



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 855th meeting (Chamber B)

Held at the Palais des Nations, Geneva, on Wednesday, 22 October 2008, at 3 p.m.

Chairperson: Ms. Gabr (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Gabr, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Ecuador (continued) (CEDAW/C/ECU/7, CEDAW/C/ECU/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Ecuador took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Hayashi** asked whether a worker dismissed because she was pregnant could bring a lawsuit on the grounds that her dismissal was a breach of the Convention. It would also be interesting to learn how the State party planned to tackle the wage gap and what was the role of trade unions in enhancing gender equality. She wondered whether any government bodies had received complaints of discrimination on grounds of sexual orientation and, if so, what the response had been.

3. **Ms. Begum** asked what programmes were available under the Free Maternity and Child Care Act, what strategies the Government had adopted to reduce the high maternal mortality rate, in particular for teenage mothers and in rural areas, and whether the services described were available to refugee women, asylum-seekers and indigenous women.

4. It would be useful to hear what remedial measures the Government had taken to prevent breast and cervical cancer and whether they included awareness-raising efforts. If there was a breast-screening programme, it would be interesting to know whether women were making use of it. She also asked for information about HIV/AIDS, especially among refugee and migrant women, and about policies to protect women and girls from sexual exploitation.

5. **Ms. Pimentel** said that, according to Amnesty International and other sources, the National Plan for the Prevention and Elimination of Sexual Offences in Schools was very vague and did not include mandatory training. If the State failed to protect girls from sexual violence at school, their right to health was being violated. The Committee's General Recommendation

No. 19 on violence and General Recommendation No. 24 on health could serve as important tools to ensure that women's and girls' rights were respected. She asked what steps the State party intended to take to stop rape, which was a significant cause of teenage pregnancy, and other forms of sexual violence, and how it would expand access to abortion for raped adolescents. She requested further information on how the Government would deal with the problem of maternal mortality related to clandestine abortion; some women's organizations claimed that the decriminalization of abortion would reduce maternal mortality.

6. **Ms. Begum** wished to hear what poverty reduction steps the Government had taken, whether microcredit programmes were available and how many women were covered. She also asked whether cultural, sports and other facilities were available to women in rural areas, especially adolescent and migrant women.

7. **Ms. Schöpp-Schilling** asked for more information on the situation of rural women, as the information in the report was too general. It would be interesting to hear more about the functioning and results of the new solidarity funds, which unfortunately were available to only a tiny fraction of the population. More details should be provided on income-generating activities and whether they helped women to move out of extreme poverty or poverty.

8. The health needs of indigenous women were not limited to reproductive and maternity services. She wondered whether they had access to mobile health clinics and, if so, whether they were making use of them. It would be interesting to hear about cancer rates in rural areas.

9. She also asked about indigenous women's access to education, the numbers of girls attending primary school compared to boys and any incentives for parents to send their daughters to secondary school. Future reports should include a more extensive section on the rural female population.

10. **Mr. Chiriboga** (Ecuador) said that the Government's new economic model was beginning to yield significant results in relation to structural problems such as inequity and poverty. Economic inclusion programmes enabled thousands of small artisans and microbusinesses to receive training, technical assistance and credit. Small and medium-sized producers received preferential treatment in

public procurement, enhancing their productivity and income and creating new jobs. One such programme gave small workshops the opportunity to supply school uniforms. There was also a fair-wage policy for investment in sectors requiring local labour, such as construction. As a result of all the measures taken, the Gini coefficient, which measured the inequality of income distribution, had improved from 0.52 in June 2007 to 0.50 in June 2008 and the income gap between the richest and poorest groups in urban areas had been reduced over the same period.

11. Unemployment, underemployment and child labour had all decreased. There had been substantial increases in investment in health, housing, economic inclusion, labour and education, amounting to a 230 per cent increase from 2004 to 2008. By July 2008, seven times as many housing bonds had been distributed in that year as in 2004.

12. As for economic investment over the same period, the Human Development Bond had been doubled from 15 to 30 dollars, and the number of beneficiaries had increased by 18 per cent, while over five times as many girls and boys were receiving children's services. Nutritional programmes provided food, information and training for the most vulnerable population groups.

13. Investment in educational infrastructure had increased by a factor of 15 between 2004 and 2008. Studies of drop-out rates had been conducted and the statistics would be made available at a later date. Adult literacy programmes were available for school drop-outs. A secular sex education programme had been developed and also a training programme to enable all health workers to assist victims of sexual violence. The school meals programme had been expanded to provide one and a half million children with school breakfast and lunch in over 15,000 educational establishments in the poorest areas of the country.

