



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports by States parties under
article 18 of the Convention on the Elimination of
All Forms of Discrimination against Women**

**Eighth and ninth periodic reports of States parties due in
December 2012***

Ecuador

[11 December 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Abbreviations and acronyms

AFORMACTAE	Formal Revolutionary Association of Afro-Ecuadorian Working Women
AGECI	Ecuadorian International Cooperation Agency
APAADES	Association of Afro-descendant Professionals
CAL	Legislative Council of the National Assembly
CDT	Transition Committee of the Council for Women and Gender Equality
CNNA	National Council on Childhood and Adolescence
CONEPIA	National Statistics Committee for Indigenous, Afro-Ecuadorian and Montubio Peoples
COOTAD	Organic Code of Territorial Organization, Self-government and Decentralization
DEVIF	Department of Domestic Violence
DINAPEN	National Directorate of Special Police for Children and Adolescents
DINEIB	National Directorate of Intercultural Bilingual Education
DPE	Office of the Ombudsman
EAP	Economically Active Population
EBJA	Basic Education for Young People and Adults
ECORAE	Ecodevelopment of the Amazon Region
ECORAE	Institute for the Development of the Amazon Region
EGB	Basic General Education
ENEMDU	National survey on employment, unemployment and underemployment
ENIPLA	National Intersectoral Family Planning Strategy
ESFORSE	“Victors of Cenepa” Soldier Training Institute
EUT	Time-use surveys
FLACSO	Facultad Latinoamericana de Ciencias Sociales
GADS	Decentralized Autonomous Governments
GLBTI	Gay, lesbian, bisexual, transgender and inter-sex persons
GPDM	Parliamentary Group for Women’s Rights
IAEN	Institute of Advanced National Studies
INEC	National Statistics and Census Institute
MCP	Heritage Coordination Ministry
MCPGAD	Decentralized Autonomous Policy and Government Coordination Ministry
MIDUVI	Ministry of Urban Development and Housing

MJDHC	Ministry of Justice, Human Rights and Religious Affairs
MRECI	Ministry of Foreign Affairs, Commerce and Integration
MSP	Ministry of Public Health
ODMU	Office for the Defence of Women's and Family Rights
PCIC	Continuing Comprehensive Training Programme oriented towards human rights
PENDES	National Strategic Plan for Statistical Development
PNBV	National Plan for Good Living
PNVEG	National Plan for the Eradication of Gender Violence against Children, Youth and Women
SECAP	Ecuadorian Vocational Training Service
SENAGUA	National Water Secretariat
SENAMI	National Secretariat for Migrants
SENECYT	National Secretariat for Higher Education, Science and Technology
SENPLADES	National Secretariat for Planning and Development
SETECI	Technical Secretariat for International Cooperation
SPPC	Secretariat for Peoples, Social Movements and Citizen Participation
TFR	Total Fertility Rate
UNHCR	Office of the United Nations High Commissioner for Refugees

I. Introduction

1. The State of Ecuador is submitting its combined eighth and ninth periodic reports to the Committee on the Elimination of Discrimination against Women in accordance with the recommendation contained in paragraph 50 of the Committee's concluding observations on the combined sixth and seventh periodic reports of Ecuador (CEDAW/C/ECU/CO/7).

2. The reports were drafted in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, signed by Ecuador on 17 July 1980 and ratified on 19 October 1981, and on the basis of the Committee Guidelines for the Drafting of Periodic Reports (HRI/GEN/2/Rev.1/Add.2). They were prepared and approved by an inter-agency team composed of the Transition Committee of the Council for Women and Gender Equality, the Ministry of Justice, Human Rights and Religious Affairs and the Ministry of Foreign Affairs, Commerce and Integration, with inputs provided at meetings and workshops by women's organizations in the country and State institutions.¹

3. The combined periodic report is structured in such a way as to meet the need for a comprehensive assessment of the protection and promotion of women's rights under the responsibility of the State, as provided for in the Convention, and in accordance with the Committee's recommendations.

4. The inter-agency team drew up a five-stage road map designed along the following lines: the first stage consisted in inter-agency coordination to gather information on measures taken to give effect to the Convention and the recommendations made by the Committee in 2008;² secondly, the information provided by line ministries and technical secretariats of State on the steps taken during the period 2007–2011 was put into proper form.³ The State recognizes that it still remains a challenge to achieve appropriate inter-agency and interministerial coordination in order to obtain strategic, analytical information, disaggregated by sex, as stipulated by the Committee, and thereby show progress and continuing obstacles to the full enjoyment of women's rights.

5. The third stage, which took place between August and November 2012, consisted in contacts with civil society organizations concerned with women's rights. In order to promote a genuine process of participation and identify advances and challenges in efforts to guarantee women's rights, the report coordinators met with heads of academic gender study programmes and more than 28 women leaders in the following towns: Quito, Guayaquil, Cuenca, Loja, Esmeraldas, Ibarra, Machala, Portoviejo, Puyo, Napo, Riobamba, Zamora and Babahoyo.

6. Following these meetings, a workshop was held on 26 October 2012 with the participation of Afro-Ecuadorian, indigenous, mestizo and Montubio women, and female domestic workers, sex workers and leaders of diverse sexual orientation and gender identity belonging to non-governmental organizations concerned with women's rights in the various regions of the country.

¹ Input matrix and further information on the process of preparation of the report, Annex 1.

² An information meeting for the public sector was held on 8 May 2012 at which an explanation was given of the method to be used to compile the information that was to be provided by State institutions.

³ In view of the specific guidelines for the drafting of periodic reports, each institution was asked to identify advances and obstacles and the measures it would be taking to overcome those obstacles in order to safeguard the rights of women.

7. The workshop was supported by UN-Women, which also provided technical assistance through an international consultant who produced methodological guidelines for the meeting with a view to exchanging information about the advances and obstacles revealed during the consultation process, inviting proposals and identifying the challenges faced by the State in that regard. The workshop also served to make a final assessment of the State report. One output of the workshop was a series of proposals put forward by the women leaders, most of which have been incorporated into the present report.⁴

8. The fourth stage was the actual drafting of the reports, for which purposes the inputs produced during the information-gathering process and the proposals made by civil society were taken into account. In view of the large amount of information and the need to report methodically, in accordance with the articles of the Convention, it was decided to include under each article, in addition to the relevant information, the State's response to the Committee's concluding observations.

9. The combined report was approved by the three agencies responsible for preparing it and sent to the Permanent Mission of Ecuador to the United Nations Office at Geneva for submission to the Committee.

II. Implementation of the articles of the Convention

Article 2

1. Legislative measures adopted by the State of Ecuador to eliminate discrimination against women

10. The Constitution of the Republic of Ecuador, adopted by referendum by the Ecuadorian people on 28 September 2008, recognizes a more extensive series of rights and guarantees for women in response to the demands made by the national movement that has emerged in the country. Accordingly, and in order to eliminate all forms of discrimination against women, article 11.2 of the Constitution, on the principles for the enforcement of rights, lays down that all persons are equal and shall enjoy the same rights, duties and opportunities and that no one shall be discriminated against for reasons, in particular, of gender identity.

11. While the 1998 Constitution recognized the principle of equality and non-discrimination, the current text has, in its article 66.4, added material equality, in order to protect and promote unity in diversity with a view to ensuring true equality for groups that have suffered historically from discrimination.

12. The Constitution similarly gives effect to this principle throughout its provisions.⁵ Thus, article 70 stipulates that the State shall draw up and implement policies to achieve equality between women and men, through the specialized mechanism set up by law, mainstream the gender approach in plans and programmes and provide technical assistance for its mandatory enforcement in the public sector. Moreover, article 68 takes a significant step forward by recognizing the same rights and obligations for persons forming a stable and monogamous common-law union as for persons bound by formal marriage ties,

⁴ In accordance with the methodology used for the workshop, the proposals of the leaders were set out under five headings: (i) proposals involving State capacity-building; (ii) proposals relating to decentralization; (iii) proposals relating to the eradication of gender prejudice and stereotyping; (iv) proposals entailing a strengthening of women's organizations; and (v) miscellaneous. Annex 1.

⁵ Transition Committee, Rights of women in the new Constitution (2008). Annex 2.

irrespective of gender. In addition, in article 69.3, the State guarantees the equality of rights in decision-making for the administration of the marital partnership and the joint ownership of assets, along with the joint responsibility of mother and father and the protection of male and female heads of family.

13. In another vein, and in response to the recommendation of the Committee that the State take adequate and prompt measures to ensure the full implementation of existing legislation in a manner that does not discriminate against women,⁶ the National Assembly has undertaken a process of review of secondary legislation to ensure the full compatibility of domestic law with the Constitution. Accordingly, during the period between November 2008 and June 2012, 43 of the 80 laws adopted by the National Assembly contain provisions to give effect to the principle of equality and the rights enshrined in the Convention.

2. Main laws adopted that give effect to the principle of equality and non-discrimination and other rights contained in the Convention

14. The laws governing the application of judicial safeguards have extended the circumstances in which such safeguards might be available so as to include, in protection proceedings, the violation of any constitutional right by individuals in situations of discrimination and/or subordination.⁷

15. The Organic Code of Territorial Organization (COTAAD),⁸ in force since October 2010, establishes the authority of the decentralized autonomous governments (GADs) to develop policies for the promotion and consolidation of equity and inclusion in their respective areas. As part of the GAD structure, Standing Committees on Equality and Gender are to be set up which will be responsible for mainstreaming policies of equality and equity and monitoring their respective departments' compliance with that goal. In addition, there are plans to set up Cantonal Councils for the Protection of Rights, which will be tasked with framing, mainstreaming, monitoring, following up and evaluating municipal public policies.

16. In the area of development planning and public finances, specific legislation⁹ provides for coordination mechanisms in order to ensure gender mainstreaming and reduce socioeconomic gaps.

17. As for the legislation on the right to participation,¹⁰ the principle of gender parity and rotation between men and women is recognized in electoral processes. In addition, progress has been made in ensuring the rights of citizens to participate individually and collectively in public life on the basis of principles of equality, interculturalism and respect for difference.

18. In the sphere of public service, a special prohibition has been introduced into the relevant legislation in relation to persons holding responsibilities, a position or office in the

⁶ CEDAW/C/ECU/CO/7, para. 17.

⁷ Organization Act on Judicial Safeguards and Constitutional Oversight (October 2010). Annex 2.

⁸ Organic Code of Territorial Organization, Self-government and Decentralization (COTAAD) (October 2010). Annex 2.

⁹ Organic Code of Planning and Public Finances (October 2010). Annex 2.

¹⁰ Organization Act on Elections and Political Organizations, Code of Democracy (April 2009), Organization Act on the Legislative Branch (July 2009), Organization Act of the Council on Citizen Participation and Social Control (August 2009), and Organization Act on Citizen Participation (April 2010). Annex 2.

public sector, making them liable to conviction by the courts for the offences of sexual harassment, sexual exploitation, trafficking in persons, illicit trafficking or rape.¹¹

19. In matters of labour, new provisions have been set, recognizing unpaid work in households,¹² thus regarded as grass-roots economic units.¹³ Provision is also made for paid paternity leave, childcare services and the sharing of responsibility for looking after children, bringing them up and feeding them.¹⁴ In addition, the period allowed for breastfeeding has been extended to 12 months.¹⁵

20. Moreover, the gender approach is a cross-cutting element in all productive public policies, provided for in the relevant legislation,¹⁶ guaranteeing, for instance, the access of women to the factors of production. Likewise, efforts have been made to promote the equal participation of men and women in the framing of laws and policies relating to the system of food sovereignty, provided for in the Constitution.¹⁷

21. In the field of intercultural education, gender equality has been established as a guiding principle, thereby guaranteeing the right to full scientific training and prohibiting penalization or discrimination for reasons of pregnancy, maternity or paternity.¹⁸

22. With regard to the right to participate in sports and leisure activities, the principle of gender equality is effectively applied in such activities, to which end steps have been taken to abolish statutory provisions and sports organizations that discriminate on grounds, in particular, of sex, gender identity, civil status or sexual orientation.¹⁹

23. In matters of marriage and family relations, substantial progress has been made in guaranteeing the right to food of children and adolescents, since responsibility for ensuring that right is laid with mothers and fathers.²⁰

24. On the question of the eradication of violence and access to justice,²¹ it has been agreed to set up specialized judicial bodies for the investigation and punishment of acts that violate the physical, mental and sexual integrity of women. In addition, no possibility is allowed for surety, mediation, arbitration or a special court in cases of domestic violence and steps are being taken to establish an office of public defender for women, girls, children and adolescents who fall victim to violence.

25. Lastly, among the amendments that were introduced into the current Criminal Code in 2009, hate crimes have been included and offer a means of punishing political violence, inequality, exclusion, public mockery and physical mistreatment or aggression when it is an expression of homophobia, sexism, machismo, racism or xenophobia.²²

¹¹ Article 10 of the Public Service Organization Act (October 2010).

