



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

Distr.: General  
20 March 2019

Original: English  
English, French and Spanish only

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the tenth periodic report of Ecuador\*

#### General

1. Please provide information and statistics, disaggregated by sex, age, ethnicity, disability, religion, socioeconomic status and location, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the recommendation contained in the Committee's previous concluding observations (CEDAW/C/ECU/CO/8-9, para. 11),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development, to measure progress towards the implementation of the Convention and to promote the substantive equality of women with men, including with regard to the specific areas covered herein. Please provide information on steps taken to implement a gender perspective in the implementation of the Sustainable Development Goals prioritized by the State party.

#### Visibility of the Convention

2. Please provide information on measures taken to ensure that the Convention, the Optional Protocol thereto and the Committee's general recommendations, in addition to the views adopted by the Committee with regard to individual communications, are made an integral part of professional training for judges, prosecutors, lawyers, police officers and civil servants. Please provide information on steps taken to establish an action plan aimed at implementing the previous concluding observations of the Committee.

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\* Adopted by the pre-sessional working group on 15 March 2019.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



**Legislation on discrimination against women**

3. Please inform the Committee about effective measures taken to implement the Comprehensive Organic Criminal Code, in particular at the local level and in remote areas. Please indicate the progress that has been made with regard to the strengthening of institutions that are mandated to establish public policies and enforce legislation. Please provide information on measures taken to end de facto and intersecting forms of discrimination faced by indigenous, Ecuadorian women of African descent, Montubio women, women with disabilities, lesbian, bisexual and transgender women, migrant women, women asylum seekers and refugee women. Please also inform the Committee about steps taken to establish mechanisms to collect information and assess the status and progress made with regard to the realization of the human rights of women belonging to disadvantaged and marginalized groups.

**Access to justice**

4. Please inform the Committee of measures taken to ensure that the necessary human, financial and technical resources are allocated for the establishment and functioning of specialized judicial units on violence against women in all cantons and, in particular, in rural and remote areas. Please indicate whether the State party has adopted guidelines to ensure that the agreement between the branches of government on the provision of justice in cases of gender-based violence against women is promptly implemented.

5. With reference to the Committee's previous concluding observations (para. 13), please provide information on the level of implementation of the protocols for conducting prosecutions in cases of gender-based violence against women (resolution No. 154-2014 of the Council of the Judiciary). Please provide information on access to justice for women who are prosecuted for abortion. Please also inform the Committee of steps taken to facilitate access for women to justice by raising awareness among women and men in that regard, in order to eliminate the stigmatization faced by women who claim their rights. Please also provide information and statistics on training courses organized for judges, prosecutors, police officers and other law enforcement officers on the strict application of legislation prohibiting discrimination and gender-based violence against women.

**National machinery for the advancement of women**

6. With reference to the Committee's previous concluding observations (para. 15), please provide information on measures taken to ensure a clear mandate to the National Council for Gender Equality aimed at strengthening the authority and rank of its representative and enhancing the Council's capacity to design and implement public policies on gender equality. Please inform the Committee of steps taken to strengthen its coordinating role at all levels of government. Please also inform the Committee as to whether:

(a) The National Council for Gender Equality has been provided with sufficient human, financial and technical resources necessary to perform its duties;

(b) Accountability mechanisms have been established by the National Council for Gender Equality to monitor and assess the implementation of policies to promote and protect women's rights;

(c) The systematic participation of women's organizations in the processes of the National Council for Gender Equality and other decision-making processes concerning the protection of women's rights in all areas covered by the Convention, at the national and local levels has been ensured.