14. In general, the Government's priorities concerned social investment, which generated not only health, education and social protection but also new employment opportunities. The Ministry of Health was in the process of creating a single health-care system with universal access to services, including free services for the poorest groups.

15. CONAMU, with the support of the Ministry of Social Welfare, was working to define indicators for the Equal Opportunities Plan in order to measure

processes, results and impact. Such indicators could be an important tool in policy design.

16. **Ms. Abarca** (Ecuador) said that the Ministry of Labour, through its inspectors, had investigated complaints of dismissals of pregnant women and the employers had been penalized. The number of such dismissals seemed to have diminished since the publication of the previous report, especially in the private sector. The situation of women in small businesses was unclear, as many private employers, especially at the household level, were not registered with the Ministry of Labour or the Ministry of Social Welfare.

17. With regard to women with higher education who were unemployed or underemployed, she said that all public posts were in future to be filled through competition, a policy that was intended to democratize employment. Although women still tended to be concentrated in the health and education sectors, increasing numbers were also entering non-traditional fields such as engineering and the armed forces. One current concern was to ensure that the promotion mechanisms in the armed forces were non-discriminatory.

18. The Government was very concerned about the increase in adolescent pregnancies and adolescent maternal mortality. A national plan to reduce adolescent pregnancy was being implemented by various ministries and by CONAMU, with the participation of youth organizations. The Ministry of Education had implemented a National Plan on Education for Love and Sexuality, as the current Constitution made it compulsory for the State to provide sex education with a secular focus. However, there was still a wide gap between what was expected socially of adolescents and the reality of their lives, which meant that young people tended to hide their relationships and were less free to make choices.

19. In relation to the State's position on abortion, she said that according to the new Constitution the State protected life from the moment of conception. Despite pressures from various sectors, CONAMU and other women's organizations had prevented the Government from repealing current legislation that allowed abortion when the mother's life was in danger or in the case of a rape victim with a mental disability. As the new Constitution also guaranteed the mother's right to life, it avoided a fundamentalist attitude and left open the

possibility of decriminalizing abortion in the future. Treatment to prevent sexual diseases and emergency contraception services were provided for rape victims, although some public health officials might not be cooperative.

20. For the past three years the Government had been implementing the National Plan for the Prevention and Elimination of Sexual Offences in Schools. The statistics available were not considered accurate as many incidents were covered up. Monitoring committees had been set up to prevent sexual offences in schools.

21. Although there was concern about indigenous and rural women, there was not yet a specific policy to address inequalities in rural areas. CONAMU was working with the Food and Agriculture Organization of the United Nations to produce a draft public policy for rural women. Some legislative amendments might be needed and the first step was to ensure that all rural women had identity documents. A national plan was being implemented with a view to providing documents for all of the country's estimated 1,500,000 undocumented persons within three years. Identity was the first right of the citizen and would smooth the path to attaining economic, social and other rights.

22. In response to the question about infrastructure for rural women, she said that women in general had little opportunity for leisure activities such as sports. That was one of the significant gaps between men and women.

23. With regard to HIV/AIDS among immigrants and young people, including rape victims, she said that the national HIV/AIDS plan launched three years previously included the first specific provisions for women. One part of the plan covered prevention efforts, but the funding was not yet sufficient. CONAMU and the Ministry of Health were considering additional efforts targeting young women, immigrants and housewives and prevention of vertical transmission.

24. CONAMU was also discussing with the Ministry of Health the possibility of using the Free Maternity and Child Care Act as the basis for change in the health sector. The Act had been in force for 11 years and considerable experience had been acquired with its management model and its concept of ownership of rights by women. At present the Act covered about 3 million people, 60 per cent of whom were women,

the other 40 per cent being children under the age of five.

25. The Act included provision for cervical, uterine and breast cancer screening, but the screening activities reached less than a quarter of the population. Many screening activities were carried out by the Sociedad de Lucha Contra El Cáncer de Ecuador. Unfortunately, owing to a lack of coordination, no consolidated statistics were available. In general, women were just beginning to be aware of breast cancer, while cervical and uterine cancer were detected more frequently.

26. Another policy of benefit to rural women was the option for cumulative payment of the Human Development Bond. Women could request a single annual payment of \$360 instead of the usual monthly payments. It could be considered as a form of microcredit. CONAMU also had a microcredit programme — Promujeres — but it was available to only a small fraction of the population. The Human Development Bond had much greater potential as that programme already covered about 1,200,000 persons.

27. **Ms. Pimentel** welcomed the decision to establish a single health system and hoped that CONAMU would be strong enough to ensure that the gender perspective was present throughout the system. That was still not the case in Brazil after 20 years of a unified system. She also welcomed the constitutional provision safeguarding the life of the mother.