¹² Articles 34 and 49 of the Constitution of the Republic of Ecuador.

¹³ Organization Act on an Economy of Solidarity with the People (May 2011). Annex 2.

¹⁴ Article 152 of the Labour Code (article replaced by article 4 of Act No. 0, published in the Official Gazette, Supplement 528 of 13 February 2009).

¹⁵ Article 155, paragraph 3, of the Labour Code (third paragraph replaced by Act No. 00, published in the Official Gazette, Supplement 797 of 26 September 2012).

¹⁶ Organic Code of Production, Commerce and Investment (December 2010). Annex 2.

¹⁷ Organization Act on the System of Food Sovereignty (May 2009). Annex 2.

¹⁸ Organization Act on Intercultural Education (March 2011), Higher Education Act (October 2010). Annex 2.

¹⁹ Sport, Physical Education and Recreation Act (August 2010). Annex 2.

²⁰ Organization Act amending Title V, Book II, of the Childhood and Youth Code (July 2009). Annex 2.

²¹ Organic Code of the Judiciary (March 2009). Annex 2.

²² Amendments to the Criminal Code (March 2009).

3. Legislative bills giving effect to the principle of equality and non-discrimination and other rights set out in the Convention

26. Two bills on equality were submitted to the National Assembly, the first by the Transition Committee of the Council on Women and Gender Equality,²³ and the second by the civil society organization National Platform for Women's Rights.²⁴ The Legislative Council (CAL) of the National Assembly passed them, in June and July 2012 respectively, for review by the National Assembly's Committee on Justice and the Structure of the State. Consideration is currently being given to merging the two bills into a single bill to be placed before the National Assembly in plenary.

27. Other bills that have also been submitted include one on the procedural rules of the National Councils for Equality,²⁵ such as the Council for Gender Equality, which was passed by CAL for processing in July 2012 by the Committee on Justice and the Structure of the State.

28. There are also several bills designed to ensure the right to health, particularly for women subject to double discrimination. With regard to the reproductive health of indigenous and Afro-descendant women, the bill on intercultural practice for assisted births under the National Health System recognizes intercultural labour care as a State-guaranteed option; the bill was immediately passed by CAL and a report has been prepared for the first debate. A further bill has been submitted to protect and assist teenage mothers and is currently pending.²⁶

29. Other bills submitted include one aimed at giving greater protection to families in cases of multiple births²⁷ and another on the treatment and control of breast cancer.²⁸ Both bills have been passed by CAL.

30. Concerning the right to social security, two bills have been introduced on special retirement measures for women,²⁹ and another for women engaged in unpaid work in households and care activities.³⁰ Both bills provide for access to social security benefits.

31. As regards the right to a life without violence, there has been an initiative aimed at eradicating discrimination, harassment and political violence against women in the public arena.³¹

32. A bill was also submitted to combat trafficking and sexual exploitation,³² which may be examined in conjunction with the draft Comprehensive Organic Criminal Code. In addition, with a view to the eradication of stereotyping and sociocultural models implying

²³ Bill on Equality between Women and Men and Sex- and Gender-Diverse Persons. Annex 2.

²⁴ Bill on Equality between Men and Women. Annex 2.

²⁵ Draft Organization Act on National Councils for Equality (July 2012). Annex 2.

²⁶ Bill on the Protection and Assistance of Teenage Mothers (June 2012), pending before the Legislative Council; Bill on Intercultural Practice for Assisted Births under the National Health System (July 2011). Annex 2.

²⁷ Bill on the Protection of Families with Multiple Births (July 2011), passed by the Legislative Council. Annex 2.

²⁸ Bill on the Prevention, Diagnosis, Treatment, Control and Epidemiological Monitoring of Breast Cancer (March 2012), passed by the Legislative Council. Annex 2.

²⁹ Bill to Amend the Social Security Act (November 2009). The report for the second debate has been submitted. Annex 2.

³⁰ Bill to ensure social security for women engaged in unpaid domestic labour (June 2010); nine bills submitted, pending amalgamation. Annex 2.

³¹ Draft Organization Act against discrimination, harassment and political violence on grounds of gender (December 2011). Approved by the Legislative Council. Annex 2.

³² Bill to prevent and punish trafficking in persons, passed in November 2011. Annex 2.

that women are inferior, a series of reforms has been proposed to provide for the option of deciding on the order of surnames for civil registration. It is also proposed to change the binary, gender-based sexual classification in identity cards to allow for sexual and gender diversity. Lastly, an administrative procedure has been introduced whereby information included in identity cards can be corrected so as to make it conform to the gender identity of the holder.³³

33. In order to bring existing criminal legislation into line with constitutional precepts, the Ministry of Justice, Human Rights and Religious Affairs undertook in 2008 to prepare a preliminary draft Organic Code of Criminal Guarantees. Subsequently, in October 2011, the draft Comprehensive Organic Criminal Code was submitted to the National Assembly. In order to ensure the rights of women, the draft included new classes of criminal offence setting punishments for those guilty of domestic violence or femicide. In contrast with the current Violence against Women and the Family Act, the draft Organic Code punishes all forms of violence committed against women and not just physical violence.³⁴ As regards abortion, provision is made for therapeutic abortion in cases of rape, with no longer any need for justification on grounds of intellectual disability.

34. Against this background and in the light of the Committee's recommendation that the State consider domestic violence to be an offence,³⁵ significant efforts have been made with regard to the characterization of certain types of behaviour that violate the rights of women.

35. Parallel to the debate on the draft Comprehensive Organic Criminal Code, the participating national and regional women's organizations considered it necessary to amend the Violence against Women and the Family Act. Amendments introduced include provisions to protect women against violence in the public as well as the private sphere.

Article 3

36. The Ecuadorian State is undergoing a process of change consonant with the new constitutional paradigm known as "Sumak Kawsay" or "system of good living", as an alternative to the traditional development model; this calls for a strengthening of the public domain and the creation of new State functions.³⁶ Efforts are accordingly being focused on institutional empowerment to ensure that institutions recover their roles in planning, enriched by the mainstreaming of human rights and more specific concerns about gender, intergenerational and intercultural equality, human mobility and disability.

1. The national planning system

37. The National Secretariat for Planning and Development (SENPLADES), established in 2004 with a mandate to establish policies, standards, methodologies and technical tools to promote the all-round development of the country, presented in 2007 the National Development Plan 2007–2010. However, following the entry into force of the 2008 Constitution, which provides for a National Development Plan that will determine public

³³ Bill to Amend the Act on Civil Registration, Identification and the Issuance of Identity Cards (March 2012); Bill to Amend the Civil Code (September 2010). Annex 2.

³⁴ Bill on a Comprehensive Organic Criminal Code. Annex 2.

³⁵ CEDAW/C/ECU/CO/7, para. 21.

³⁶ The 2008 Constitution introduced new branches as part of the State structure, in addition to the traditional branches or authorities (executive, legislative and judicial). These branches are the transparency and social control branch and the electoral branch. As for the judicial branch, this is now known as the "judicial and indigenous justice branch".

policies, programmes and projects, the execution of the State budget, the investment and allocation of public resources and the coordination of the respective fields of competence of central government and the autonomous governments, the National Plan for Good Living (PNBV) was drawn up for the period 2009–2013.

38. In connection with the Committee's recommendation on the integration of a gender perspective in economic and social policies,³⁷ this Plan included a considerable number of policies and targets designed, both implicitly and explicitly,³⁸ to ensure the protection of the rights of all women. These policies were crafted with the technical assistance of the State gender mechanism. As regards the Committee's recommendation that the system of social indicators be strengthened to include disaggregated data on the situation of indigenous women and women of African descent,³⁹ PNBV, in addition to providing for specific policies for indigenous, Afro-descendant and Montubio women, calls for figures disaggregated by sex in the case of certain indicators and targets.

39. Likewise, in the development by SENPLADES⁴⁰ of strategic tools for public management, progress has been made in gender mainstreaming. The gender approach has thus been incorporated into such instruments as: (a) the rules for the inclusion of programmes and projects in public investment plans;⁴¹ (b) the manual for the framing of sectoral public policies from a human rights perspective;⁴² (c) the guide to citizen participation in the planning of the decentralized autonomous governments;⁴³ (d) the handbook on institutional planning methodology;⁴⁴ and (e) the guide to content and procedures for the formulation of development and land management plans for provinces, cantons and parishes.⁴⁵

40. Notwithstanding the aforementioned efforts, the most recent PNBV 2009–2013 annual assessment, for 2011, showed that it still remains a challenge for the State to allow women to benefit from basic social policies on an equal footing with men. Accordingly, in 2012, the National Planning Council decided to include seven new PNBV strategies with a view to overcoming the underlying obstacles that had been identified.⁴⁶ One of the new strategies was the National Strategy for Equality.

2. Institutional support for women's rights

(a) *The State gender mechanism*

41. The 2008 Constitution provides for the establishment of National Councils for Equality, replacing the national councils on childhood and adolescence, disabilities, women, and indigenous, Afro-Ecuadorian and Montubio peoples and nationalities. This

³⁷ CEDAW/C/ECU/CO/7, para. 19.

³⁸ PNBV contains 46 implicit policies and 16 explicit policies out of a total of 92 and 119 explicit strategies to guarantee the rights of women. Annex 3.

³⁹ CEDAW/C/ECU/CO/7, para. 19.

⁴⁰ The guidelines that have been developed as strategic tools by SENPLADES are predicated on article 14 of the Organic Code of Planning and Public Finances, which stipulates that "coordination mechanisms shall be established for the purposes of public planning and policy making with a view to mainstreaming gender, ethnic and cultural, generational, disability and mobility perspectives (...) in order to reduce socio-economic disparities and guarantee rights". These guidelines are binding.

⁴¹ Ministerial Agreement No. 2, published in Official Gazette No. 365 of 18 January 2011.

⁴² Ministerial Agreement No. 465-2011, published in Official Gazette No. 184 of 30 August 2011.

⁴³ Ministerial Agreement No. 465-2011, published in Official Gazette No. 184 of 30 August 2011.

⁴⁴ Ministerial Agreement No. 466-2011, published in Official Gazette No. 184 of 30 August 2011.

⁴⁵ Ministerial Agreement No. 467-2011, published in Official Gazette No. 184 of 30 August 2011.

⁴⁶ Resolution No. CNP-001-2009 of the National Planning Council of 5 November 2009.

change and the new responsibilities given by the 2008 Constitution to the National Councils for Equality will be put into effect through an organic law. In line with this new State policy and under a constitutional mandate to establish a specialized mechanism to draw up and implement gender equality policies, a transition committee was set up in 2009 to determine the public institutional framework for guaranteeing equality between men and women (known as the Transition Committee of the Council for Women and Gender Equality (CDT)),⁴⁷ which replaces the National Council for Women, set up in 1998.

42. One of the functions assigned to the new Committee was that of designing the institutional structure to be put in place to guarantee equality between men and women, prepare legislative reform projects for the establishment of the National Council for Gender Equality, pass the resolutions needed for the operation and organization of the Committee and take over the assets and liabilities of the National Council for Women.

(b) *Organic Statute and Equality Act*

43. In November 2010, CDT⁴⁸ transmitted to the appropriate authorities the Organic Statute of the Council for Women and Gender Equality, together with the proposed legislative framework in the form of a Bill on Equality between Women and Men and Sex- and Gender-diverse Persons. The Transition Committee met for several days in plenary for discussion and consultation on the content of this legislation and worked together to that end in specific workshops, with the specialized support of professionals with the appropriate expertise. The process also benefited from the participation of some 400 women belonging to more than 100 provincial and national organizations.

44. The equality bill provides for the establishment of a national system of equality between women and men and sex- and gender-diverse persons, within the framework of the rights guarantee system, which forms part of the national system of inclusion and equity under the Constitution.⁴⁹ The substantive part of this bill, which for the first time includes sex- and gender-diverse persons, was approved but the part relating to organization and functioning was considered by the Legislative Council to come under the responsibility of the executive branch, which, as previously mentioned, has submitted a draft Organic Act on National Councils for Equality. The Assembly is currently considering this bill and others submitted by civil society to see if they can be treated as a single bill.

45. With regard to the recommendation of the Committee on the Elimination of All Forms of Discrimination against Women that the Council be functionally integrated in the government structure and be given the necessary mandate and legal authority, through specific legislation, both the draft Organic Act on National Councils for Equality and the equality bills provide for the establishment of a robust gender mechanism predicated on diversity and incorporating all rights perspectives.⁵⁰

46. At the same time, the Transition Committee has furthered developments in keeping with reforms of the State and its institutional functions. Thus, in 2010, the Bureau of the Committee took a conceptual leap forward from the Equal Opportunities Plan 2005–2009⁵¹ to the Plan for Equality, Non-discrimination and Good Living for Ecuadorian Women, to which end efforts were made in that year to develop on a participatory basis a “conceptual framework, methodological roadmap and crosscutting strategy, 2010–2014”.

