



October 3, 2008

The Committee on the Elimination of Discrimination against Women

Re: Supplementary information on Ecuador
Scheduled for review by the CEDAW Committee in its 42nd Session

Dear Committee Members:

This letter is submitted to supplement the periodic report submitted by Ecuador, which is scheduled to be reviewed by this Committee during its 42nd Session. The Center for Reproductive Rights (The Center), an independent non-governmental organization, hopes to further the work of the 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 one issue in particular – sexual violence against girls in schools—which has become a structural and systemic problem in Ecuador.

The CEDAW Committee has defined sexual violence as a form of discrimination against women;¹ as such, states parties' commitment to ending sexual violence in schools should receive serious attention. The right to be free from sexual violence in general is central to CEDAW's protections of the rights to life, non-discrimination and health (articles 1, 2, 3, and 12).² More specifically, sexual violence in the context of schools additionally implicates the right to education (article 10).

While Ecuador has made recent progress by enacting non-discriminatory laws and policies,³ implementation of these measures has been inadequate, and gender violence in schools is still prevalent. While the state reports to this Committee that 11% of girls in Ecuador have reported sexual abuse,⁴ data from other sources reveals substantially higher numbers. NGO estimates range from 22%⁵ to 63%⁶ of Ecuadorian girls reporting sexual abuse in schools. Most troublingly, it is assumed that the majority of cases go unreported.⁷ Unfortunately, in its combined sixth and seventh report to this Committee, Ecuador does not describe adequate measures aimed at eradicating sexual violence in schools, and we hope that this Committee will urge the state to prioritize the issue as a matter central to women's enjoyment of their human rights under the Convention.

Sexual Violence in Schools in Ecuador

I. Right to freedom from violence and right to effective remedy (Articles 1, 2, 3)

This Committee's General Recommendation 19 defines gender-based violence, including "physical, mental or sexual harm or suffering,"⁸ or any violence that affects women disproportionately, as a form of discrimination against women within the meaning of article 1. As a violation of article 1, gender-based violence entails violations of women's right to life, right to freedom from torture and

cruel treatment, right to equal protection, right to liberty and security, right to equality, and right to health.⁹

In Ecuador, girls face significant sexual abuse and harassment from their teachers in both public and private schools. In fact, studies show that educational environments are the principal setting for sexual violence;¹⁰ one study found that 36% of students who had been sexually abused identified their male teachers as the aggressors.¹¹ The case of Paola del Rosario Guzmán Albarracín, currently pending before the Inter-American Commission on Human Rights,¹² illustrates the state's failure to prevent sexual violence in schools, and the devastating effects this violence can have on girls' lives. For two years Paola Guzmán was sexually harassed and abused by her vice-principal, who offered to provide her with academic assistance on the condition that she have sexual intercourse with him. At age sixteen, she became pregnant. The vice-principal enlisted a school doctor to perform an abortion, but the doctor made this conditional on Paola agreeing to have sexual relations with him. Ultimately, Paola ingested white phosphorus to commit suicide, and died in December of 2002. In Paola's case, no person or institution has yet been held accountable for her abuse or mistreatment at school, and her death has not been adequately investigated.¹³ The state itself notes that suicide is one example of the way that sexual abuse in schools endangers girls' lives.¹⁴

General Recommendation 19 instructs states parties to take "specific and punitive measures"¹⁵ to effectively overcome the sexual exploitation of women. This mandate under CEDAW is not limited to the actions of state actors nor to actions that occur in state-run institutions. General Recommendation 19 emphasizes that "states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation."

Despite this clear mandate under CEDAW, Ecuadorian NGOs report that the climate of sexual harassment and abuse in schools is one of relative impunity, where teachers and administrators have minimized the problem, and are reluctant to punish perpetrators.¹⁶ Sexual harassment in educational settings was criminalized in 1998,¹⁷ but in 2002, only 15 cases of sexual harassment were presented to the public prosecutor, with only one case going to sentencing.¹⁸ The public prosecutor believes that many more cases exist, but that victims do not speak out for fear of reprisal by the perpetrators.¹⁹ Victims of sexual violence may be ostracized and excluded by their families, friends and communities, making it more difficult to seek redress.²⁰ This climate, apparent in the case of Paola Guzmán, reveals a clear failure of the state to provide an effective remedy, and as such, constitutes a violation of Article 1 of CEDAW.

