planning, abortion and menopause." In several countries the term obstetric violence is being expanded to gynecological-obstetric violence, thus recognizing that violence is also exercised for women who are not pregnant, such as the Chilean proposal for a 2015 law.

¹² MORÁN, Susana, "Femicidios: más violentos, más crueles". *Revista PlanV*, 11/05/2017. Quito. Available at: <http://www.planv.com.ec/historias/sociedad/femicidios-mas-violentos-mas-cruelles>

Until the closure of this report (05/29/2017), the Network of Shelters, Centers for the Care of Victims of Violence and women's organizations register 55 femicides, corresponding to 60% of those registered by the Attorney General's Office State in 2016.

23. The Plan addresses a set of structural threats related to the specialized institutional structure and stewardship capacity of the national mechanism for women's equality, contrary to the standards established in the Beijing Platform and the Quito Consensus, literal i). Another structural threat is the Public Administration Model and Executive's branch way to practice politics, in which violence, insults, disqualification and denigration of women and those who think differently have been the norm for a decade. Several studies reveal the stigmatizing discourse against women on the President's speeches every Saturday on national television on the *Enlace Ciudadano*¹³, which contributes to the naturalization of violence against women and girls.
24. On the other hand, the prevention component of the Plan has not been implemented as originally planned, nor has the recommendation to articulate it to structural and long-term interventions in the education system. In addition, there is no coordination with the health and social inclusion system and media, which prevents the empowerment of women and girls to contribute to the change of harmful cultural patterns that perpetuate the various forms of Violence, from the holistic approach proposed by General Recommendation 31 CEDAW and General Comment 18 of the Committee on the Rights of the Child.
25. One of the gaps in PNEVG is that it does not cover all forms of violence committed against women. Given that the current government has systematically pursued women defenders of their territories and its natural resources, we refer to the need to include the issue of territorial and environmental violence of which they are victims. The extractive system installed as a formula for economic growth has been a source of human rights violations, with women being victims in different dimensions. An example of this is the case of the Nankints-Tsuntsuim of the Shuar People; In the Court of Justice and Defense of the Rights of the Panamazonian Andean Women, it was denounced that "...the eviction, forced displacement, militarization and persecution of leaders and leaders threatens the survival of this people; The men have had to flee and survive in hiding while the women have been alone with their children and have been forced to migrate to other communities where they live in situations of extreme poverty and labor and / or sexual exploitation".¹⁴

Recommendations for the Ecuadorian State:

26. To carry out an independent evaluation of the scope of the National Plan for the Prevention and Eradication of Violence against Women (PNEVG), with the participation and multiple visions of autonomous women's organizations.
27. Take the necessary administrative measures in the National Secretary of Development, the Ministry of Justice and the Ministry of Finance to guarantee human and financial resources for the implementation of the PNEVG, throughout the national territory.
28. To urge the Ministry of Justice and the National Council on Gender Equality to update the PNEVG, with special emphasis on the following aspects: a) to develop a policy to prevent gender-based violence in the education system, at all levels, to change social norms and cultural factors that perpetuate violence; b) regulate the content of entertainment and information programs to avoid the promotion of sexist, sexist and violent messages, respecting the right to freedom of expression; (c) developing information and delivery policies on sexual and reproductive health for the empowerment of adolescents and women; d) develop programs for the restitution of rights from a comprehensive approach, including economic

¹³ Redaction Plan V, "The thesis that uncovers" The wise male "". Revista PlanV, 07/11/2016. Quito. Available online: <http://www.planv.com.ec/historias/sociedad/la-tesis-que-desnuda-el-macho-sabio>.

¹⁴ Verdict of the Court: Justice and Defense of the Rights of Panamazonians and Andean Women held in the framework of the VIII PANAMAZONIC SOCIAL FORUM (FOSPA) - Peru 2017. In <http://www.forosocialpanamazonico.com/verdicto-del-tribunal-justicia-and-defense-of-the-rights-of-women-Panamanian-and-Andean/>

empowerment and access to resources so that women victims of violence define the life project they wish to lead; (e) strengthening of special protection programs for victims of violence.

29. To initiate a participatory process of drafting and approval of a Comprehensive Law for the Right of Women to a Life Free of Violence, as well as reforms to Criminal Code. Also, to enact the appropriate legal framework for the operation of the PNEVG, collecting the proposals prepared by women's organizations and other stakeholders. The bill should incorporate types of violence that are not currently included in national legislation, such as political violence, gynecological-obstetric violence, gender-based violence in natural disaster situations, and territorial and environmental violence. This process should be undertaken by the Ministry of Justice, the National Council on Gender Equality and the Parliamentary Group for the Rights of Women of the National Assembly, with the active participation of civil society organizations.