⁴⁷ Executive Decree No. 1733 of 29 May 2009.

⁴⁸ Although another name appears in the founding decree, this is the name used in the institution, in anticipation of the future Council, including “Women” as the historical subject of law.

⁴⁹ Article 340 of the Constitution of the Republic of Ecuador.

⁵⁰ CEDAW/C/ECU/CO/7, para. 13.

⁵¹ Extract from the Equal Opportunities Plan. Annex No. 4. CEDAW/C/ECU/CO/7, paras. 14 and 15.

47. That being said, SENPLADES requires the Councils on Rights (future National Councils for Equality) to develop agendas for equality as ways of mainstreaming the various equality perspectives in planning, public policy, programming and public budget management tools. For this reason, the technical, conceptual and methodological inputs prepared for the Plan will be drawn on for the design and elaboration of the required agenda.

(c) *National Agenda for equality, non-discrimination and good living for women and sex- and gender-diverse persons in Ecuador (2013–2017)*

48. In 2011, the Transition Committee of the Council for Women and Gender Equality started work on the agenda in coordination with the National Secretariat for Planning and Development, since it forms part of the State's national planning system. A wide-ranging process of consultation was conducted to that end, consisting of 14 events attended by some 800 representatives of civil society organizations and national groups. Within this framework, these meetings were held in order to know their demands, at both the national and local level, as well as their public policy proposals in matters of health, employment, participation, education and action to combat gender violence. The agenda will be tied in with the National Strategy for Equality and will be put into effect in coordination with the competent public institutions.

(d) *Local agendas*

49. Under the new constitutional mandate and in accordance with the fields of competence set out in the Organic Code of Territorial Organization, Self-government and Decentralization, some decentralized autonomous governments (GADs) started to develop provincial agendas aimed at guaranteeing women's rights. In the provincial government of Loja, a participatory process was organized with the technical assistance of the Transition Committee and representatives of civil society, who undertook to set benchmarks for an "Agenda for Equality, Non-discrimination and Good Living for women in the province of Loja". Likewise, in the province of Azuay, a provincial agenda for the women of Azuay was drawn up, as a participatory mechanism, designed to highlight the specific needs of that population group and promote the inclusion of those needs in the plans, programmes and projects of local government in the province. Implementation of such initiatives in the remaining GADs is a challenge facing the State.

3. Institutional gender mechanisms in the rest of the State

50. In the new State scenario, efforts have been made to mainstream the gender approach in the public sector. However, capacity-building for the formulation, implementation and evaluation of gender equality policies remains a challenge.

(a) *The executive branch*

51. At central State level and on the basis of the current Constitution, efforts were made during the period 2008–2011 to maintain the existing gender offices or departments in four State ministries.

52. The Ministry of the Interior still comprises a Gender Directorate, responsible in particular for coordinating the 36 Offices of the Commissioners for Women and the Family throughout the country. The Ministry of Education still has its National Directorate of Education for Democracy and Good Living, tasked with guaranteeing the right to an equitable, quality education free of violence. In the case of the Ministry of Labour, the Directorate of Priority Issues continues to monitor compliance with labour standards for vulnerable groups, which include pregnant women.

53. In this most recent period, measures have been taken to prevent women from being dismissed by including a gender approach in inspection procedures, disseminating information on the labour rights of women and providing gender awareness-raising and training for inspectors. In December 2011, in the Ministry of Finance, the Gender Directorate changed name to become the National Directorate for Fiscal Equity. One of its functions is to develop and evaluate guidelines on fiscal policy and the allocation of public funds from the overall State budget with a view to eliminating unfair conditions, in particular by closing gender gaps.

54. Furthermore, gender directorates and departments have been established in other ministries. In 2007, in the Ministry of Public Health, the Committee on Sexual and Reproductive Health was set up to frame national policy in matters of health and sexual and reproductive rights. In January 2011, the Ministry of National Defence acquired a new Directorate of Human Rights and International Humanitarian Law of the Joint Command of the Armed Forces of Ecuador. Previously, this Directorate existed only within the Army.

55. In addition, mechanisms have been introduced which, while not having the status of formal institutions, represent an effort to address gender issues. In June 2011, a working group on gender was set up to serve the Ministry of National Defence and the Armed Forces as a gender mainstreaming mechanism. The working group is tasked with facilitating, promoting and ensuring the integration of women into the military, on a basis of equality of opportunity with men.

56. At the inter-agency level, it is to be noted that in August 2010, the Inter-agency Committee on Gender Statistics was set up by the Transition Committee of the Council for Women and Gender Equality and the National Statistics and Census Institute, with the participation of the National Secretariat for Planning and Development. This Committee, which is chaired by the Transition Committee, coordinates, standardizes and mainstreams information concepts and reporting methods so as to highlight the situation of women and gender inequalities in the various fields of action, through the joint efforts of member institutions of the National Statistics System. It thereby contributes to the development of systematic, transparent tools for appropriate public policy formulation, implementation, follow-up and evaluation.

57. In the sphere of international cooperation there have also been initiatives in support of gender mainstreaming. In 2010, coordination between the Transition Committee and the Technical Secretariat for International Cooperation (SETECI) resulted in the Forum on Gender and International Cooperation, established to draw up gender guidelines in respect of international cooperation. Through this forum, part of the resources received by the country under international cooperation agreements are used to further pro-equality and anti-discrimination policies in the Agenda for Women and Gender Equality.

58. SETECI has put together a training plan for its personnel, for the purposes of capacity-building and gender mainstreaming at the institutional level and within its policies, programmes and activities. Moreover, its work has focused on monitoring and evaluating international cooperation projects and mechanisms of institutional policy implementation.

(b) *The legislative branch*

59. Under the Judiciary Organization Act, promulgated in 2009, a Legislative Technical Unit was set up to replace the former Committee on Women's Affairs, Children and the Family, with the aim of supporting the standard-setting process and preparing for the specialized committees and the Plenary Assembly a non-binding report on, among other topics, the use of non-discriminatory language and the impact of gender.

60. In the same year an ad hoc Parliamentary Group on Women's Rights was established to ensure the inclusion of gender concerns in legislation and within the National

Assembly. The Group, composed of Assembly members of different political persuasions, conducts training, reviews legislative bills and receives proposals and requests from civil society and from other State bodies.

61. On 18 and 20 June 2012, the Parliamentary Group held a seminar on the subject of gender mainstreaming in laws, focusing in particular on “Differences between the gender approach and the impact of gender in laws: the experience of the National Assembly”, “Gender analysis in relation to law” and “The Convention on the Elimination of All Forms of Discrimination against Women”.

(c) *The transparency and social control branch*

62. In 2009, the National Directorate for the Protection of Human Rights and Nature was established in the Office of the Ombudsman. In 2011, that Directorate developed a plan for gender mainstreaming within the Office and in its provincial sub-offices. Under this plan, it proposes to make a diagnosis of gender relations within the institution and then to engage in awareness-raising action.

63. As part of its work, the Office of the Ombudsman is conducting a series of investigations culminating in the publication of thematic reports on the human rights situation in the country. In May 2012, work started on the preparation of a thematic report on the right to equality, including gender equality, with a view to identifying the relevant national and international standards as applied to advertising and national media output in Ecuador.

64. Within the purview of the Council for Citizen Participation and Social Control, procedures have been developed for the appointment of officers of institutions in the various branches of the State. Affirmative action is accordingly planned in order to achieve parity in the composition of the various collegiate bodies, such as the National Court of Justice. The membership of the Council itself consists of an equal number of men and women.

(d) *The judicial branch*

65. In 2011, following a referendum, which approved a restructuring of the judicial branch,⁵² the Transition Council of the Judiciary was put in place. In 2012, a working group was set up under the title “Women and justice”, with the participation of the Council for Women and Gender Equality, with a view to mainstreaming gender in the justice system and strengthening inter-agency coordination mechanisms. This working group is responsible, in particular, for designing protocols for the treatment of women who have gained access to the justice system, so as to ensure that they are not victimized a second time, and for designing a geo-referenced system of services for the institutions involved in order to care for women victims of violence.

66. It is also tasked with helping the Transition Council of the Judiciary to put in place courts with jurisdiction for the family, women, children and juveniles, and their specialized technical units, in accordance with the Judiciary Organization Act. These units are composed of professionals of both sexes and include doctors, psychologists and social workers.

⁵² Referendum held on 7 May 2011 on matters concerning the justice system, security, environment, banking and the media. The 10 questions put to Ecuadorians included one on whether they would agree to the replacement of the Council of the Judiciary by a three-person panel, each person being appointed respectively by the executive branch, the legislative branch and the transparency and social control branch, with a non-renewable 18-month mandate to restructure the judicial branch.

67. Furthermore, among its activities, the Domestic Violence Department of the Judicial Police, known until 2007 as the Office for the Defence of the Rights of Women and the Family, provides legal and psychosocial advisory services, gives talks on the prevention of domestic violence and engages in police intervention and investigation in cases of domestic violence, as provided for under the Violence against Women and the Family Act No. 103.

(e) *Local action*

68. The Organic Code of Territorial Organization, Self-government and Decentralization provides for a coordination mechanism between the National Councils for Equality and the decentralized autonomous governments through the establishment of Cantonal Councils for the Protection of Rights, whose functions are as follows: drafting, mainstreaming, monitoring, following up and evaluating municipal public rights protection policies, in coordination with the public policies of the National Councils for Equality.⁵³ While these Councils are still being put in place, some local government offices have already begun working in this area, as in the case of the Municipal Council of the Metropolitan District of Quito, which, through its Secretariat for Social Inclusion and its Committee on Social Equity and Gender, concerns itself with gender issues, particularly from an anti-violence perspective.

4. Budgeting for the rights of women

69. In accordance with the Committee's recommendation that economic and social policies and public investment policies be developed that take into account the situation of women,⁵⁴ the Transition Committee and the Ministry of Finance, through the Directorate for Fiscal Equity, have framed a number of strategies for the mainstreaming of gender in fiscal policy. The first move towards gender-oriented public funding was the introduction of the J factor, subsequently known as the K function, in the national budget rules in force for the periods 2010 and 2011, designed essentially to ensure transparency in the appropriations of public institutions for recurrent expenses to promote policies in support of women or gender equality.

70. The K function became the "Guidelines for gender equality policy expenditure", whose application by the public sector is a mandatory budget requirement for 2012. This handbook will enable institutions to align their plans, programmes, projects and institutional policies with the 11 strategic gender equality policy lines proposed by the Transition Committee and endorsed by the current Directorate for Fiscal Equity. The current guidelines continue to have the same purpose, which is to show the current appropriations to be made by each public institution for the achievement of true equality between women and men.

71. For 2010, the sum of \$8,365,843.60 was assigned to the K function,⁵⁵ representing 0.04 per cent of the total amount of the overall State budget (PGE), which rose that year to \$21,282,062,278.62. In 2011, appropriations for the K function amounted to \$31,441,125.35, representing 0.13 per cent of PGE, which was that year \$23,950,249,957.03. Lastly, for 2012 the budget earmarked for projects aligned with gender equality policies was \$1,363,743.747, representing 5.07 per cent of the overall budget, which was \$26,916,000,000.⁵⁶

⁵³ Article 598 of the Constitution of the Republic of Ecuador.

⁵⁴ CEDAW/C/ECU/CO/7, para. 19.

⁵⁵ Ministry of Finance, K function implementation 2011 and classifier 2012. Annex 5.

⁵⁶ It must be pointed out that the amounts shown do not constitute all the resources earmarked for initiatives and projects to promote gender equality. There are large budget items that are not shown

72. Although it is expressly stipulated in the budget rules that part of the budget should be allocated to equality policies, only 14 per cent of institutions have brought their projects into line with gender equity concerns (457 institutions of the 3,210 that exist in the public sector). On this basis, the State considers that, notwithstanding the efforts made, key elements continue to be a challenge, such as training in public planning and budgeting, for mastery of budget techniques, ranging from understanding each prong of equality policy to designing additional methodological tools (rules, guides, handbooks, training materials, etc.) while providing guidance for the bodies concerned so that they can determine appropriations in line with equality policies.

73. Then again, it is a challenge for the State to develop mechanisms involving civil society that can serve to monitor appropriate gender-oriented participatory budgeting in the public arena. A further challenge for the State, at the level of the decentralized autonomous governments, is to set up standing committees on equality that ensure gender mainstreaming in their local plans and projects.