When policies are enacted on this topic in Ecuador, they do not seem to be implemented. In 2002, the Minister of Education, Culture, Sports, and Recreation issued Agreement 4794, a detailed statement of procedures for dealing with sexual offenses in the educational system,²¹ but in the Paola case, none of these procedures were followed. Between 2006 and 2008 at least four decrees have been issued²² dealing with gender discrimination and sexual abuse in educational settings, yet in its report to this Committee the state does not provide any evidence of having assessed the impact these decrees have had.

This Committee has expressed concern about Ecuador's failure to adequately implement its own laws on violence against women. In its most recent Concluding Observations to the state, this

Committee “urge[d] the state party to take steps to implement [its] legislation...and to monitor its application and assess its effectiveness.” This Committee noted that while improvements had been made in efforts to curtail violence against women, “corrupt practices in the judicial system and sexist cultural attitudes continue to impede full implementation of the law.”²³

In its current report to this Committee, Ecuador highlights the following as the key steps the state has taken towards eradication of sexual violence in schools:

- a) Ministerial Agreement No. 3393, issued in August 2004, on “awareness and handling of sexual offenses in the educational system,”²⁴ and “an intense training programme ... concerning Ministerial Agreement No. 3393,”²⁵ for officials in the Ministry of Education.
- b) The National Plan on Eradication of Sexual Offenses in the Educational System, established in 2006,²⁶ institutionalized by Ministry of Education in 2008.²⁷

The National Plan on Eradication of Sexual Offenses in the Educational System²⁸ is vague and lacking in detailed, specific steps to help it meet its objectives. In its responses to this Committee’s questions prior to the 42nd session, Ecuador admits that there are no current statistics on complaints and prevention measures, and so the effectiveness of the plan or of related policies cannot be measured.²⁹ The state does not report what steps it will take to implement the National Plan, nor monitor its efficacy.³⁰

According to Amnesty International, national plans to address school-related violence against girls should include, “guidelines for schools, compulsory training for teachers and students, the designation of a government official responsible for preventing and investigating incidents of violence and adequate public funding to address the problem.”³¹ The National Plan does refer to teacher training, but it does not specify whether this training should be mandatory. Nor does the Plan designate a government official in charge of prevention and investigation, and, while the ministries and agencies responsible for implementation of the policies are listed, the plan does not include a budget nor does it describe funding sources.³²

II. Right to health (Articles 1, 2, 12)

The right to health is violated when the state fails to protect girls from sexual violence at school. In General Recommendation 24, this Committee states that “gender-based violence is a critical health issue for women,”³³ and has noted that sexual abuse places girls “at risk of physical and psychological harm and unwanted and early pregnancy.”³⁴ Unintended pregnancies, especially among adolescents, can have the serious repercussions of suicide and unsafe abortion,³⁵ but even pregnancies carried to term by adolescents have greater health risks than pregnancies in adult women.³⁶ This Committee notes that sexual abuse can make girls less willing to seek critical reproductive health care,³⁷ thus further jeopardizing their lives and violating their right to health.

In addition to the risk of pregnancy, forced sexual activity can have grave health implications for adolescents and girls,³⁸ including “fistula, pelvic inflammatory disease and other gynecological disorders,”³⁹ sexually transmitted infections, including HIV/AIDS, sexual dysfunction, chronic pelvic pain,⁴⁰ and gastrointestinal disorders.⁴¹ These not only breach every girl’s right to non-discrimination, but also their rights to life and health. Stigma and stereotypes related to sexual abuse,

contraception, and pregnancy can lead to discrimination when girls do access health care.⁴² The consequences of sexual abuse on girls' mental health and cognitive development are also severe.

According to ministry figures, of the total pregnancies that occur in the country, 25 % are teen pregnancies.⁴³ Of those pregnancies, more than 61% are unwanted, and between 6 – 12 % end in abortion.⁴⁴ In its report to this Committee, the state expresses concern about the frequency of adolescent pregnancies, citing that 38.9% of women aged 15 to 24 have had at least one pregnancy, and notes that teen pregnancy “affect[s] the full exercise of [adolescents'] rights.”⁴⁵ The state acknowledges the increased maternal mortality risk posed by teen pregnancy,⁴⁶ but does not attribute a causal link between sexual violence in schools and teen pregnancy.