Gynecological-obstetric violence

30. Despite the increased knowledge of obstetric violence in the country (principally due to a push from Civil Society Organizations and the National Assembly), this form of gender-based violence continues to be silenced and made invisible due to a cultural heritage based on the biblical phrase, "in sorrow thou shalt bring forth children". This mentality naturalizes, accepts, and institutionalizes violence as an inherent part of the sexual and reproductive life of women. This occurs, especially, in rural areas, where the rates of childhood and teenage pregnancies and maternal mortality are higher, principally for indigenous women and afro-descendants who suffer double discrimination on the grounds of sex and ethnic origin, and live in situations of violence.
31. Women who suffer from obstetric violence do not have access to justice. Legal actions are inefficient, the judicial processes too long, and the competent authorities lack training with a gendered focus and do not understand obstetric violence. There is also a lack of clear information about how to file a complaint for victims of obstetric violence within the justice system.
32. Although there is an online course about gender-based violence for health professionals, it does not include information about obstetric violence with an objective to prevent, make visible and eradicate the systemic reproduction of this type of violence by health professionals working with pregnancy, delivery, post-delivery or abortion services.

Recommendations for the State of Ecuador:

33. Include obstetric violence in its National Plan for the Eradication of Gender-based Violence, and its new strategic Plan of Action, and in its territorializing strategy of the Plan.
34. Include procedures related to obstetric violence in the Ministry of Public Health's Comprehensive Care Protocol for victims of gender-based violence.
35. Develop educational and communicational campaigns aimed at changing socio-cultural patterns, targeting the general population, with an emphasis on women, and most importantly, on rural women, about obstetric violence, and noting the educational and socio-cultural particularities of the target groups.
36. Criminalize obstetric violence as gender-based violence against women, as other countries in the region have done, and establish clear inter-institutional mechanisms for its investigation and prosecution, and methods for reparation of victims of obstetric violence.
37. Develop training courses and informational campaigns about obstetric violence for health professionals that work in obstetrics, neonatal care, anesthesia and nursing. Importantly, the Ministry of Public Health, together with the Secretary for Superior Education, Science, Technology and Innovation, should revise the curricula of these university programs to eliminate the teaching of practices that constitute violence towards women and newborns.

PARAGRAPH 21, d)

To 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;

Coverage of Care Centers and Shelters

38. As of May 2017, 10 of the 24 provinces do not have a care center or a shelter for victims of family violence or sexual violence; and only 5 of the 24 provinces have a shelter, which offer temporary refuge for women escaping situations of violence that threaten their lives and that of their children. A regional analysis shows that violence is more frequent in some provinces: the two provinces with the largest rates of registered violence are Morona Santiago (9.6%) and Pastaza (9%)¹⁵ – located in the Amazon region – and despite this, neither of these provinces have a care centers or a shelter for victims of interfamily or sexual violence.
39. Although it is commendable that the National Budget has specific resources for the operation of the shelters for victims of violence since 2016, with the objective of guaranteeing the continuity of services,¹⁶ there are two concerning points: a) the low priority within the budget for the provision of comprehensive care services; and b) the delayed transfer of funds to the care centers and shelters, at the beginning of each year.
40. According to the shelter model approved in 2016, the minimum number of staff required for optimal functioning of the service is 12 people, however, in practice the budget only covers the costs of 6 people: 3 professionals (a psychologist, a social worker and a lawyer), two facilitators, and one administrator, in other words, the State merely finances 40% of the costs of the minimum personnel required. The shelters in Cuenca and Lago Agrio have 15 and 14 staff respectively; in Coca there are 10 staff; in Guayaquil 8, in addition to volunteers, and in Quito, 10 persons.
41. According to the Ministry of Justice, Human Rights, and Worship, the annual cost of running a shelter is 102,400 dollars,¹⁷ however, the agreements signed annually with the organizations are for 85,000 dollars, which covers only 10 months of implementation (meaning that 17% of the budget is not funded). This is because the transfer of funds takes 2-4 months, and it does not cover costs retroactively, so the deficit must be assumed by the organizations in charge of the shelters. This creates obstacles to the normal functioning of shelters, which puts at risk the stability, security and recovery of the victims of violence, while creating the necessity for budget cuts¹⁸. In addition, it is important to highlight that the organizations cover all the expenses related to basic services, training of the staff, accountant, transport, food, maintenance, basic household items for families living in the shelters.
42. The transfer delay of funds also causes the mistreatment of the shelter staff because they do not receive their salaries and quit their jobs. The quality of care is affected by the rotation of professionals who establish a relationship of trust and closeness with women and their families.