74. During the period 2007–2011, the Ecuadorian gender mechanism received the following PGE allocations. In 2007, the appropriation was \$2,774,451.45, representing 0.02 per cent of the budget for the year; in 2008, it was \$2,303,513.64, corresponding to 0.02 per cent of PGE for that year; in 2009, the appropriation was \$3,335,875.92, representing 0.02 per cent of PGE for that year; in 2010, the allocation fell to \$3,163,317.76, corresponding to 0.01 per cent of PGE for the year; and lastly, in 2011, the appropriation was \$2,747,550.13, which was 0.01 per cent of PGE.⁵⁷

75. In conclusion, for 2012, the appropriation was reduced by some 45.03 per cent, intended just to cover running costs with a minimum portion for the financing of activities directed towards public policy design and implementation. This reduction occurred during the transitional period currently affecting the gender mechanism, as decided by the National Secretariat for Planning and Development, taking into account that, even though all the transitional institutions do not themselves carry out investment projects and programmes, they still require some funding until they can discharge their functions through institutional channels. Consequently, all line ministries are expected to implement the gender approach in their policies, with the technical assistance of CDT, within their fields of competence.

76. In the context of the transition towards the new structure of the Councils for Equality, CDT has managed to achieve its goals and targets, as set in its annual operational plans, making the best possible use of its resources and performing its constitutional role.

5. Strategic information

77. The National Statistics and Census Institute (INEC), through the Inter-agency Committee on Gender Statistics, has undertaken a number of activities to respond to the constant and ever-growing demand for gender-oriented information. The gender statistics development strategy has thus been launched, under the National Strategic Plan for Statistical Development⁵⁸ (PENDES – September 2008) and the National Plan for Good Living 2009–2013.

78. A huge milestone in the institutionalization of the gender approach in statistical production was the development of time-use surveys⁵⁹ (2005, 2007, 2010 and November 2012). In 2007, the survey was conducted independently, since the earlier one formed part

but that are instrumental in bridging the gaps that exist in the matter of ensuring women's rights.

⁵⁷ State Gender Mechanism, Annual budget 2007–2012. Annex 5.

⁵⁸ National Strategic Plan for Statistical Development. Annex 6.

⁵⁹ Time-use leaflet 2007. Annex 6.

of the employment, unemployment and under-employment survey periodically carried out by INEC. The information thus gathered served as a basis for a number of investigations on such themes as “His time and her time: indicators of the national time-use survey 2007”; “The economics of care: paid and unpaid work in Ecuador”; and “Economic rating of unpaid work and its contribution to gross domestic product”. These studies highlight the contributions of women and men to the household and the family, the care services provided and the social and economic contribution of the domestic work performed by women.

79. The time-use surveys have served in the development of legal frameworks for recognizing unpaid domestic work as productive work, which in turn have led, through the identification of needs, to the framing of public policies to improve the quality of life of women. Additionally, in the period 2011–2012, a satellite account for unpaid work was put in place as part of the national accounting system, in order to determine the contribution of this type of work to gross domestic product.

80. At the request of the Inter-agency Committee on Gender Statistics and for the purpose of highlighting the situation of women and gender inequalities, gender indicators were included in the 2010 population and housing census. The indicators in question included the following: male and female indicators, contribution-to-benefits ratios per household, head of household indicators, adolescent girls with children, women of childbearing age, and persons registered in and/or contributing to Ecuador’s Social Security system. Similarly, the national economic census, carried out in 2010, included variables to show the participation of women in small, medium-sized and large economic enterprises, as well as the distribution of men and women in paid and unpaid work. The information obtained was processed by INEC for the purposes of public policy design.

81. In response to the Committee’s recommendation that the system of national social indicators be strengthened to include disaggregated data on the situation of indigenous women and women of African descent, in particular in rural areas,⁶⁰ the State has mainstreamed gender and ethnic perspectives in official statistics production; it has accordingly been considered necessary to collect more specific strategic information. A National Statistics Committee for Indigenous, Afro-Ecuadorian and Montubio Peoples (CONEPIA)⁶¹ was therefore set up in 2007. Moreover, the national information system already includes a series of national indicators disaggregated by sex and ethnic group.

82. One of this Committee’s major achievements has been the inclusion of an ethnic self-identification question in the 2010 population and housing census and in subsequent surveys and administrative records. According to this census, Ecuador has a population of 14,483,499 persons, of whom 50.5 per cent are women and 49.5 per cent are men. Of the total female population, 7.1 per cent identify themselves as indigenous, 7.0 per cent as Afro-Ecuadorian, 6.8 per cent as Montubio, 72.6 per cent as mestizo and 6.1 per cent as white. Of the total male population, 7.0 per cent identify themselves as indigenous, 7.4 per cent as Afro-Ecuadorian, 7.9 per cent as Montubio, 71.3 per cent as mestizo and 6 per cent as white.⁶²

83. Furthermore, between November and December 2011, the Inter-agency Committee on Gender Statistics conducted the first survey on family relations and gender violence against women. This was a joint undertaking by CDT, INEC and the Ministry of the Interior, within the framework of the national plan to eradicate gender violence against children, youth and women. The survey was national in scope, covering all the provinces,

⁶⁰ CEDAW/C/ECU/CO/7, para. 19.

⁶¹ Technical social participation committee established by INEC under resolution No. 097-DIRG-2007.

⁶² Source: INEC census 2010.

including both urban and rural areas, and targeted women of 15 years and over in a sample of 80,800 housing units.⁶³

84. In response to the Committee's recommendation concerning the prohibition of discrimination against sexual minorities,⁶⁴ in 2012 the Inter-agency Committee on Gender Statistics took up the challenge of investigating the living conditions, social inclusion and human rights situation of the LGBT population in Ecuador. It is planned that this investigation will be carried out through organizations that work with such persons in the provinces where there are more nationally representative networks of organizations of persons of different gender identities and sexual orientations.

6. Eradication of gender violence

85. The current Constitution guarantees the right of women to a life free of violence, in both the public and the private spheres, which includes physical, mental, moral and sexual integrity. Efforts have therefore been made to fulfil this mandate for the protection of women by activating all bodies responsible for guaranteeing and protecting rights, thereby following up on the Committee's observations regarding the enforcement of appropriate legislation to combat violence and strengthen rights protection mechanisms. The increased attention given to the draft Comprehensive Criminal Code is one of these efforts, involving discussion of issues championed by the women's group, so as to take their rights into account.⁶⁵

(a) *National plan for the eradication of gender violence against children, youth and women*⁶⁶

86. In 2007, efforts to combat gender violence were given form as a State policy through an executive decree establishing the national plan to eradicate gender violence against children, youth and women; this is in line with the Committee's recommendation that a comprehensive strategy be implemented to combat and eradicate all forms of violence.⁶⁷ This plan brings together the Ministries of the Interior, Economic and Social Inclusion (including the National Institute for Childhood and the Family, which comes under this State ministry), Education, Public Health, Justice, Human Rights and Religious Affairs, the Council for Women and Gender Equality and the National Council on Childhood and Adolescence. Its strategic lines of action are: (a) transformation of sociocultural patterns; (b) developing and strengthening the system of comprehensive protection; (c) access to justice; and (d) developing and implementing the single system of registration and institution-building.

87. One highlight of the plan, under the action line "transformation of sociocultural patterns", was the campaign "Wake up, Ecuador: machismo means violence", carried out between December 2009 and December 2010, based on education and communication tools and the dissemination of national and local mass media messages and alternative media like festivals, competitions, dramatized debates, graffiti, giant posters, etc. Inputs relating to the fight against violence, interculturalism and shared responsibility were subsequently developed for incorporation into the second stage of this mass campaign.

88. Under the action line of the plan concerning the system of comprehensive protection and in response to the Committee's recommendation that protection and assistance be

⁶³ Official presentation of the survey on family relations and gender violence against women. Annex 6.

⁶⁴ CEDAW/C/ECU/CO/7, para. 29.

⁶⁵ Ibid., para. 21.

⁶⁶ PNVEG progress report 2010–2011. Annex 7.

⁶⁷ CEDAW/C/ECU/CO/7, para. 21.

provided to victims,⁶⁸ priority has been given to setting up and putting into operation shelters and care centres for women victims of violence, in coordination with civil society organizations. As at 2012, there were 15 day-care centres for women victims of domestic violence; they operate in accordance with a care delivery model and are staffed by trained technical teams.

89. On this point, the State recognizes the need to strengthen the measures already in place so as to provide comprehensive care for women, adolescent and child victims of all forms of violence through the introduction of continuing training and permanent support for multidisciplinary State teams.

90. In the period 2007–2011, reports and complaints of violence led to a total of 319,748 cases being brought before the Offices of the Commissioners for Women and the Family. The National Police, for its part, through the Department for Domestic Violence, executes the decisions taken by the Commissioners for Women and other branches of the police (like the migration service and the National Directorate of Special Police for Children and Adolescents).

91. In 2009, it was proposed that a pilot project be launched and implemented under the title “Primary care facilities for victims of sexual offences and domestic violence”. These facilities consist of public hospital rooms designed to provide quality care in the form of comprehensive and specialized medical, psychological, social and legal assistance for victims of sexual and domestic violence. As at 2011, there were 15 such facilities at the national level and 11 at the provincial level.⁶⁹

92. Furthermore, in the monitoring units operated by the Ministry of the Interior in coordination with the Ministry of Justice, comprehensive specialized judicial and police services have been incorporated.

93. It is also noted that in the Ministry of Economic and Social Inclusion (MIES), rights protection centres run by the ministry receive complaints and reports of cases of violation of the rights of women, children and adolescents. These centres have been further developing administrative settlement mechanisms as alternatives to judicial proceedings. As at 2012, 82 criteria existed for the determination of such cases and, from January to December 2011, the cases dealt with were as follows: 571 cases of violence and sexual harassment; 6,807 cases of domestic violence; and 3,243 cases relating to maintenance suits, which were referred to the appropriate health and/or justice services.

94. Under the third strategic action line of the plan, concerning access to justice, the Prosecutor-General’s Office (FGE) seeks during the pretrial phase, with the guidance of expert opinion at every level, to shorten proceedings and consider the largest possible number of case files while ensuring that no one goes unpunished.⁷⁰ Efforts are also made to involve human rights specialists. In addition, in the Ministry of Justice, four citizens’ advice bureaux have been set up, which provide free legal, psychological and social services in the cities of Quito, Guayaquil, Cuenca and Lago Agrio.

95. The decentralization of judicial services to the provinces and cantons is an important part of ensuring access to justice, in order to address the needs of refugee women, asylum seekers, migrants, rural women and victims of trafficking. It is also an ongoing challenge to provide continuing, specialized training in procedural law with a focus on gender and

⁶⁸ Ibid.

⁶⁹ Caring for victims of violence, statistical data for the Commissioners for Women 2007–2012. Annex 7.

⁷⁰ Streamlining of criminal cases and proceedings related to violence against women. Prosecutor-General’s Office 2008–2011. Annex 7.

human rights for staff of the Prosecutor-General's Office, the national police and judicial personnel in general.

96. With regard to the Committee's recommendation on the provision of data on different forms of violence,⁷¹ in the national survey on family relations and gender violence statistical information is gathered on the prevalence, incidence and scale of the various forms of violence (physical, psychological, sexual) suffered by women both in the public sphere (school, work, social life) and in the private realm (home, family, intimate relationship). The findings show that 61 per cent of women living in Ecuador suffer violence for reasons of sex or gender.⁷²

97. Under the action line of the plan concerning the implementation of a single registration system, software has been designed for the Commissioners to facilitate the collection and compilation of statistics on the complaints that they receive. Under the action line on institution-building, the ministries forming part of the Secretariat for the Plan have specific bodies to deal with violence, such as the National Directorate for Gender in the Ministry of the Interior, the Directorate for Democracy and Good Living of the Ministry of Education, the Programme for the Prevention and Care of Gender Violence and Sexual Violence of the Ministry of Public Health, the Office of the Under-Secretary for Inclusion and Social Cohesion of the Ministry of Economic and Social Inclusion and the Directorates of Citizen Relations and Human Rights of the Ministry of Justice. However, the building of a sustainable, active, coordinated institutional structure to follow through on the plan still remains a challenge for the State.

98. Originally, there was no evaluation system for the national plan to eradicate violence; nevertheless, in 2012, the Council for Citizen Participation and Social Control commissioned the civil society organization Women's Forum to monitor the budget of the plan and the services provided to women victims of violence over the period 2008–2011. Since early 2012, the Secretariat for the Plan has been endeavouring to coordinate it with the national development plan, following the National Plan for Good Living 2009–2013.

(b) *Comprehensive plan to eradicate sexual offences in the education system*

99. On the question of violence in education and in response to the Committee's recommendation,⁷³ the comprehensive plan to eradicate sexual offences in the education system, as amended in 2011, incorporates gender, generational, intercultural, disability and mobility perspectives through participation, prevention, protection, care, punishment and effective restoration of students' rights in cases of sexual violence and discrimination in any form. The plan was updated in order to provide for measures to investigate, prosecute and punish perpetrators of sexual offences and to strengthen awareness-raising and continuing training programmes for teachers on issues of sexual violence. The plan requires all educational units nationally to incorporate these issues into their policies and academic activities on the basis of respect for the rights of children and adolescents.