The state offers the following to this Committee as causes of teen pregnancy: “lack of sex education or inappropriate information, early onset of sexual activity, family-related causes, socio-cultural factors such as scant economic means, poor school attendance, lack of maturity, failure to meet one's responsibility, and lack of knowledge of and failure to use contraceptive measures.”⁴⁷ The fact that several of these hypothetical causes ascribe agency and culpability to the adolescent woman or girl is deeply troubling (“lack of maturity, failure to meet one's responsibility, failure to use contraceptive measures”), as is the fact that the state's mention of “early onset of sexual activity” fails to take into account that a significant portion of teens' earliest sexual experiences occur under coercion or by force.⁴⁸ In Latin America, a full one-third of adolescents report that their first sexual experience took place by force.⁴⁹ This phenomenon is clearly implicated in high rates of teen pregnancy. The state also fails to consider the restrictive abortion law as related to high rates of teen pregnancies. In Ecuador, abortion is illegal⁵⁰ except to save a woman's life or health. If a woman is raped, she may only procure a legal abortion if she is insane or developmentally delayed.⁵¹ The restrictiveness of the rape exception means that young girls raped by their teachers who become pregnant must have an illegal abortion or remain pregnant.

Despite its recognition of adolescent pregnancy as a human rights issue, the solutions proffered by the state in its report to this Committee are inadequate. The state reports that the National Plan on Health and Sexual and Reproductive Rights will “enable the men and women of Ecuador to have a better quality of life, including the ability to enjoy a fulfilling sex life and the freedom to decide whether, when, and how to have children,”⁵² however, these goals cannot be achieved when sexual abuse in schools persists, and when adolescents who are raped are forced by the state to carry their pregnancies to term.

III. Right to education and information (Articles 10 and 12)

Sexual violence is linked to poor school performance,⁵³ high drop-out rates,⁵⁴ and psychological trauma.⁵⁵ In its Concluding Observations to Ecuador in 2003, this Committee highlighted the fact that “[t]he high teenage pregnancy rate, especially in rural areas, continued to lead to the expulsion or dropping out of young women from schools.”⁵⁶

In its report to this Committee, the state claims that “equality in formal education represents one of the major achievements of women. Although differences still exist between men and women, they are insignificant.”⁵⁷ The state admits that “the reasons that girls and adolescents do not enroll are

well known, as are the reasons for dropping out associated with gender discrimination factors, especially the obligation to care for younger siblings and elderly family members (13 per cent of girls and 0.8 per cent of boys), teen pregnancy (9 per cent) or simply being unable to continue higher education because of economic hardship...⁵⁸ Sexual violence and harassment are not mentioned here; and while we appreciate the state's recognition that "whether girls stay in school is closely linked to institutional responses promoting improvement in the quality of education and developing an educational environment without risk or discrimination for girls and adolescents,"⁵⁹ we are concerned by the state's failure to describe what these "institutional responses" may be, especially with regard to the elimination of sexual abuse and the prosecution of known abusers in the school setting.

This Committee has emphasized that gender-based violence maintains women in subordinate roles and contributes to their lower level of education, skills and work opportunities.⁶⁰ When girls in Ecuador face the possibility of sexual abuse and harassment in schools, from the very people entrusted with their care and protection, this creates a barrier to education. The abuse itself creates another barrier to education, causing negative physical, emotional, and developmental consequences that affect girls' academic performance or keep them away from school altogether.⁶¹ The lack of reporting of abuse and the failure to provide effective institutional responses to reports of sexual violence against girls in schools in the legal system⁶² demonstrates the problems with Ecuador's school system and legal remedies in the face of gender-based violence against girls. It is clear discrimination on the part of the state when girls must choose to remain uneducated or face the risk of unchecked violence in unsafe schools.

This Committee has also linked girls' right to education with their access to reproductive health information and services.⁶³ This Committee has encouraged states parties to provide sexuality education systematically in schools,⁶⁴ and has recommended that "measures be taken to raise the awareness of teachers and citizens in order to halt sexual abuse against children."⁶⁵ Ecuador admits one of the principal difficulties encountered in the process of implementing the National Plan has been "resistance on the part of national and local education authorities and a lack of sensitivity of union educators to the subject."⁶⁶

In failing to protect girls from sexual harassment and sexual abuse in schools, Ecuador violates the human rights to life, to freedom from violence, to non-discrimination, health, and education of girls. The state must take immediate steps to eliminate sexual violence against girls in school, and must also ensure that girls have access to health care, including family planning, without discrimination, both to prevent and mitigate the health consequences of sexual abuse.