**Gender-based violence against women and girls**

7. With reference to the Committee's previous concluding observations (para. 21) and the follow-up report of the State party (CEDAW/C/ECU/CO/8-9/Add.1), please provide detailed information on steps taken to implement plans aimed at creating a unified register on gender-based violence against women and girls, with data disaggregated data by age, ethnicity, disability, sexual orientation, whether the victim was in detention, type of violence and relationship between the victim and the perpetrator, outlined in the national plan to eradicate gender-based violence against children, adolescents and women. Please also inform the Committee as to whether the second domestic relations survey on family relations and gender-based violence was conducted, given that a budget was allocated for it in 2018, and its findings. Please provide information on measures taken to ensure the implementation of comprehensive national action plans for the elimination of all forms gender-based violence against women and girls, including physical, psychological and economic violence, which provide for the prevention of such violence, within defined time frames. Please inform the Committee of the status of implementation and enforcement of the Violence Against Women Law enacted in February 2018 and on the level of funding allocated for its implementation across the territory of the State party. Please provide detailed information on measures taken to prevent, prohibit and sanction clinical practices of so-called "de-homosexualization", which violate the rights of lesbian, bisexual and transgender women. Please provide information on measures taken to ensure the widest possible coverage of State-funded support services and shelters to women and girls who are victims of gender-based violence in all provinces, including counselling and rehabilitation, in particular for women with disabilities. Please provide information on measures taken to implement article 77 of the Comprehensive Organic Criminal Code relating to compensation and reparations for and the rehabilitation of women who are victims of violence and guarantees of non-repetition. Please inform the Committee of steps taken to establish a system that systematically monitors cases of gender-based violence and ensures that perpetrators are prosecuted and punished. Please provide statistics and detailed information on training for judges, prosecutors, police officers and other law enforcement officers on the substantive equality of women and men in all areas.

8. Please provide information on measures taken to address the high incidence of femicide in the State party. Please inform the Committee as to whether femicide has been codified in the Penal Code and whether standardized police investigation protocols across the country have been adopted. Please provide data and statistics on the incidence of femicide in the State party since the previous report of the State party.

**Trafficking and exploitation of prostitution**

9. With reference to the Committee's previous concluding observations (para. 23), please provide information on steps taken to implement the national plan to combat trafficking in persons and the national agenda on equality for human mobility. Please also provide information about data collection and analysis conducted by the State party on both internal and cross-border trafficking and the exploitation of women in prostitution. Please provide information on measures taken to adopt a referral and identification mechanism for victims of trafficking. Please inform the Committee as to whether programmes are in place aimed at providing opportunities for the integration into society of victims of trafficking. Please also inform the Committee as to whether the State party has considered granting temporary residence permits to victims of trafficking to prevent their revictimization. Please provide information on concrete measures taken to enhance the allocation of funding for shelters and the provision of counselling, rehabilitation services and psychosocial assistance for victims. Please provide information on measures aimed at building the capacity of the

judicial authorities and the police to conduct investigations into trafficking in a gender-sensitive manner, sanction perpetrators in accordance with the Comprehensive Organic Criminal Code and strengthen bilateral cooperation with States of origin of victims of trafficking in order to identify and punish perpetrators. Please provide data, disaggregated by sex, age, ethnicity, disability, religion, socioeconomic status and location, on women in prostitution and on exit programmes for women who wish to leave prostitution.

### **Participation in public and political life**

10. Please inform the Committee of measures taken to substantially increase the representation of women in the public and political sphere, in particular at the local level. Please also provide information on temporary special measures implemented to increase the participation of indigenous women, Ecuadorian women of African descent and Montubio women in public life, including by establishing statutory quotas and providing specific training courses on how to engage in and conduct public affairs.

### **Education**

11. With reference to the Committee's previous concluding observations (para. 26) and the concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of the State party under the Convention on the Rights of the Child ([CRC/C/ECU/CO/5-6](#), para. 24), please provide information on measures taken to eliminate sexual violence and harassment of girls in school. Please provide information on measures taken to establish programmes and awareness-raising activities to combat gender-based violence, abuse, harassment and bullying in school. Please provide information on steps taken to establish multidisciplinary working groups in schools to prevent and address cases of sexual violence and sexual harassment. Please provide the Committee with updated information on the establishment of mandatory training courses for judges, prosecutors, police officers and teachers on the prompt and effective investigation of cases and the prosecution and conviction of perpetrators of sexual violence in schools. Provide information on steps taken to expedite judicial proceedings that have already been initiated against alleged perpetrators of sexual violence in schools and expedite ex officio investigations, as agreed by the Ministry of Education and the Office of the Attorney General. Please inform the Committee as to whether mechanisms for granting reparations, including economic compensation for victims, have been established in the State party.