100. Under the 10-year education plan 2006–2015, strategies have been developed like the issuing of rules on the treatment of gender violence and the mainstreaming of sex education in the education system and including such action as teacher training and the inclusion of courses on sexuality in the training of new teachers. Moreover, a training module has been introduced into the teacher training course on gender issues and the eradication of sexual offences in education, designed to make teachers aware of their role as

⁷¹ CEDAW/C/ECU/CO/7, para. 21.

⁷² INEC – Transition Committee, data from the survey on violence. Annex 7.

⁷³ CEDAW/C/ECU/CO/7, para. 33.

guarantors of rights. The module was used to provide training in this area to 5,000 teachers in 2011.

101. One of the initiatives undertaken by the Ministry of Education, in conjunction with the Prosecutor-General's Office, is a programme known as "Taking steps together" (*Recorrido participativo*), which aims to produce protocols for investigation, detection and prosecution in cases of sexual violence. The Ministry of Education has also, in coordination with MIES, put together and circulated kits for taking steps together, which include brochures, information and teaching material on the prevention of gender violence in education, to be used in the context of the national plan to eradicate gender violence.

102. In 2011, the National Council on Childhood and Adolescence (CNNA), in coordination with the Ministry of Education, the Cantonal Councils for Children and other institutions, put efforts into crafting codes for living together, understood as a set of guiding principles for individual and social behaviour, offering a basis for a life of solidarity, equity and health. These codes have been introduced into educational units at the national level, with the participation of the education community, and include calls to report cases of violation of rights, like the right to life, personal integrity and dignity. The intended investment for this activity amounts to \$54,446. Moreover, in the same year, the Cantonal Rights Protection Boards of CNNA prescribed administrative measures of protection for cases of violence against children and adolescents. To this end, training has been provided to 192 of their members and technical assistance has been extended to 158 of the Boards, through an investment of \$61,407.

(c) *Training*

103. Under the Comprehensive Gender Violence Care Programme, whose implementation has been entrusted to the Ministry of Public Health, continuing training activities have been developed, including, in 2009, the first regional training course on rules for assistance in cases of violence, aimed at more than 300 professionals. In 2010, psychological skills training for room personnel was provided in nine hospitals in the country. In 2011, a four-monthly Internet course was delivered for the training of facilitators in the application of the rules for assistance in cases of violence and, in the same year, an introductory course was conducted on forensic medicine, under the umbrella of the Ministry of Public Health, aimed at health and police personnel specializing in the handling of evidence of sexual violence against women, children and adolescents.

104. Between January and December 2010, the Transition Committee designed and implemented a project on strengthening public gender policies to protect the right to a life free of violence, aimed in particular at contributing to the State's efforts to eradicate gender violence. To that end, in coordination with MJDHC, the Council of the Judiciary and the Facultad Latinoamericana de Ciencias Sociales (FLACSO), a diploma on "Gender, justice and human rights" was established in the cities of Quito and Cuenca for which 39 study grants were awarded to judges, prosecutors and public defenders.

(d) *Research on violence*

105. In 2011, the Transition Committee undertook research on femicide in Ecuador, which it conducted in the cities of Cuenca, Esmeraldas, Guayaquil and Portoviejo. Court decisions and media publications relating to femicide were analysed for that purpose. Overall, the data obtained show that the great majority of women victims of homicide are killed for reasons of gender.⁷⁴ These data are alarming and present a challenge to the State.

⁷⁴ Report on femicide in Ecuador. Annex 7.

A first step to combat femicide nationally has been its inclusion as a serious offence in the draft Comprehensive Organic Criminal Code. Research has also been undertaken to measure the impact of the campaign “Wake up, Ecuador: machismo means violence”. This research includes a quantitative and qualitative study to determine the extent to which the message of the campaign has been put across and understood and how far there have been changes in the sociocultural patterns at the origin of gender violence.

(e) *Local action*

106. Some decentralized autonomous governments have taken action to eradicate violence at their own level. One example is that of the municipality of the metropolitan district of Quito, which has adopted specific public policies to strengthen the justice administration system with the object of counteracting impunity in that city, while putting into operation mechanisms for prevention and alternative conflict resolution for cases of minor offences.

107. In this context, efforts are being made to improve the comprehensive services provided by the Equity and Justice Centres, aimed at restoring and guaranteeing the rights of the population through a combination of approaches based on gender, human rights, operational inclusiveness, interdisciplinary work, area-oriented criteria and networking. The Prosecutor-General’s Office, the judicial police, the National Directorate of Special Police for Children and Adolescents, the Offices of the Commissioners for Women and the Family and the Metropolitan Child and Youth Protection Board contribute to the work of the centres. In November 2012, there were seven such centres, established in accordance with the zoning system. In 2010, the budget for the centres was \$975,421.58 and, in 2011, it was \$1,635,171.89.

108. Since 2007, provisions have been in place for the full protection of children and adolescents against sexual exploitation in the metropolitan district of Quito.⁷⁵ In early 2012, the scope of gender violence policy was broadened to take in public space as a sphere of municipal action, in addition to private space.⁷⁶ Major measures include the proclamation of 25 November as “Day of non-violence against women in the metropolitan district of Quito” and the characterization as sexual abuse against women of unwanted verbal or physical action in public or private places, with penalties for such abuses perpetrated in public transport facilities.

109. Accordingly, on 8 March 2011, the municipality of the metropolitan district of Quito staged a campaign, “Women want to walk carefree, without harassment in the street”, aimed at highlighting gender violence in public places in the city as a violation of women’s human rights and their right to enjoy all the amenities of the city and making the community aware of the need to eradicate sexual violence in public places. The first stage in the campaign focused on the phenomenon of sexual violence through an awareness-raising process targeting personnel of the subway and trolley bus transport system, the metropolitan police and secondary school students in the city of Quito. The second stage, currently in progress, is being directed towards institutional action for the eradication of sexual violence. The initial budget for the campaign was \$130,000.

110. Other projects under way include “Quito, a safe city for women and girls”, scheduled to last six years (2008–2014). The objective is to produce a universal safe city model through the dissemination of a series of technical tools (for communication and training, in particular) to local decision makers. The specific focus of the model is on the

⁷⁵ Municipal Ordinance No. 246.

⁷⁶ Municipal Ordinance No. 235 amending Municipal Ordinance No. 042.

reduction of violence, especially sexual violence, against women in public places. The budget earmarked for implementation of this project was \$288,000.

7. Priority groups

(a) *Women in situations of mobility*

111. The Constitution of the Republic contains a section on population and human mobility, requiring the State to safeguard the rights of persons with respect to mobility. Moreover, in 2007, the National Secretariat for Migrants was set up to steer the country's migration policy and coordinate with the different levels of government the implementation of related plans, projects and actions in order to foster the full exercise of the rights of migrant persons.

112. Concerning the Committee's recommendation that Ecuador consistently ensure the inclusion and protection of asylum seeking, migrant and refugee women,⁷⁷ priority has been given in the country to protecting through inter-agency arrangements all applicants for refugee status. On the question of determining such status, between 2008 and 2011, the Directorate for Refugees of the Ministry of Foreign Affairs, Commerce and Integration (MRECI), in coordination with the Ministry of the Interior, granted requests for refuge to 19,487 women and 20,879 men out of a total of 40,711 female applicants and 49,411 male applicants.

113. Of the women who have obtained refugee status, 99 per cent are of Colombian nationality, most of them between 18 and 59 years old. These figures have recently increased, given that, up to September 2012, more than 160,000 foreigners (including a significant proportion of women) had sought refuge in Ecuador; of these, 56,000 persons of various nationalities were granted refugee status.⁷⁸

114. Other measures that have been taken to assist refugees include the following: inclusion of the gender approach in the procedural handbook of the MRECI Directorate for Refugees, in particular to ensure the priority treatment of cases of women affected by torture, women at risk, women victims of violence, women heads of family, pregnant women and unaccompanied children or children separated from their family unit.

115. In coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Public Health, a nationwide project has been launched to make the host population aware of the situation of refugees and their rights, particularly in border areas.

116. In addition, arrangements have been made to provide economic and logistic support, including temporary shelter, to applicants for refugee status. Applicants have also been given briefings, with special attention to the State's machinery for protection, particularly for women. Cases of women at risk are identified and referred to UNHCR, in order to assess the need for resettlement.

117. A further major advance, ensuring refugees of the right to work, is the provisional certificate of applicants for refugee status, which enables the holder, for as long as the certificate remains valid, to engage in lawful, independent or subordinate economic activities.⁷⁹ Likewise, action has been taken to ensure inter-agency coordination so as to guarantee the right to due process to those applying for refugee status.

⁷⁷ CEDAW/C/ECU/CO/7, para. 27.

⁷⁸ MRECI. Data for 2008. Annex 17.

⁷⁹ Article 35 of Decree No. 1182 of 30 May 2012.

118. The State has invested in the establishment of offices to meet the needs of persons applying for refugee status in Quito, Cuenca, Guayaquil, Lago Agrio and Esmeraldas, while continuing to finance the operation of support teams in specific places.

119. Furthermore, in 2008 the “Ecuador Plan” was established as part of a State policy to promote peace and all-round development in the northern border area. The plan included an institution-building programme, which comprises in turn a project on human security and the culture of peace in the northern border area, providing for coordination between the technical secretariat of the Ecuador Plan and women’s organizations, aimed at promoting fundamental human rights, combating gender violence and fostering a culture of peace.⁸⁰

120. In 2010 and 2011, the technical secretariat signed inter-agency cooperation agreements with the Sucumbios Women’s Federation, which led to the building of seven “home workshops”⁸¹ for the 1,500 women’s organizations that form part of the Federation. These home workshops foster the participation and political organization of women; offer training in gender issues and women’s human rights, microbusiness initiatives, and the management and administration of savings and loan associations with a gender focus; promote cultural and sports activities; and provide facilities for the women of the Canton of Sucumbios to operate a savings and loans solidarity scheme.

121. The technical secretariat of the Ecuador Plan has signed an agreement with MJDHC and the Sucumbios Women’s Federation for MJDHC to provide free legal and psychosocial assistance to members of the Federation through the Directorate for Relations with Citizens. There is currently a citizens’ service office coordinated by the Directorate for Relations with Citizens in the province of Sucumbios.

122. In recognition of Ecuador’s outstanding efforts to protect refugees, in June 2012 UNHCR launched a worldwide campaign entitled “Thanks Ecuador”, considering that it was the Latin American country that had received the largest number of refugees over the previous 10 years.

(b) *Women with disabilities*

123. On 30 March 2007 Ecuador ratified the Convention on the Rights of Persons with Disabilities. It went on from there to include persons with disabilities in the Constitution in force, as one of the priority groups.⁸² Ecuador likewise recognizes the work of caring for persons with severe disabilities by including in legislation self-maintenance and care as a form of work.

124. In line with national and international standards, the care and prevention of disability have been raised to the level of State policy, the implementation of which has been entrusted to the vice-presidency of the Republic through the programme “Ecuador without barriers” and which is designed to promote the inclusion in society of persons with disabilities and guarantee their rights. One component of this programme is the Manuela Espejo Solidarity Mission, which was established in 2009 to study and geo-reference all persons with disabilities nationwide in order to provide them with assistance and appropriate care. Between 2009 and 2011, the Mission reported the existence in Ecuador of 293,743 persons with disabilities, of whom 146,277 (49.8 per cent) are women and 147,466 (50.2 per cent) are men.

⁸⁰ Ibid.

⁸¹ The economic contribution of the Secretariat for the Ecuador Plan to the building of these homes amounts to \$44,420.66. The municipalities, for their part, contribute between \$20,000 and \$24,000. Lastly, women’s organizations contribute amounts ranging between \$24,000 and \$49,000.

⁸² Article 35 of the Constitution of the Republic of Ecuador.

125. In 2010, the “Joaquin Gallegos Lara” programme was founded, establishing a non-refundable \$240 voucher as monthly compensation for the family or caregivers (mainly women) of persons with severe intellectual or physical disabilities. As at 2012, 14,479 persons had received this economic assistance. The programme also includes the delivery of medicine and training in areas like health, hygiene, rehabilitation, nutrition, rights and self-esteem. Beneficiaries of the programme receive free funeral insurance to cover the death of the person with a disability, while a \$500 life insurance is taken out for caregivers.

Article 4

126. A legislative advance in support of temporary measures can be seen in article 5 of the Public Service Organization Act, which requires public institutions covered by this Act to guarantee that selection and recruitment procedures for public service will promote affirmative policies for the inclusion of priority groups. Affirmative action has accordingly been taken in the public sector to include persons with disabilities and catastrophic diseases, in addition to persons who identify themselves in the most recent population and housing census as Afro-Ecuadorians, indigenous persons or Montubios.