We hope that the Committee will consider addressing the following questions to the Ecuadorian government:

1. How will the implementation of the National Plan improve victims' means of redress for sexual violence and harassment in schools?

2. How will the National Plan hold accountable those educators who commit acts of sexual abuse, or are complicit in failing to hold colleagues accountable for abuse?

3. Given the risks to life and health inherent in unwanted adolescent pregnancies, what steps will the state take to address sexual violence and rape as a significant cause of teen pregnancies?

4. What steps will the state take to widen access to abortion for adolescents who have been raped?

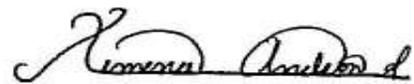
There remains a significant gap between the rights upheld in CEDAW and the reality of women's and girls' lives in Ecuador. We applaud the Committee for its commitment to women's rights and the strong concluding observations and recommendations the Committee has issued to governments in the past, which stress the need to enact, implement, and monitor policies geared toward widening access to the full complement of human rights for women.

We hope this information is useful during the Committee's review of Ecuador's report. If you have any questions, or would like further information, please do not hesitate to contact the undersigned.

Sincerely,



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¹ Committee on the Elimination of Discrimination against Women (CEDAW Committee), Gen. Recommendation 19, *Violence Against Women*, paras. 6-7, U.N. Doc. A/47/38 (1992) [hereinafter CEDAW Committee *Gen. Rec. 19*].

² Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46 (1979) (*entered into force* Sept. 3, 1981) [hereinafter CEDAW], arts. 2, 3. Article 2: "condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women." Article 10 obligates states parties to take "all appropriate measures" to eliminate discrimination against women in the context of education. Article 12(1) obligates states parties to take all appropriate measures to "eliminate discrimination against women in the field of health care" to ensure access to health care, including family planning.

³ CEDAW Committee, *Concluding Observations: Ecuador*, 29th Sess., para. 297, at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/EcuadorCO29.pdf>.

⁴ *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined sixth and seventh periodic reports of States parties, Ecuador*, para. 54, UN Doc. No. CEDAW/C/ECU/7 [hereinafter *Ecuador Report to CEDAW* (2008)] (stating that 7% have reported rape, and 4% have reported sexual abuse but not rape, equaling 11% total).

⁵ MARIA CORREIA & BERNICE VAN BRONKHORST, *ECUADOR GENDER REVIEW: ISSUES AND RECOMMENDATIONS 23* (World Bank 2000) (citing GUADALUPE LEON, *DEL ENCUBRIMIENTO A LA IMPUNIDAD, DIAGNOSTICO SOBRE VIOLENCIA DE GENERO, ECUADOR, 1989-1995* (1995)).

⁶ A survey of 1,000 young people conducted in five Ecuadorian cities found that 63 percent of girls—as compared to 37 percent of boys—reported having been sexually assaulted. In 2003, the National Directorate for Women, Children and Adolescents received 81 reports of sexual harassment by teachers in both public and private schools. Girls are the preferred victims of educators who objectify their bodies through lewd jokes, offensive stares, rude comments and unwanted flirtatious remarks. CEPAM GUAYAQUIL, *FINAL REPORT TO THE REGIONAL WOMEN'S TRIBUNAL ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS* at 2, Feb. 2005.