28. **Ms. Schöpp-Schilling** recommended that future reports should concentrate on providing information relating specifically to women rather than general data. For instance, it would be interesting to hear what percentage of the health budget was being allocated to addressing the very high maternal mortality rate and what proportion of the resources went in general to reproductive health. It would be useful to know what the Government was doing to ensure that its policies had a gender impact and how it prepared its programme strategies.

29. **Ms. Dairiam** agreed that the Committee needed more specific information on how women benefited from Government policies and how discrimination was being eliminated. She asked for details of the gender perspective in poverty alleviation and social protection programmes.

30. While overt forms of discrimination were easy to identify, policies that were apparently neutral could be

reinforcing certain stereotypes. She asked whether Government programmes and policies were monitored to see whether they reproduced gender stereotypes. For example, the Human Development Bond might be reinforcing women's roles in childcare and unpaid family work.

31. It was still not clear how effective CONAMU was. She wondered how the Council for the Equality of Women would relate to the National Secretariat for Planning and Development (SENPLADES) and how they would interact.

32. **Ms. Abarca** (Ecuador) said that article 45 of the new Constitution recognized and protected life from the time of conception, while article 43 protected the life of the mother. CONAMU had a large team of feminists and health-care specialists to take on the task of maintaining the gender perspective.

33. In response to the question about the reproduction of stereotypes, she said that CONAMU was constantly monitoring the impact of policies. For example, the Human Development Bond programme did tend to perpetuate gender roles, and CONAMU was working on a proposal to transform it into a microcredit fund for the poorest women in the country.

34. CONAMU currently had two persons working in SENPLADES to mainstream the gender perspective in the preparation of the national development plan. There were regular meetings at least twice a month to exchange views and both sides were making efforts to ensure that short and medium-term policies included a gender perspective. Nevertheless, the gender mechanism still required a legally binding framework that would link all the activities being carried out by different departments. She took note of the suggestion for a gender focus in poverty alleviation programmes.

35. **Ms. Mera** (Ecuador), responding to questions that had been asked at the previous meeting, said that CONAMU had been participating in the process of training in gender issues and trafficking for judges and prosecutors since 2005. So far, approximately 3,000 persons had received such training. CONAMU was also helping with the preparation of a course on gender and human rights that would be available at the Facultad Latinoamericana de Ciencias Sociales, Ecuador.

36. The data for 2006 indicated that 70 complaints of trafficking had been filed. Twelve cases had reached

the final hearing. The Public Prosecutor's Office had a 30-day protection programme for victims and witnesses and two shelters were available, one in Quito and one in Machala.

37. In Ecuador, the burden of proof was still on the woman to prove that she had been a victim of trafficking. Ecuador had conducted several studies of trafficking, one of which had been praised by the World Bank. The results of the study were not very positive: insufficient resources were available for the coordination of efforts to combat trafficking and smuggling. Civil society was more active, but actions were isolated. The plan to eradicate trafficking was linked to the plan to eradicate gender violence.

38. CONAMU provided training on trafficking issues for the police in Quito and in the northern border area, with assistance from UNIFEM. Statistics on the number of persons trained would be provided later.

39. The State had begun to address the sexual diversity issue through CONAMU in April 2008 in response to a recommendation made during the Human Rights Council's universal periodic review of the human rights situation in Ecuador. CONAMU would work on the issue until a specific institution was created for that purpose. She confirmed that the State party's efforts in that area would continue.

40. **Ms. Abarca** (Ecuador), responding to a question asked at the previous meeting, said that the Committee's recommendations served as a mandate. CONAMU would discuss the recommendations with the relevant State bodies and include them in the national development plan if appropriate.

41. As regards obstacles to the draft legislation, it had not been possible to complete the draft law on the equality of men and women in the previous year because the National Congress had ceased to function. As a result, there had been a number of other political priorities to deal with, but it would soon be time to submit the draft legislation to the new National Assembly. That process had to be worked out in agreement with civil society.

Articles 15 to 16

42. **Ms. Patten** asked why the debate on the draft Family Code had been suspended and what progress had been made with the consultations referred to in the responses to the list of issues and questions. That was

an important issue because some discriminatory provisions remained and women did not have real equality in marriage. As the Children's Code had already been adopted, she wondered what priority was being given to the Family Code.

43. She also wished to know whether the draft Family Code would remedy the discriminatory provisions of the current Civil Code, such as the presumption in favour of the husband in relation to administration of the couple's affairs, including property. Adoption of the Family Code could send a strong signal for women's equality in the home.