12. Please provide information on measures taken to promote human rights education in schools that includes a focus on the Convention and addresses the empowerment of women and girls. Please provide information on measures taken to ensure the integration into school curricula of mandatory, age-appropriate sex education, including education on sexual and reproductive health and rights, paying special attention to the prevention of both early pregnancy and sexually transmitted diseases, as well as to patriarchal attitudes and violence. Please also inform the Committee of measures taken to facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and providing affordable care for their children.

13. Please provide detailed information on effective measures taken to strengthen the quality of education for girls in rural areas and to promote access for rural women to education by facilitating their enrolment in secondary schools and tertiary educational institutions. Please also provide information on measures taken to provide free school transportation for women and girls in rural and remote areas.

14. Please inform the Committee of measures taken to set up a comprehensive strategy aimed at ensuring that women and girls with disabilities have access to the mainstream education system. Please also provide information on measures taken to ensure access to education for indigenous women, Ecuadorean women of African descent and Montubio women, in particular in rural areas. Please provide data, disaggregated by sex, age, ethnicity, disability, religion, socioeconomic status and location, on the rates of enrolment in secondary schools and tertiary educational institutions among rural women. Please indicate whether the State party has adopted any affirmative action policies and programmes aimed at ensuring enrolment in education and preventing the dropout of girls belonging to indigenous groups and nationalities, including Montubio girls, Ecuadorean girls of African descent and migrant, asylum-seeking and refugee girls. Please provide information on measures taken to ensure adequate opportunities for indigenous women and girls to receive instruction in their own languages in indigenous educational institutions. Please provide data and statistics on specific budget allocations aimed at ensuring that girls who have received their education in an indigenous educational institution have access to non-indigenous institutions at all levels of education.

### **Employment**

15. With reference to the Committee's previous concluding observations (para. 31) and the concluding observations of the Human Rights Committee on the sixth periodic report of the State party under the International Covenant on Civil and Political Rights (CCPR/C/ECU/CO/6, para. 7), please inform the Committee about measures taken:

(a) To promote access to formal employment for women, including through such temporary special measures as reserved places for women in companies and calls for nominations addressed only to women;

(b) To adopt a national action plan in consultation with the private sector to increase the coverage of social security schemes for women working in the informal sector;

(c) To implement a mechanism to collect data, disaggregated by sex, age, ethnicity, disability, religion, socioeconomic status and location, and information on the representation of women in the public and private sector and design strategies to promote leadership among women by training them in management skills and adopt measures aimed at reconciling work and family responsibilities;

(d) Adopt a national policy for occupational equality aimed at promoting gender equality across all sectors and careers, by strengthening the development of specialized job-training programmes for various groups of women, in particular young women and women belonging to disadvantaged groups, in various sectors of the economy;

(e) Monitor the working conditions of women domestic workers, including through regular inspections of workplaces, to promote the full participation of those workers in social security schemes;

(f) Establish a system to monitor and prevent the sexual harassment of women in the workplace and encourage victims to bring complaints against perpetrators.

### **Health**

16. With reference to the Committee's previous concluding observations (para. 33), please inform the Committee of steps taken:

(a) To implement and assess the clinical practice guidelines for therapeutic abortion;

(b) To ensure respect for the obligation of confidentiality in the health-care system, adopt protocols and develop human rights training for health providers on their obligation to respect the privacy and confidentiality of women who use sexual and reproductive health services;

(c) To decriminalize abortion in cases of rape, incest and severe foetal impairment, in line with the Committee's general recommendation No. 24 (1999) on women and health;

(d) To enforce the Penal Code, under which it is established that abortion will not be punishable if the pregnancy is consequence of the rape of a woman with mental disabilities;

(e) To address incest as one of the causes of child pregnancy;

(f) To ensure access to modern contraceptive methods and family planning services, in particular in rural areas;

(g) To ensure that all women and girls have affordable access to modern contraceptive methods and provide age-appropriate information and education on sexual and reproductive health and rights to girls and boys, in order to reduce the number of child and teenage pregnancies;

(h) To ensure that the draft comprehensive health code is based on a broad concept of health, including the physical, mental and social determinants of health, and that it is gender-sensitive and addresses sexual and reproductive health in particular;

(i) To adopt the bill on intercultural practice for assisted births under the national health system with the aim of recognizing intercultural care during delivery.