⁷ See AMNESTY INTERNATIONAL, SAFE SCHOOLS: EVERY GIRL'S RIGHT 46 (2008), available at <http://www.amnesty.org/en/library/asset/ACT77/001/2008/en/c3fb8b67-db24-11dc-b4a6-0fa73a85cd41/act770012008eng.pdf> [hereinafter SAFE SCHOOLS]; see also Ministerio de Educación y Cultura, Plan Nacional Para La Erradicación de los Delitos Sexuales en el Ambito Educativo (Ministry of Education and Culture, National Plan on the Eradication of Sexual Offenses in the Educational System), June 2006, available at http://www.cnaa.gov.ec/archivos/plan_erradicacion_delitos_sexuales_v04.pdf (hereinafter National Plan on the Eradication of Sexual Offenses), at 13 (“En este caso existe una relación de poder donde las situaciones de abuso van acompañadas de amenazas que inhiben a las víctimas a denunciar a los agresores o agresoras.”); CLADEM – ECUADOR, INFORME ALTERNATIVO DE DERECHOS ECONÓMICOS SOCIALES Y CULTURALES DE LAS MUJERES, (2004) (CLADEM – ECUADOR, ALTERNATIVE REPORT ON THE ECONOMIC SOCIAL AND CULTURAL RIGHTS OF WOMEN (2004)) available at <http://www.upr-info.org/IMG/pdf/CLADEMadd3.pdf> [hereinafter CLADEM, ALTERNATIVE REPORT ON ESCR] at 8 (“al acoso sexual, perpetrado en las relaciones laborales y educativas... es uno de los delitos sexuales que mayor dificultad ha tenido en ser procesado y sancionado. Por un lado, está el temor a sufrir represalias, sean éstas agresiones físicas, psicológicas y/o sexuales, pero además está el miedo a perder el ingreso económico, que en la mayor parte de casos, constituye la única fuente de sustento. En el año 2002, se presentaron ante la Fiscalía, quince casos de acoso sexual, tanto en el ámbito educativo como en el laboral, y solamente uno llegó a la sentencia. La propia Ministra Fiscal, reconoce que existen muchos casos más, pero que no llegan a conocimiento del Ministerio público, ‘porque las personas que son víctimas no denuncian por temor a represalias de sus victimarios’”)

⁸ CEDAW, *Gen. Rec. 19*, *supra* note 1.

⁹ *Id.* at para. 7

¹⁰ COMITÉ DE AMERICA LATINA Y EL CARIBE PARA LA DEFENSA DE LOS DERECHOS DE LA MUJER- ECUADOR, (CLADEM – ECUADOR) et al., INFORME SOMBRA: UNA MIRADA ALTERNATIVA A LA SITUACION DE DISCRIMINACION DE LA MUJER EN EL ECUADOR, PERIODO 1990-1998, (SHADOW REPORT: AN ALTERNATIVE LOOK AT THE STATUS OF DISCRIMINATION AGAINST WOMEN IN ECUADOR, 1990-1998) at 7 available at <http://www.uasb.edu.ec/padh/centro/Informes%20alternativos/informediscriminacionmujer1990-1998.pdf> [hereinafter CLADEM, SHADOW REPORT ON DISCRIMINATION].

¹¹ *Id.* at 7.

¹² The factual allegations are taken from the Petition to the Inter-American Commission on Human Rights by the Center for Reproductive Rights (CRR) and the Centro Ecuatoriano Para la Promoción y Acción de la Mujer-Guayaquil (CEPAM-Guayaquil) in the matter of Paola del Rosario Guzmán Albarracín, Oct. 13, 2006.

¹³ The factual allegations are taken from the Petition to the Inter-American Commission on Human Rights by the Center for Reproductive Rights (CRR) and the Centro Ecuatoriano Para la Promoción y Acción de la Mujer-Guayaquil (CEPAM-Guayaquil) in the matter of Paola del Rosario Guzmán Albarracín, Oct. 13, 2006.

¹⁴ National Plan on the Eradication of Sexual Offenses, *supra* note 7, at para. 2.2.2, at 7.

¹⁵ CEDAW, *Gen. Rec. 19*, *supra* note 1, at para. 24(g).

¹⁶ CLADEM, SHADOW REPORT ON DISCRIMINATION, *supra* note 10, at 7.

¹⁷ CLADEM, ALTERNATIVE REPORT ON ESCR, *supra* note 7, at 8.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ SAFE SCHOOLS, *supra* note 7, at 46.

²¹ El Ministro de Educación, Cultura, Deportes, y Recreación, Reglamento Especial de Procedimientos y Mecanismos sobre Delitos Sexuales en el Sistema Educativo: Acuerdo No. 4794, Dec. 13, 2002, (Minister of Education, Culture, Sports, and Recreation, Special Regulation of Procedures and Mechanisms regarding Sexual Offenses in the Educational System: Agreement No. 4794), available at <http://ecuador.unfpa.org/delitosexuales.htm>.