Women victims of violence with disabilities and from rural or remote areas

43. The budget established for the functioning of the shelters does not consider the costs of transporting women victims of violence that live in rural or remote areas to one of the 5 provinces that offer this

¹⁵ Gloria Camacho, op. Cit. P. 78

¹⁶ Committee on the Elimination of Discrimination against Women, Concluding Observations on the eighth and ninth combined periodic reports of Ecuador. Information provided by Ecuador under the follow-up procedure for concluding observations. CEDAW / C / ECU / CO / 8-9 / Add.1

¹⁷ Ministry of Justice, Human Rights and Worship, Project "Strengthening Centers for Care and Protection of Children, Adolescents and Women Victims of Domestic and / or Sexual Violence and Sexual Exploitation in Ecuador". May, 2014. It is important to mention that there are no expenses for basic services, maintenance, infrastructure, equipment, safety, materials for activities with children. In <http://www.justicia.gob.ec/wp-content/uploads/2016/04/PROYECTO-CENTROS-Y-CASAS.pdf>

¹⁸ The monthly budget: 6000 for 3 professionals (psychologist, social worker and lawyer), two facilitators, and an administrator; 2000 for food and personal supplies and about 200 for mobilization.

service. In some cases, the victims themselves cover the costs of transportation, or women's organizations from their communities make voluntary contributions to cover the costs.

44. Regarding women victims of gender-based violence who have some sort of disability, there are all kinds of difficulties. According to the Network of Shelters, there have been accepted various cases of women with disabilities despite not having the infrastructure or specialized capacities to do so, because there are no other public institutions that can take on this responsibility. As indicated in paragraph 73 of the official monitoring report,¹⁹ Special Protection Services (SEPES) of the Ministry of Economic and Social Inclusion, are "...units that provide care in psychology and social work for people in all cycles of life, victims of violence and victims of other types of rights' violations", however, they do not take on cases in which support is required from medical staff to attend to specific needs.
45. The personnel of the shelters evaluate the type and severity of the disability of the woman victim of violence to determine if the woman can take care of herself without special and permanent assistance; and for example, when her mobility and physical autonomy are limited, the staff looks for support in other institutions. This practice does not constitute a formal procedure, so it depends on the initiative and capacities of each shelter. Since there are no protocols or a reference system for this kind of cases women with disabilities do not receive adequate care and protection.

Recommendations for the State of Ecuador:

46. To improve the referral and counter-referral system for cases of gender-based violence among shelters throughout the country, from an inclusive approach that takes into account rural women, women with some form of disability, women of different ethno-cultural backgrounds. The system of reference and counter-referral should enable an optimal articulation of the instances and services of care and prosecution of victims and survivors of violence.
47. Increase the budget for and the number of care centers and shelters, in accordance with the situation of violence in the different regions and provinces of the country.
48. To design a women's rights comprehensive reparation policy, responding to the constitutional mandate, so that women living in shelters have real options to break the circle of violence, improving their real access to decent housing, work, education and care services for their sons and daughters. This implies that the special protection system must articulate the services of the different ministries and public institutions.

PARAGRAPH 33, c)

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.

49. When the Comprehensive Organic Penal Code was approved in 2014, the State of Ecuador did not update abortion regulations in accordance with international human rights standards, despite the recommendation from the Committee on Economic, Social, and Cultural Rights²⁰ to decriminalize abortion in cases of rape and fetal malformations that are incompatible with life.
50. The Women's Movement led an advocacy campaign to place the topic of abortion in the public and legislative agenda, presenting facts regarding rapes and unwanted pregnancies, related debates, and international standards. Despite the serious implications of abortion on the life and health of women, however, there was a lack of political will at the highest levels during the legislative debate on the Comprehensive Organic Penal Code. Even the motion to include the topic in the legislative agenda presented by the parliamentarian of the ruling party, Paola Pabón, was impeded by the President of the

¹⁹ Committee on the Elimination of Discrimination against Women, Concluding Observations on the eighth and ninth combined periodic reports of Ecuador. Information provided by Ecuador under the follow-up procedure for concluding observations. CEDAW / C / ECU / CO / 8-9 / Add.1.

²⁰ E/C.12/EQU/CO/3, párr. 29.

Republic, who threatened to resign if the debate continued. The parliamentarians Pabón, Godoy y Buendía were sanctioned with a suspension of one month.