127. The Disabilities Act makes the State generally responsible for protecting persons with disabilities in various fields, particularly in the world of work. The Labour Code and the Public Service Organization Act require the gradual recruitment of persons with disabilities, starting with 1 per cent in 2010 and rising to 4 per cent of the total number of male and female workers employed, which remains as a fixed percentage to be applied subsequently until the elimination of all discrimination. Pursuant to this legal provision, the Ministry of Labour Relations carries out regular inspections of public and private enterprises. In the event of non-compliance, appropriate penalties are imposed.

128. In another vein, in 2009 the Plurinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion was adopted,⁸³ establishing a labour policy of affirmative action for State bodies to recruit Afro-Ecuadorian, indigenous and Montubio persons in a percentage no smaller than that of their number in the population. In addition then to requirements as to experience and occupational training, ethnic criteria were introduced into merit-based competitive examinations with a view to remedying situations of disadvantage or exclusion affecting particular human groups in order to achieve the desired degree of inclusion.

129. By applying these affirmative measures, the Ecuadorian Ministry of Foreign Affairs, for example, has been able, through two competitive examinations held in 2012, to recruit equal numbers of Afro-Ecuadorian, Montubio and indigenous men and women into the Ecuadorian diplomatic service.

130. Gender parity has also been observed in the context of judicial reform. The Transition Council of the Judiciary thus invited male and female judges in August 2011 to apply for membership of the National Court of Justice. In the selection process, women were attributed two additional qualification points by way of affirmative action in accordance with the principle of gender parity.

Article 5

131. One of the measures taken to modify sociocultural patterns is the campaign “Wake up, Ecuador: machismo means violence”, which forms part of the plan for the eradication

⁸³ Executive Decree No. 60 of October 2009.

of violence, referred to in connection with article 3. This far-reaching campaign was designed to bring about structural changes and put an end to patriarchal stereotypes that cause women to be discriminated against.

132. The campaign was specifically aimed at the male population and its first phase extended from December 2009 to March 2010. It was carried by the mass media (television and radio) and involved the development of supplementary strategies as alternative means of reaching, training and motivating specific population groups. A number of angles were used to put across the messages, namely: facts and figures, machismo, Ecuador of the future, changing of roles and interculturalism, sexual violence and shared responsibility. The Transition Committee of the Council for Women conducted a study of the campaign, which revealed that it had reached 50 per cent of the population nationally and that 70 per cent of that 50 per cent had given it a satisfactory rating. The success of the campaign depends indeed on the number of people reached and for this reason it is considered to be a powerful communication strategy that has succeeded through its messages in raising the awareness of the community with a view to eradicating machismo.

133. A further significant advance achieved by the Ombudsman's Office in seeking to modify gender-based discriminatory cultural patterns was the development of a training module on diversity and non-discrimination that includes a focus on gender and discrimination against women and will be used in awareness-raising efforts in 2013.

134. In the Armed Forces there has been a major change in sociocultural patterns through the promotion of gender equality and women's rights. In 2010, the rules⁸⁴ on matters relating to maternity in training schools were amended and provisions were removed under which a woman who became pregnant during the period of training was immediately placed on leave. Moreover, in 2011, the Regulations on Disciplinary and Incentive Measures were adopted, incorporating a human rights and gender perspective and aimed at persons desiring to enter the training schools of the Armed Forces.

135. In 2011, an induction course on gender issues was held for all personnel of the Directorate of Human Rights and International Humanitarian Law of the Ministry of National Defence and all public service personnel, both military and civilian. In April of the same year, the First Meeting of Army Women took place, which served as a first step towards reviewing and improving the situation of women in the army.

136. On 21 September 2011, the aforesaid Ministry concluded an inter-agency cooperation agreement with the Ministry of Defence of the Argentine Republic providing for a national information and awareness-raising plan on citizenship and human rights for the Armed Forces, the establishment of an observatory on the integration of women into the Armed Forces of the Ministry of National Defence, and the exchange of experience and documentation, advisory services and technical assistance.

137. Since late 2009, the human rights training of the police forces has included a continuing programme of comprehensive training from a human rights perspective organized by the National Directorate of Education of the National Police. This programme serves as an institutionalized, sustainable course of theoretical and practical training in all the provincial commands on police procedures predicated on respect for human rights, citizen safety and the progressive use of force. In addition, several training courses were conducted on human mobility, non-discrimination, efforts to combat trafficking in persons and the rights of persons of diverse sexual orientation and gender identity.

⁸⁴ Regulations of the Armed Forces Personnel Act (last amended in March 2011).

138. The Transition Committee of the Council for Women, in keeping with its advocacy role in relation to State bodies, has developed a series of activities focused on public sector training to ensure gender mainstreaming in the political strategies of those bodies so that they have a conceptual grasp of gender as it interrelates with other categories of social analysis (interculturalism, generational shift, mobility and disabilities).

139. In this context, since 2011 the Transition Committee has put in place a gender mainstreaming strategy at the Institute of Advanced National Studies (IAEN), which, following the conclusion of an inter-agency cooperation agreement, is leading to the development of the following: framing of a gender strategy and institutionalization of the gender approach; design and implementation of a course on “Gender and public policy: theoretical and methodological tools”; and gender mainstreaming in the curricula of the School of Government and Public Administration, the School of Law and Constitutional Matters, the José Peralta School of International Relations, and the School of Security and Strategic Affairs.

140. The Intercultural Education Organization Act⁸⁵ provides for the promotion of equality between men and women, including persons of diverse sexual orientation and gender identity, with a view to changing discriminatory cultural attitudes of every kind. Mention may also be made of the right to receive comprehensive and scientific training, respecting the rights of students and promoting gender equality and non-discrimination.

141. In addition, there has been a major advance in terms of sexual diversity, reflected in the extension of the principle of equality and non-discrimination in the Constitution in force. Gender identity, sexual orientation and sexual and reproductive rights are protected, while the various forms of family are recognized,⁸⁶ as are common-law marriages between two persons, irrespective of their sexual orientation and gender identity,⁸⁷ without heterosexual relationships being presumed to be the norm. Homophobia, sexism, machismo, racism and xenophobia are now regarded as hate crimes.

142. In keeping with the constitutional rule, which recognizes various forms of family and guarantees the same rights and obligations for formal and common-law marriages, including same-sex marriages, the Ecuadorian Institute of Social Security, in August 2011, granted for the first time a widow’s pension to a lesbian woman, following the death of her partner. The two had shared a common-law marriage for 3 years and 10 months.

143. Measures have likewise been taken to eliminate violence and discrimination in cases of so-called private “de-homosexualization” clinics, whose existence was denounced in 2009 by the Latin American and Caribbean Committee for the Defence of Women’s Rights, Ecuador, and in 2011 by the civil society organizations “Taller de Comunicación Mujer” and “Articulación Esporádika”. These clinics would confine people against their will because of their different sexual orientation in order to submit them to “re-orientation” treatment.⁸⁸ The measures taken include the introduction into the draft Comprehensive Organic Criminal Code of penalties for this type of activity.

144. In view of this situation, the Ministry of Public Health, through a multidisciplinary inter-agency technical committee, issued regulations for the control of centres for addiction recovery.⁸⁹ These regulations have been amended to override the provisions referring to the

⁸⁵ Article 3 of the Intercultural Education Organization Act.

⁸⁶ Article 67 of the Constitution of the Republic of Ecuador.

⁸⁷ Article 68 of the Constitution of the Republic of Ecuador.

⁸⁸ CEDAW/C/ECU/CO/7, para. 29.

⁸⁹ Regulations to govern addiction recovery centres. Ministerial Agreement No. 339, article 32. Annex 8.

development of centres for the treatment of dual psychiatric and chemically dependent patients, adolescents with behavioural disorders and persons with disorders affecting their primary sexual identity or orientation. In addition, a new paragraph was introduced into article 22 of the aforesaid regulations to the effect that “no one shall be compelled to undergo any form of treatment or to remain confined in a medical establishment on account of his or her sexual orientation or gender identity”.

145. In August 2011, the Ministry of Public Health reacted to this situation by closing down some 30 illegal clinics that claimed to cure homosexuality. Additionally, the Ministry continues to take steps to track, monitor, control and close down centres that violate the human rights of persons in the LGBT community.

146. The National Council on Childhood and Adolescence has engaged in preventive work in response to the possibility of the mass media serving to promote violence and discrimination. To that end, it has conducted studies on how children and adolescents perceive animated television series and patterns of social behaviour that may violate their rights.

Article 6

National Plan for the Prevention and Punishment of Trafficking in Persons and Comprehensive Protection for Victims

147. This National Plan, established under Presidential Decree No. 1981 of 2004, is under the responsibility of the Ministry of the Interior, which in 2012 set up the Unit to combat Trafficking in Persons and the Smuggling of Migrants. This Plan has four prongs: prevention; rights promotion and investigation; punishment and protection; full compensation for victims. The Ministry of the Interior, in conjunction with the National Secretariat for Planning and Development, is currently reviewing the Plan in order to turn it into a gender-oriented national public policy instrument.⁹⁰

148. The efforts made by the State to gather and compile comprehensive statistics on the trafficking of persons for the purposes of sexual exploitation form part of the work initiated through the establishment of an inter-agency working group in May 2011, whose members are drawn from 19 government agencies and which has been tasked with revising the National Plan.⁹¹

149. The 2010 world report of the United Nations Office on Drugs and Crime gives the following figures in respect of the offence of trafficking: 66 per cent of the victims of trafficking are women, 13 per cent are girls and 9 per cent are boys. Of these figures, 79 per cent of victims are intended for sexual exploitation. In 90 per cent of cases, the women suffer sexual violence during trafficking on a daily basis, and 70 per cent of victims are held in confinement and under surveillance, and 42 per cent are from homes marked by violence, which is a causal factor in the trafficking; 40 per cent are under threats to their families and 40 per cent were victims of deception. Moreover, according to data from the judicial police and the Office of the Prosecutor-General, in the period 2009–2010, victims between the ages of 15 and 19 greatly exceeded the number of victims in other age groups.

150. Concerned by these figures, the State put in place a complaints mechanism for this offence. In 2010, a total of 84 complaints were accordingly lodged nationally concerning

⁹⁰ National Plan for the Prevention and Punishment of Trafficking. Annex 9.

⁹¹ Revision of the Plan entails the collection of information for diagnosis of the situation and subsequent adjustment of strategic lines.

the offence of trafficking in persons. These led to charges being brought in 10 cases and convictions handed down in 4. From January to December 2011, 115 complaints were received, 16 charges were brought and 1 conviction was handed down. These data confirmed the need to reconsider current public policy in respect of trafficking in persons and to take, as a matter of urgency, steps to update and give effect to the Plan, in response to the Committee's recommendation that the Plan be implemented,⁹² hand in hand with new legislation in the form of the draft Comprehensive Organic Criminal Code.

151. The Ministry of Justice, Human Rights and Religious Affairs has organized several courses of training for members of the national police, the Armed Forces and judicial personnel. In 2010, training was given on issues relating to human rights, trafficking in persons, migration control and citizen safety to a total of 2,500 members of the national police. In 2011, a training course on trafficking issues was put on for officials in the Ombudsman's Office, particularly those directly concerned with victims of trafficking. A continuing comprehensive training programme has also been developed for the national police, which includes content on the underlying issues bound up with trafficking in persons, thereby enabling progress to be made in respect of prevention.

152. Furthermore, in view of the need to focus on technical aspects of investigation in cases of trafficking in persons and migrant smuggling, in addition to protecting and rescuing victims, the judicial police established a special unit for that purpose in August 2011. This unit, known as the anti-trafficking in persons and migrant smuggling unit, is one of the elite groups of the national police and is responsible for compiling within the police force disaggregated national statistics that serve to measure the country's progress in combating trafficking in persons and migrant smuggling.

153. The Office of the Prosecutor-General has set up other units specializing in domestic violence, sexual offences, trafficking, sexual violence, sexual exploitation and pornography, such as the Office of the Special Prosecutor for Sexual Offences and Domestic Violence and the Office of the Special Prosecutor for Organized Crime, in the provinces of Guayas, Galapagos, Pichincha, El Oro and Manabi.

154. The MRECI Directorate for Refugees identifies persons applying for refugee status who have been victims of trafficking and/or sexual exploitation and refers them to the competent State body. The Directorate for Refugees has accordingly strengthened channels for cooperation with the Ministry of the Interior, the Prosecutor-General's Office and the National Secretariat for Migrants for the protection and specific treatment of victims of trafficking. In the specific case of separated or unaccompanied children and adolescents, it works in direct coordination with the special police service for children and adolescents.