#### **Economic empowerment of women**

17. Please provide updated information and statistics on access for women to credit and entrepreneurship. Please inform the Committee of measures taken to increase the number of women who are beneficiaries of microcredits and loans granted under the development fund. Please provide information on the impact of the current economic crisis and austerity measures on access for women to, and availability of, social services such as childcare and shelters. Please provide information as to whether women in the informal economy are entitled to receive social security benefits.

#### **Rural women**

18. Please inform the Committee of the level of implementation of the programme aimed at enhancing the registration of land tenure and property of rural women. Please also inform on the Committee with regard to concrete steps taken to adopt a national programme with a gender perspective aimed at regularizing land tenure. Please provide details about measures to ensure the effective participation of rural women's organizations in such processes.

#### **Indigenous women, Ecuadorian women of African descent and Montubio women**

19. Please inform the Committee of measures taken to ensure systematic consultations with indigenous women, Ecuadorian women of African descent and Montubio women, aimed at seeking their free, prior and informed consent in decision-making processes relating to large-scale projects for the exploitation of natural resources having an impact on their rights and legitimate interests. Please provide information on measures taken to provide adequate alternative housing and livelihoods to women affected by projects for the exploitation of natural resources.

Please also provide information on measures taken to ensure that public and private companies that carry out projects for the exploitation of natural resources adequately compensate women living in territories and areas affected by such projects and that the companies are compliant with the United Nations Guiding Principles on Business and Human Rights.

### **Migrant and refugee women**

20. With reference to the Committee's previous concluding observations (para. 41), please provide information on whether the State party has adopted protocols to conduct the refugee status determination process in a gender-sensitive manner and with full respect for the procedural rights of women, in particular by providing them with the possibility of having individual interviews with female interviewers and interpreters and by establishing mechanisms to protect them from reprisals by their families and communities. Please inform the Committee of measures taken to ensure that legislation on migration thoroughly addresses the risks faced by women who are victims of persecution in their countries of origin. Please provide information on measures taken to ensure that all migrant women have access to basic social services and emergency medical care and are protected from sexual and labour exploitation.

### **Equality in marriage and family relations**

21. With reference to the Committee's previous concluding observations (para. 43), please provide information on steps taken:

(a) To repeal provisions of the Civil Code that allow for early marriage, of girls as young as 12 years of age, and ensure that any new provisions comply with article 16 (2) of the Convention;

(b) To expedite the amendment of the Civil Code, with a view to repealing the provision that designates the husband as the administrator of marital property.

22. Please also inform the Committee of appropriate legal measures taken to include intangible property, such as pension funds, severance payments and insurance, accumulated during the relationship in the joint property to be equally divided upon dissolution of the relationship. Please provide information on measures taken to enforce child support payments in cases in which former spouses fail to pay.

23. Please inform the Committee of steps taken to adopt, without delay, the bill on a childhood and teenagehood free from physical punishments and degrading treatments to and implement its provisions. Please provide the Committee with detailed information about how such legislation will prohibit all physical punishment of children in the State party.

### **Disaster risk reduction and climate change**

24. In the aftermath of the earthquake of April 2016, please provide information on whether a gender perspective has been incorporated into the climate change and disaster risk management policies and responses. Please also provide information on the responsibility of women in the design and development of such policies and of programmes on disaster risk reduction and climate change. Please indicate what policies and measures are in place to prevent gender-based violence against women and girls during natural disasters and other emergencies.

### **Additional information**

25. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the

consideration of the eighth and ninth periodic reports of the State party, in 2015. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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