51. The proposal presented by the Public Defender on the decriminalization of abortion in the cases of rape, incest, or serious malformations has been in the Legislative Assembly's Specialized Permanent Committee on Justice and Structure of the State for more than ten (10) months, without any analysis or issuing any report on the matter, which demonstrates a lack of compliance by omission on the part of the State of Ecuador. This is happening in a country where according to official statistics, one in every four women has been the victim of sexual violence; there are 14 complaints of rape filed per day; and pregnancy in children aged 10 to 14, almost always caused by rape, is increasing with 2534 pregnancies in this age category registered in 2015 alone, without taking into account late registration of pregnancies. This implies that Ecuador condemns raped and pregnant women to choose between forced motherhood and unsafe abortions, which not only implicates risk for the health and life of the women, but also for their reproductive freedom.
52. In Ecuador, according to information from the Office of the Attorney General, there are currently 200 cases of women facing criminal proceedings for allegations of voluntary termination of pregnancy, many times after spontaneous abortions and/or obstetric emergencies. These are women who have admitted during their criminal proceedings that the pregnancy was a product of rape and that was one of their reasons for deciding to abort, or they are cases of girls younger than 14 whose pregnancies are always considered cases of rape, whose mothers are being prosecuted for accompanying them to the hospital when they were undergoing their abortions.
53. The same is occurring with cases of pregnancy where the fetus is incompatible with life. Women are being forced to continue with their pregnancies, give birth and feed newborns that will imminently die, seriously affecting their mental and physical health. International committees on human rights consider this to be tortured.
54. The CEDAW Committee recommended the implementation of the Clinical Practice Guide titled, "Attention to Therapeutic Abortion" however this has not been implemented yet, which has resulted in the misinterpretation by health professionals about when a case of abortion would be within the law.
55. The above, added to the context of intimidation of health professionals in their exercise of their medicinal practice, has created a situation where professionals break medical confidentiality, and use health services to interrogate and incriminate women, obligating them to incriminate themselves. This situation has meant a constant denial of legal abortions for women who meet the specifications for one, and to the creation of greater barriers to access to these rights, by requesting from women requirements that are not established by the law when they seek legal abortions (criminal complaints, judicial sentences, prosecutorial orders, therapeutic committees, or bioethics committees), which is contradictory to the regulations that exist on this matter.
56. This demonstrates the misinterpretation of the causes of legality of abortion, while national regulations establish causes of legality: 1. At the risk represented of the pregnancy or childbirth to the life or health of the woman and 2. The fact that the pregnancy is a result of the rape of a mentally disabled woman; in reality, only women whose lives are in grave risk have access to therapeutic abortions, due to the fact that hospitals and ethics committees only grant authorization in these cases, which is a violation of the rights of women and the principal of legality.
57. There is abuse of the use of conscientious objection,²¹ with the result that women are prevented from accessing methods of family planning and legal abortions. In various cases, institutional conscientious objection has been argued, despite international standards for human rights having established that conscientious objection is personal and individual, and cannot restrict or violate the rights of others.
58. Regarding the Ministry of Public Health's Technical Standards for Comprehensive Care in Gender-Based Violence, the problem is the same, as it has not been implemented. It is almost impossible for

²¹ This practice has not been regulated in spite of knowing the Ministry of Public Health of the abusive use that is made of it in the national health system, where even often institutions refuse to perform a practice claiming conscientious objection and in this way denaturalizing a right that is individual and personal.

victims of sexual violence to access emergency contraception and prophylactic treatment for HIV-AIDS or other sexually transmitted diseases, despite the regulations regarding these rights.

Recommendations for the State of Ecuador:

59. Decriminalize abortion in all cases, prioritizing cases of rape, or lethal malformation.
60. Guarantee access to legal abortions for women who need it, with a wide interpretation of the causes of legality to be in accordance with international human rights instruments.
61. Regulate the use of conscientious objection in the public health system, to guarantee the exercise of the right to therapeutic abortion.
62. Create mechanisms to train and evaluate the fulfillment of medical confidentiality by health professionals.
63. Guarantee due process for the cases of women who have been criminalized for abortion and childbirth.
64. Guarantee a broad concept of Health, gender violence, therapeutic abortion in the Organic Health Code, as well as promote the elimination of non-technical definition that endanger the rights of women.

Abortion and Gynecological-Obstetric Violence

65. Gynecological-obstetric violence in cases of abortion manifests itself in diverse forms and in different moments, the first being the denial of abortion in cases of unwanted pregnancies, when they are in situations that are permitted by law or cases that are not discussed in the legal framework. This type of gender-based violence expresses itself in different ways through health services: incomplete or false information is given, with the objective of placing blame on the woman seeking an abortion; the woman as a rights holder is made invisible, giving priority to the rights of the embryo/fetus; health professionals prolong the hospitalization for longer than required or refer the patients to other professionals or institutions; there exists a punitive attitude towards women who make decisions over their own bodies and their sexual and reproductive health, and they compare them to other women in the process of childbirth.
66. The absence of set of laws and national policies establishing specific regulations about obstetric violence and even less regarding gynecological-obstetric violence in the case of abortions, is a determinate factor in the occurrence of this type of violence; but it is also important to note the lack of legal mechanisms for the reparation of victims of gynecological-obstetric violence or of violations of sexual and reproductive rights.

Recommendations to the State of Ecuador:

67. Include in health legislation and criminal law a definition and description of obstetric violence with all of its forms of expression, in the cases of pregnancy, childbirth or in abortion, so that once characterized, clear surveillance and control mechanisms can be established, with the objective of eradicating this violence.