155. On the subject of labour exploitation and with reference to paid domestic work, in 2011 inspectors visited 298 homes nationwide and found that 185 children and adolescents under the age of 15 were engaged in such work. In most of the cases, appropriate penalties were imposed.⁹³

156. Other ongoing action by the National Council on Childhood and Adolescence includes the design and implementation of programmes for the restoration of rights, in order to provide information about the legal measures that can be taken against such offences in each area of the country. As a result of this policy, 82 cantonal programmes have been developed on the basis of zone and service mapping. Lastly, with the support of the Ministry of Tourism, procedures have been developed for the restoration of the rights of children and adolescents in situations of tourism-related sexual exploitation. It should also

⁹² CEDAW/C/ECU/CO/7, para. 23.

⁹³ Article 262 of the Labour Code sets the minimum age for domestic work at 15 years.

be mentioned that the Ecuadorian State forms part of the Regional Focus Group for the Americas (GARA), which it chaired during the period 2010–2011.

157. In 2011, Ecuador put an end to child labour in garbage dumps, considered to be one of the worst forms of labour exploitation in the world. The Ministry of Labour Relations secured the withdrawal of 2,160 children and adolescents from garbage dumps, guaranteeing them access to programmes of education, health care and wholesome recreation in order to restore and ensure the exercise of their rights. Ecuador is the first South American country to meet this goal.⁹⁴

158. As part of the justice system restructuring process, the Ministry of Justice, Human Rights and Religious Affairs organizes regular meetings, including the national meeting on trafficking in persons and migrant smuggling in May 2012. On the occasion of that meeting, held with the participation of international cooperation organizations and civil society organizations, new lines of approach were established for the further updating of the Plan.

159. The Ministry of the Interior is currently the lead agency for the system “Infotrata-Ecuador”, a national computer programme for information registration, which reports cases of trafficking in persons for the purposes of complaint and follow-up. This information is provided by the judicial police, the Prosecutor-General’s Office and the National Council of the Judiciary.

160. A further challenge emanating from the Ministry of the Interior, with a view to decentralizing the services provided directly from the city of Quito, is the establishment of eight Directorates of Democratic Guarantees in governors’ offices. These directorates will provide services to citizens in the following areas: rights protection, gender issues, and combating and preventing trafficking in persons and migrant smuggling.

161. The National Assembly is due to debate for the second time in 2013 the draft Comprehensive Organic Criminal Code, which is expected to increase the penalties for this and other related criminal offences. In addition, the wording of the relevant provisions is being clarified to ensure that traffickers do not go unpunished or do not receive minor penalties through misapplication of the rules by judges. This is another way of guaranteeing the protection and comprehensive care of victims of trafficking.

Article 7

162. The Constitution of the Republic guarantees the principles of proportionality, equal voting rights, equity, parity and rotation between men and women in multi-person elections.⁹⁵ It further stipulates that “the State shall promote the equal representation of women and men in nominated or appointed public functions, in public managerial and decision-making bodies ... [and] shall take affirmative action to guarantee the participation of sectors affected by discrimination”.

163. One of the most significant laws adopted by the National Assembly in 2009 was the Organization Act on Elections and Political Organizations of the Republic of Ecuador, known as the Code of Democracy, which, in addition to regulating gender parity in multi-person electoral lists, establishes grounds for disqualifying candidates from running for office. It also stipulates, as a measure of affirmative action, that, in an election, if there is a

⁹⁴ United Nations Children’s Fund, Regional Office for Latin America and the Caribbean, Press Centre, press communication of 15 July 2012.

⁹⁵ Articles 61, 65 and 116 of the Constitution of the Republic of Ecuador.

tie between a man and a woman for the last seat, the seat shall be awarded to the woman. Furthermore, it promotes equal representation in nominated or appointed public functions, in public managerial and decision-making bodies, and in political parties and movements.⁹⁶

164. The Council for Citizen Participation and Social Control, as part of the transparency and social control branch, the Coordination Ministry of Decentralized Autonomous Governments and Policy, and the Secretariat for Peoples, Social Movements and Citizen Participation seek to promote equality and combat gender-based discrimination. At the time of writing this report, the highest office holders in these institutions are women; this is in line with a notable increase in the formal participation of women in representative and decision-making bodies of the State at the national level.

165. In the period 2010–2011, the Council for Citizen Participation and Social Control achieved the highest rate of participation by women, with 57 per cent of women newly appointed as principal councillors and in the new citizen oversight units.⁹⁷

166. In the popular elections of April 2009, 43 per cent of listed candidates at the national level were women: for the presidency 25 per cent, for the National Assembly 47 per cent, for mayors' posts 12 per cent, for district council posts 46 per cent, for provincial prefectures 13 per cent, and for parish councils 42 per cent. However, women account for only 23 per cent of publicly elected posts in Ecuador. Among mayors, the proportion of women is 6.3 per cent; among members of the National Assembly: 32 per cent; among district council members: 28.6 per cent; among representatives to the Andean Parliament – most significantly: 60 per cent; among prefects: 8.7 per cent; and among parish council members: 22 per cent.⁹⁸

167. As for the participation of women in local life, the State recognizes the need to put in place participation mechanisms, through the parish councils, in coordination with government bodies at every level.

168. As at November 2012, the Presidential Cabinet comprised 38 ministries and national secretariats. In 2008, women's representation in the Cabinet was 38.2 per cent, which rose to 42.1 per cent in 2010.

169. As a result of the affirmative action described under article 4, in connection with the principle of gender parity, the steps taken by the Council of the Judiciary culminated in a National Court of Justice composed of 12 men and 9 women, an historic landmark in judicial life. It should be noted that this is the first time that an indigenous woman has sat among the judges.

170. On the subject of social and trade union participation, the then National Council of Women (CONAMU) had by 2009 officially recognized 1,466 women's organizations. However, following the change in the mandate of the former National Council of Women and the transfer to the Ministry for Economic and Social Inclusion of responsibility for officially recognizing organizations, only 27 women's organizations had been officially recognized by June 2010. In the same year, the participation of women in leadership and management positions in social organizations and movements was 27.2 per cent.

⁹⁶ These measures are a response to paragraph 43 of the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ECU/CO/7).

⁹⁷ Report on the presence of women in units exercising oversight in the selection of office holders. Document of the Council for Citizen Participation and Social Control. Annex 10.

⁹⁸ Comprehensive report on electoral turnout. Document "Política Producto 1". Annex 10. CEDAW/C/ECU/CO/7, para. 43.

171. As part of the State's action to respond to the Committee's recommendation that further measures be taken to guarantee the participation of women, especially indigenous women and women of African descent, mention may be made of the advances made by the Institute for the Ecodevelopment of the Amazon Region, which encourages the recruitment of personnel of different nationalities. Efforts are currently being made to promote gender parity in the Provincial Technical Secretariats, as required by the Constitution and by law.⁹⁹ As at June 2012, the total proportion of women staff members of those Secretariats was 42.2 per cent. In the matter of ethnic self-identification, of the 17.2 per cent of personnel who identify themselves as indigenous, 45.7 per cent are women.

172. In the Armed Forces, considerable efforts have been made to ensure the effective participation of women in the different branches, and in the Joint Command. Thus, in 2010, under an agreement with the United Nations Development Fund for Women (now UN-Women), a gender diagnosis was made and a policy and strategy were proposed for implementation in the Ministry of National Defence and the Armed Forces of Ecuador. The diagnosis yielded a quantitative and qualitative analysis of women's participation in the Armed Forces.¹⁰⁰ It identified the number of women who had been admitted and recruited into the Armed Forces, their opportunities for training, promotion and career advancement under equal conditions; existing standards and practices in matters of health, the reconciliation of professional and family life, and strategies for the reform and upgrading of the various military facilities to receive women, with the aim of identifying factors that favour or impede integration.¹⁰¹

173. The Armed Forces have a staff strength of 42,979 persons ranked as officers, troop personnel and civil servants, broken down as follows in 2011: in the Army, there were 2,793 male officers and 151 female officers, in the Navy there were 1,045 male officers and 82 female officers, and in the Air Force there were 818 male officers and 47 female officers. The numbers of candidates admitted into officer schools for the three Armed Forces in 2011 were: in the Military Institute (Army), 130 men and 50 women; in the Naval Institute, 122 men and 60 women; and in the Military Aviation Institute, 50 men and 14 women.¹⁰²

174. In 2011, the Directorate for Human Rights and International Humanitarian Law of the Armed Forces Joint Command prepared, approved and implemented a plan of activities to follow up on the process of integration of women into the Soldier Training School "Vencedores del Cenepa" ("Victors of Cenepa"). This plan calls for the gradual introduction of gender-related issues into human rights curricula for the different levels of training, further training and specialization of military personnel, starting in 2010.

175. Among the main advances in integrating women into the Armed Forces of Ecuador, it is worth noting that 2010 was the year of the first woman marine. The following year, 2011, commissions were awarded for the first time to women Army military specialists, arms and services officers of the Ecuadorian Air Force, military observers for peacekeeping missions and the first woman rotary aircraft pilot of the Navy. The opening up to women of the engineering and artillery divisions of the Army and the infantry divisions of the Navy

⁹⁹ Article 5 of the Public Service Organization Act.

¹⁰⁰ Outcomes of the diagnosis include three working documents: *Military Women and Men in Figures*, *Military Women and Men against the Background of Equality and Non-discrimination*, and *Gender and Defence: Good Practices of Latin American Armed Forces*.

¹⁰¹ *Transitional Regulations to Guarantee the Principle of the Direct and Immediate Application of the Rights of Female Military Personnel of the Armed Forces* (2009).

¹⁰² Statistical data – Armed Forces 2011. Annex 10.

and Air Force is a further advance of considerable importance. In 2012, infantry women are expected to be commissioned for the first time in the Air Force.

176. With regard to maternity issues, provision is made in the regulations on discipline and rewards applicable to candidates for the Armed Forces training schools, in force since 2011, for two-years special leave for candidates who become pregnant during their period of training, so that maternity does not prevent or restrict access to a military career. As for the gender-based exercise of the right to health, the Joint Command of the Armed Forces carried out a pilot plan in 2011 on breast cancer prevention; it also made it mandatory to include breast and prostate examinations in the medical records of military personnel.

Article 8

177. In order to ensure that women can serve as representatives of the State at the international level, the Ministry of Foreign Affairs, Commerce and Integration, in accordance with the principles of equality enshrined in the Constitution in force, included 35 women in the 70 appointments it made in December 2011 to the posts of Second and Third Secretary. The women appointed included six Afro-Ecuadorians, six Montubios, three migrants, one woman with a disability and nine women of different indigenous nationalities, thus illustrating the integration into the foreign service of traditionally excluded groups.¹⁰³ Currently, the country is represented in various consulates and embassies by 330 women, including 2 indigenous women, and by 369 men, including 4 who belong to the indigenous and Afro-Ecuadorian peoples. It is thus seen that gender parity and ethnic inclusion are realities in the foreign service.

Article 9

178. The constitutional provision governing the action of the Ecuadorian State in matters of nationality is article 6 of the Constitution in force, which stipulates that Ecuadorian nationality is a legal and political bond between individuals and the State, without detriment to their belonging to any of the indigenous nationalities that coexist in plurinational Ecuador. Ecuadorian nationality is obtained by birth or naturalization and is not forfeited through marriage or dissolution of marriage or through the acquisition of another nationality. It is clear therefore that the Ecuadorian State grants equal rights to men and women to acquire, change or maintain their nationality.

Article 10

179. According to the 2010 population and housing census, the average school attendance of the population aged 24 and over was 9.6 years, in contrast with the census figures for 2001, which showed an average of 8.17 years. The 2010 census also showed a difference in favour of urban areas, where average school attendance rose to 10.9 years, while in rural areas it was 7.1 years. The census recorded an average of approximately 9.5 years of school attendance for both sexes.

180. Ecuador has undertaken to achieve 100 per cent enrolment in basic general education by 2015; this concerns the age group between 5 and 14. In accordance with the second Millennium Development Goals report for Ecuador in 2007, the target of access to

¹⁰³ Document on the selection of women Third Secretaries, May 2012. Annex 11.

education is close to being met in the country.¹⁰⁴ Moreover, the national survey on employment, unemployment and underemployment shows that in 2010 net enrolment rates for boys and girls were practically the same, with 95.04 per cent for girls and 94.2 per cent for boys. In 2011, the net enrolment rate for boys and girls rose to 97.2 per cent.

181. A further important achievement concerns the efforts made to combat illiteracy in the country through the national literacy campaign launched in 1990. In 2008, new national literacy strategies were designed, incorporating gender concerns, like the programme of “Basic Education for Young People and Adults, 2011–2013” (EBJA), under the 10-year education plan adopted for the period 2006–2015.

182. The results of the EBJA programme were seen in the 2010 population and housing census, which recorded a 6.8 per cent illiteracy rate – 2.2 percentage points less than in the 2001 census. Among women, illiteracy fell from 13.8 per cent in 1990 to 7.7 per cent in 2010, which is almost six percentage points lower; among men, illiteracy fell from 9.5 per cent in 1990 to 5.8 per cent in 2010, which is about four percentage points lower.¹⁰⁵ These figures show a narrowing of the gender gap in illiteracy in recent years.