²² In 2006, after the National Plan on the Eradication of Sexual Offenses in the Educational System was issued, Agreement No. 403 purported to institutionalize sexual education in the form of the National Plan for Education on Sexuality and Love (PRONESA) (Minister of Education, Agreement No. 403, September 10, 2006.) Subsequently, in March 2007, Agreement No. 089 was issued on the prohibition of discrimination against pregnant students and again on the implementation of sexual education (Minister of Education, Agreement No. 089, March 8, 2007.) Next, in May 2007, Agreement No. 196 again reformed the procedures and mechanisms on the knowledge and treatment of sexual offenses in schools. (Minister of Education, Agreement No. 196, May 30, 2007, available at <http://www.educacion.gov.ec/acuerdos/documentos/normassisedu/acuerdo%20196.pdf>.) Most recently, in February 2008, Agreement No. 062 was issued, again on the institutionalization of the National Plan to Eradicate Sexual Offenses in the Educational System and PRONESA (Minister of Education, Agreement No. 062, Feb 26, 2008, available at <http://www.educacion.gov.ec/php/codigo/acuerdos/documentos/ACUERDO%20062.pdf>).

²³ CEDAW Committee, *Concluding Observations: Ecuador*, 29th Sess., para. 286, at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/EcuadorCO29.pdf>.

²⁴ CEDAW Committee, *Responses to the list of issues and questions with regard to the consideration of the combined sixth and seventh periodic reports: Ecuador*, Pre-sessional working group, 42nd Sess., para. 2, UN Doc. No. CEDAW/C/ECU/Q/7/Add.1 [hereinafter *Ecuador, Responses to CEDAW Committee* (2008)]

²⁵ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 170.

²⁶ National Plan on the Eradication of Sexual Offenses, *supra* note 7.

²⁷ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 171; *Ecuador, Responses to CEDAW Committee* (2008), *supra* note 24, at para. 2; Minister of Education, Agreement No. 062 on the National Plan on the Elimination of Sexual Offenses in the Educational System and the PRONESA, Feb 26, 2008, *available at* <http://www.educacion.gov.ec/php/codigo/acuerdos/documentos/ACUERDO%20062.pdf>.

²⁸ National Plan on the Eradication of Sexual Offenses, *supra* note 7.

²⁹ *Ecuador, Responses to CEDAW Committee* (2008), *supra* note 24, at para. 9(h).

³⁰ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 171. “The Government has made a great effort to ensure a participatory process of preparation of the National Plan for the Prevention and Elimination of Sexual Offences in the Schools; this policy establishes the Ministry of Education as the lead agency, together with the Children’s and Youth Council, the Ministry of Health, the Congressional Committee on Women and Families, the National Institute for Children and the Family (INNFA), the Public Prosecutor’s Office, the DINAPEN, the Young People’s Forum and the National Teachers’ Union, for implementation of the programmes and projects necessary to the elimination of sexual offences.”

³¹ SAFE SCHOOLS, *supra* note 7, at 61.

³² National Plan on the Eradication of Sexual Offenses, *supra* note 7, at 20 – 27.

³³ Committee on the Elimination of Discrimination against Women, *General Recommendation 24: Women and health*, 20th Sess., para. 15, U.N. Doc. A/54/38 (1999) [hereinafter CEDAW, *Gen. Rec. 24*].

³⁴ *Id.* at para. 12(b).

³⁵ SAFE SCHOOLS, *supra* note 7, at 14.

³⁶ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 43; “Pregnant teens between 15 and 19 years old run a risk of dying during childbirth twice that of the 20 to 29 age group; the risk for those under 15 is five times higher.”

³⁷ CEDAW, *Gen. Rec. 24*, *supra* note 33, at para. 12(b).

³⁸ SAFE SCHOOLS, *supra* note 7, at 14 (citing Secretary General’s in-depth study on all forms of violence against women, UN Doc: A/61/122/Add.1, 2006)

³⁹ SAFE SCHOOLS, *supra* note 7, at 19.

⁴⁰ *Id.* at 15 (citing J. Mirsky, *Beyond Victims and Villains: Addressing Sexual Violence in the Education Sector*, PANOS (2003) at 27-29, www.panos.org.uk/resources/reportdownload.asp?type=report&id=1060).

⁴¹ *Id.* at 14.

⁴² Judith Berman Bandenburg, *Confronting Sexual Harassment: What Schools and Colleges Can Do* 42 (1997) and Michele A. Paludi and Richard B Barickman, *Sexual Harassment, Work, and Education: A Resource Manual For Prevention* 120 (1998), [hereinafter Paludi and Barickman] (explaining how sexual harassment victims are victimized secondarily when they are blamed for their own harassment).