44. As adolescents under the age of 18 years were allowed to marry with the consent of their parents or of a competent judge, she wondered whether that provision applied to boys and girls and whether girls younger than 16 were allowed to marry. The Committee was concerned about the age of marriage as it was linked to women's empowerment. Marriage brought significant responsibilities and young women should therefore not be permitted to marry until they had reached the age of 18. Having children at an early age could affect their health and education and restrict their economic autonomy.

45. She wondered whether legal aid was equally available to men and women in family law and whether people were aware of the Civil Code provisions concerning family relations and marriage. The report mentioned that non-governmental organizations were engaged in awareness-raising efforts and she wondered what efforts the Government was making in that area. She also asked whether there were special family courts.

46. **Ms. Carmen Vivar** (Ecuador) said that the draft Family Code had progressed as far as a second debate in the National Congress. The debate had been suspended, as in the case of various other draft laws, because the Congress had ceased to function. For a period of one year, there had been no opportunity to discuss draft legislation. The draft Family Code did not include a provision for administration of the couple's affairs by the husband. It did include the reforms that had already been introduced in the Civil Code in previous years. Men and women were equal in terms of administration of property and had the same matrimonial rights. In many university programmes, the Civil Code was studied as part of family law.

47. **Ms. Abarca** (Ecuador) said that her delegation would provide additional written answers to the Committee at a later date.

48. **Ms. Pimentel** asked to what extent the progress made with the new Constitution was reflected in the draft Family Code and, if not, what strategies CONAMU would use to remedy the situation. She wondered how the family was defined in the draft Code.

49. **Ms. Belmihoub-Zerdani** reminded the delegation that Ecuador had ratified the Convention on the Rights of the Child without reservations and that therefore the minimum age for marriage was 18 years. Ecuador should align its legislation with the treaty it had signed.

50. She asked why the Civil Code covered one aspect of marital relations while another aspect was included in the draft Family Code and another aspect in the draft Children's and Youth Code. It would seem preferable to include all such provisions in the Civil Code, rather than trying to harmonize a number of different Codes.

51. **Ms. Abarca** (Ecuador) said that a more extensive legal analysis would be needed to answer some of the questions asked. In view of the new Constitution, the country was going through a special period and many aspects of existing legislation still had to be reviewed. The Constitution recognized various types of family and recognized marriage as a union between a man and a woman, based on their free consent and the equality of their rights, obligations and legal capacity. Article 68 recognized a monogamous union of two persons as generating the same rights and responsibilities as marriage. There were many more provisions on the protection of the rights of members of the family.

52. **Ms. Schöpp-Schilling** asked when the new Constitution would come into effect.

53. **Ms. Abarca** (Ecuador) explained that the 1998 Constitution had been in force for the past 10 years and that the sixth and seventh periodic reports had been drafted during that period. The new Constitution had entered into force just a few days previously and a timetable had already been drawn up for the adoption of various draft laws.

54. **Ms. Schöpp-Schilling** asked whether the new Constitution had expanded the definition of discrimination to include discrimination against transgender persons.

55. **Ms. Pimentel** welcomed the progress made by the new Constitution, including article 68 on de facto unions. However, she suggested that CONAMU consider the possibility of reconsidering the requirement for adoption to be by two people of different sex.

56. **Ms. Abarca** (Ecuador), responding to the question on sexual orientation, said that various articles, including article 11.2, referred to the principles of equality and non-discrimination. Under article 11.2, no one could be discriminated against on the grounds of ethnicity, place of birth, age, sex, gender identity, cultural identity, civil status, language, ideology, political affiliation, criminal record, socio-economic status, migration status, sexual orientation, state of health, HIV/AIDS status, disability, physical difference or for any other personal or collective, temporary or permanent reason. CONAMU agreed that the adoption provisions were discriminatory.

57. **Ms. Abarca** (Ecuador) thanked the Committee members for their questions and suggestions, which would be the subject of extensive reflection by CONAMU. Her delegation was committed to sharing all the concerns expressed by the Committee with the relevant State bodies. Efforts would be made to provide more sex-disaggregated statistics in the future as well as information on the differential impact of public policies on men and women.

58. **The Chairperson** thanked the delegation for its report and for the constructive dialogue, and expressed the hope that Ecuador would soon be announcing its approval of the amendment to article 20, paragraph 1, of the Convention. Ecuador had clearly made great progress, and the Committee looked forward to receiving the additional information which would provide a fuller picture of the status of women in Ecuador. The State party should continue its cooperation with non-governmental organizations and the Committee hoped that future reports would reflect greater convergence between the de jure and de facto situation of women. It was particularly important to address the issue of violence and the situation of rural women.

The meeting rose at 5 p.m.