⁴³ José Alfredo Andaluz Prado, *En Marcha plan de Educación Sexual en Colegios* (Running the Sexual Education Plan in Schools), Sept. 13, 2007, *available at* <http://www.diariocorreo.com.ec/archivo/2007/09/13/en-marcha-plan-de-educacion-sexual-en-colegios>.

⁴⁴ *Id.*

⁴⁵ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 41.

⁴⁶ *Id.* at para. 43; “Pregnant teens between 15 and 19 years old run a risk of dying during childbirth twice that of the 20 to 29 age group; the risk for those under 15 is five times higher.”

⁴⁷ *Ecuador, Responses to CEDAW Committee* (2008), *supra* note 24, at 26.

⁴⁸ National Plan for the Eradication of Sexual Offenses, *supra* note 7, at para. 2.2 [“una significativa proporción de mujeres jóvenes señalan que su primer contacto sexual se produjo bajo coerción” [citing OPS/OMS, 2002; Roses Mirta, Directora OPS/OMS, Reunión de expertas “Alternativas de atención en el sector salud para mujeres sobrevivientes de violencia sexual; OPS/OMS – IPAS, 2-4 de Agosto, 2005, Washington D.C.]

⁴⁹ National Plan for the Eradication of Sexual Offenses, *supra* note 7, at para. 2.2 [“una tercera parte de las adolescentes ha sufrido una iniciación sexual forzada” [citing OPS/OMS, 2002; Roses Mirta, Directora OPS/OMS, Reunión de expertas “Alternativas de atención en el sector salud para mujeres sobrevivientes de violencia sexual; OPS/OMS – IPAS, 2-4 de Agosto, 2005, Washington D.C.]

⁵⁰ Ecuador Penal Code, Article 444.

⁵¹ Ecuador Penal Code, Article 447.

⁵² *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 325.

⁵³ NAN STEIN, *CLASSROOMS AND COURTROOMS: FACING SEXUAL HARASSMENT IN K-12 SCHOOLS* 25-26 (1999) [Hereinafter Stein]; Paludi & Barickman, *supra* note 42, at 119 (results from studies that show that sexual harassment of girls affects their feelings toward and performance in school negatively).

⁵⁴ *Id.*

⁵⁵ *See generally* STOP VIOLENCE AGAINST GIRLS IN SCHOOL (Action Aid International 2004).

⁵⁶ CEDAW Committee, *Concluding Observations: Ecuador*, 29th Sess., para. 290, *at* <http://www2.ohchr.org/english/bodies/cedaw/docs/co/EcuadorCO29.pdf>.

⁵⁷ *Ecuador Report to CEDAW* (2008), *supra* note 4, at para. 32.

⁵⁸ *Id.* at para. 36.

⁵⁹ *Id.* at para. 37.

⁶⁰ CEDAW, *Gen. Rec. 19*, *supra* note 1, para. 11.

⁶¹ Stein, *supra* note 53; Paludi & Barickman *supra* note 53, at 119 (results from studies that show that sexual harassment of girls affects their feelings toward and performance in school negatively).

⁶² CLADEM, ALTERNATIVE REPORT ON ESCR, *supra* note 7, at 8.

⁶³ See e.g., CEDAW Committee, *Concluding Observations: Belize*, para. 56, U.N. Doc. A/54/38 (1999); CEDAW Committee, *Concluding Observations: Chile*, para. 226, U.N. Doc. A/54/38 (1999); CEDAW Committee, *Concluding Observations: Namibia*, Part II, para. 108, U.N. Doc. A/52/38/Rev.1, (1997); CEDAW Committee, *Concluding Observations: Venezuela*, para. 230, U.N. Doc. A/52/38/Rev.1, (1997); CEDAW Committee, *Concluding Observations: Zimbabwe*, para. 150, U.N. Doc. A/53/38 (1998).

⁶⁴ CEDAW Committee, *Concluding Observations: Turkmenistan*, paras. 30–31, U.N. Doc. CEDAW/C/TKM/CO/2 (2006).

⁶⁵ CEDAW Committee, *Concluding Observations: Uganda*, para. 340, U.N. Doc. A/50/38 (1995).

⁶⁶ *Ecuador, Responses to CEDAW Committee* (2008), *supra* note 24, at para. 9(e).