183. In response to the Committee’s observation concerning the eradication of illiteracy among rural women speaking indigenous languages,¹⁰⁶ it is to be noted that a programme has been in place since 2007, under the auspices of the Ministry of Education, known as the “Dolores Cacuango” national literacy programme for young people and adults.¹⁰⁷ The aim of this programme is to provide literacy training in the native tongue of the various indigenous nationalities of Ecuador, as well as in Castilian. In 2011, the number of men and women benefiting from this programme rose to 9,840.¹⁰⁸

184. Similarly, the Intercultural Education Organization Act,¹⁰⁹ designed in accordance with the new constitutional standards, is an important piece of educational legislation, whose principles include universality and educating for change. It also embraces values education, which promotes, in particular, respect for rights and for diversity of gender, generation, ethnic or social group, gender identity, migration status and religious belief, in accordance with the principles of equality and non-discrimination, equity, inclusion and justice.¹¹⁰

185. In response to the Committee’s recommendation that indigenous women be ensured access to education,¹¹¹ the bilingual, intercultural education system¹¹² has made a significant contribution to enabling indigenous women to exercise the right to education. Thus, in 2010–2011, 5,638 indigenous girls and 5,433 indigenous boys benefited from infant, family and community education. In general basic education, the indigenous enrolment figures

¹⁰⁴ Information contained in the report of Ecuador in response to the questionnaire on the implementation of the Beijing Declaration and Platform (2009), which shows progress achieved towards the Millennium Goals. Annex 12.

¹⁰⁵ National agenda towards equality, non-discrimination and good living for women and sex- and gender-diverse persons 2013–2017 (Diagnosis of the situation of women).

¹⁰⁶ CEDAW/C/ECU/CO/7, paras. 30 and 31.

¹⁰⁷ Named after an indigenous leader who dedicated her life to defending the right to the land and language of the Quichua people. She founded the first bilingual school in 1946. In her name, training centres and schools were created, such as the Training Institute for Indigenous Women Leaders.

¹⁰⁸ National Directorate for Lifelong Popular Education, Executive Summary of the National Basic Education Programme for Youth and Adults.

¹⁰⁹ Intercultural Education Organization Act, in force since 2011. Annex 2.

¹¹⁰ Preamble.

¹¹¹ CEDAW/C/ECU/CO/7, para. 25.

¹¹² Provided for in articles 77–92 of the Intercultural Education Organization Act.

were 64,041 girls and 65,952 boys, while the number of adolescent women and men who received high school instruction was 75,298 and 78,383 respectively.¹¹³

186. In higher education, new legislation includes the Higher Education Organization Act, in force since 2010, which establishes the right of students to be admitted, to move around, to remain, to leave and to graduate without discrimination, in accordance with their academic merits; to have access to suitable higher education of good quality that will enable them to start out on an academic and/or professional career on an equal footing and to receive scholarships and a secular, intercultural, democratic, inclusive and diverse higher education that advances gender equality. The Act also stipulates that private universities and polytechnics are required to draw on their resources in order to grant scholarships and fellowships to students who enrol in academic programmes at any level and who, for various reasons, including gender, have difficulties in beginning, continuing and successfully completing their training.

187. The data provided by the National Secretariat for Higher Education, Science and Technology (SENESCYT) for 2011 show the persistence of gender gaps in access to loans and grants. Beneficiaries of national scholarship programmes have included on average 35 per cent women as against 65 per cent men. These percentages may well reflect the prioritization of particular areas of knowledge for the granting of scholarships (life sciences, production and innovation sciences, the sciences of natural resources and certain areas of the social sciences), since women have pursued studies in those areas to a lesser extent.

188. Concerning the Committee's comment on the promotion of women's access to higher education,¹¹⁴ in an effort to narrow existing gaps, SENESCYT has since 2012 been promoting and administering scholarships with a view to ensuring transparency in quota allocation. Similarly, steps have been taken to strengthen dissemination and communication mechanisms in order to influence the quantity and quality of applications received, promote women's access to careers in science and technology and their recruitment as teachers and researchers in higher education institutions.

189. In 2010, an agreement was signed between the Afro-Ecuadorian Development Corporation (CODAE) and the Facultad Latinoamericana de Ciencias Sociales for the training of Afro-Ecuadorian professionals. This agreement was designed to reduce the ethnic gap in higher education; 75 per cent of those who benefited from it were women.

190. With regard to the eradication of sexual violence in the field of education, the Intercultural Education Organization Act, pursuant to the Committee's observation,¹¹⁵ includes several articles regulating the right to an education free of violence and providing for protection and support for students in cases of violence, mistreatment, sexual exploitation and any other form of abuse. The Act also prohibits teachers from violating the rights of students, requires them to report any such cases and provides for administrative sanctions in cases of sexual violence in the field of education.

191. The State recognizes the need to improve and strengthen its information-gathering mechanisms in the field of education, particularly in relation to formal education, in order to obtain relevant, disaggregated data concerning the many variables involved, as recommended by the Committee.¹¹⁶

¹¹³ National Directorate for Bilingual Intercultural Education.

¹¹⁴ CEDAW/C/ECU/CO/7, para. 31.

¹¹⁵ *Ibid.*, para. 33.

¹¹⁶ *Ibid.*, para. 31.

Article 11

192. According to the 2010 population and housing census, the economically active population nationwide was then 6,093,170 persons, of whom 36.8 per cent were women and 63.2 per cent men.

193. The 2011 national survey on employment, unemployment and underemployment shows that women have still not reached the level of participation of men in the labour market, representing 34.5 per cent of the economically active population, as against 65.5 per cent for men. Women with high levels of formal education are those most likely to succeed in the formal sector.

194. In matters of pay, the gender gap persists. In 2010, women working under the same conditions as men, including in sectors with a concentration of female workers, received on average lower pay than men – between 13 and 14 per cent less, depending on the method of calculation used. In the informal sector, women received 20 per cent less than men and, in the area of domestic work, 42 per cent less than men.¹¹⁷

195. According to the 2010 population and housing census, 29.25 per cent of women and 24.8 per cent of men in the economically active population were affiliated to the Ecuadorian national social security system. However, total social security contributions, including for general insurance, rural social insurance and personal insurance, show a national average of 31.4 per cent, and slightly higher for women, with 32.96 per cent, than for men, with 30.49 per cent. Following public consultation in 2011, it was decided to make it an offence for workers not to have social security coverage.

196. In order to overcome existing gaps in the field of employment, the Ministry of Labour Relations is taking practical measures, like the employment social network and training programmes, for the population in general and, in particular, for priority groups. Accordingly, during the period 2010–2011, the Ecuadorian Vocational Training Service provided crafts and trades training for groups of young people, elderly persons, persons with disabilities and their relatives, pregnant women, victims of domestic and sexual violence and persons under detention. The number of courses given in 2010 and 2011 was 3,786, reaching 73,802 persons.¹¹⁸

1. Paid work

(a) Domestic work

197. Historically, persons who engage in domestic work have suffered discrimination and exclusion, with low pay, salary deductions and hours not in accordance with the labour legislation in force. In 2010, there were 177,637 domestic employees in Ecuador, of whom 36,246 had social security coverage. In 2011, it is estimated that the number of persons working in that sector fell to 147,991, of whom 73,800 had social security coverage.

198. At the beginning of 2010, a unified minimum wage equivalent to \$240 a month was set for persons employed in domestic service, the crafts sector, the agricultural sector and the industrial sector. In 2011, this rose to \$264 and in 2012 to \$292. With the 2011 wage increase, the gap between the cost of the basic food basket and average family income has decreased. This is reflected in the number of family incomes higher than the cost of the

¹¹⁷ INEC, Integrated household survey system, June 2011.

¹¹⁸ Source: Ministry of Labour Relations.

basic food basket, of which in 2011 there were 86.1 per cent, up from 73.4 per cent in 2008.¹¹⁹

199. In order to move further towards eradicating discrimination against female domestic workers, the Ministry of Labour Relations designed an outline course on duties and rights in the world of work. This was put into effect in 2010 and 2011 when 1,958 such courses were taught to a total of 38,892 women at a cost of \$843,569.33.

200. The purpose of this project was to raise the awareness of national and foreign female workers, as well as employers, as to the importance of labour relations based on the rights and obligations of the parties. The aim was to promote dignity in work, without any discrimination. Home inspections are currently carried out, which raise public awareness of the obligations of contracting parties. These efforts are in line with the Committee's recommendation that measures be taken to educate the public in general about the value of women in the workplace and to monitor and close wage gaps between men and women.¹²⁰

201. The impact of this project was reflected in the increase in the proportion of female domestic employees with social security coverage, which was 34 per cent in 2010 and 4 per cent higher in 2011.

202. The State acknowledges that it is a significant challenge to ensure that female domestic workers are respected by their employers and that they effectively enjoy all the labour benefits set out in the Labour Code, such as overtime payment and sickness and invalidity benefits, in particular.

(b) *Health protection and safety during the maternity period*

203. The Labour Code and the Public Service Organization Act guarantee the basic right of pregnant women to have stability of employment during their period of pregnancy and the 12 weeks of paid leave, which may be taken some days or weeks before confinement. In addition, women are entitled to two hours of breastfeeding breaks per day for 12 months following the end of their maternity leave. These improved standards respond to the concern expressed by the Committee with regard to the elimination of discrimination against women in the workplace.¹²¹

204. Moreover, in 2009, the Labour Code was amended to provide for 10 days' paternity leave for fathers, with rights to economic compensation and a further 5 days' leave in cases of multiple births or caesarean section. Additional leave of up to 25 days is granted in cases where the mother suffers complications during delivery and in cases where the child is born with a defect or health abnormality or dies. This regulation also applies to adoptive parents, who may be granted leave upon the arrival of the child in their home. The aim here is to consolidate the family unit on the basis of a relationship of shared responsibility.

205. As for the requirement that the State provide childcare services to support the combining of paid work and family responsibilities and for participation in public life, it is mandatory for public and private enterprises with more than 50 workers to offer childcare facilities for their personnel. This service should be provided free of charge by the enterprise and should include food, infrastructure and all appropriate facilities.¹²²

206. The Ministry of Economic and Social Inclusion also provides care services in child development centres and through home and community visits under a programme known as

¹¹⁹ Source: INEC, ENEMDU – 2011.

¹²⁰ CEDAW/C/ECU/CO/7, paras. 35 and 37.

¹²¹ Ibid., para. 37.

¹²² Public Service Organization Act and Labour Code.

“Growing with our families”. These ongoing programmes seek to strengthen and develop family support for persons in greatest need of care, in terms of equality and shared responsibility. In the period 2008–2011, care services were thus provided to some 125,000 boys and girls under the age of 5 in child development centres, now known as centres for good living, and some 275,000 boys and girls under the age of 5 and their families under the “Growing with our families” programme.

207. Starting in 2011, the Ecuadorian Social Security Institute extended health benefits to the spouses or live-in partners of members, whose monthly contributions are registered in the Institute’s labour records. These benefits include comprehensive health support and promotion measures, disease prevention, diagnosis and treatment, individual convalescence and health rehabilitation, and prenatal, natal and postnatal care.

2. Unpaid work

208. Other emerging public policies that are being promoted by the Transition Committee of the Council for Women, with the support of bodies responsible for providing technical input (National Statistics and Census Institute, the Ministry of Economic and Social Inclusion, the Central Bank, and others) concern the evaluation of unpaid care and work. The measures envisaged range from a comprehensive system of public protection for those who perform unpaid work to the inclusion of such work in the national accounts. Key tools in this process are the time-use survey, which provides information on the total workload of women and men, and the satellite account for unpaid household work, for evaluation of the contribution of unpaid work by women to the development of the country.

Article 12

209. The Ministry of Public Health, in accordance with the constitutional principles of universality, solidarity, interculturalism, quality, efficiency, effectiveness and gender and generation-based approaches,¹²³ gave priority, in the period 2008–2011, to policies concerning: comprehensive care from the cradle to the grave; extension of social health care and protection; free mother and childcare; HIV/AIDS/STD prevention and control; micronutrients, food and nutrition.

210. The aforementioned Ministry has put in place specific units for the specialized care of women and adolescents, for example the adolescent health unit. This unit has provided and further developed comprehensive and differentiated care services, with emphasis on sexual health, reproductive health and prevention of unwanted pregnancies (as at July 2012, there were 36 services at country level). Similarly, a National Health Directorate for Interculturalism, Rights and Social Participation has been set up, which follows appropriate protocols and treatment according to ethnic group.¹²⁴ In particular, in October 2010 the intercultural health policy for rural women was implemented through the intercultural medicine subprocess; this policy is a measure in response to the Committee’s recommendation that steps be taken to ensure that indigenous women and women of African descent have full access to health services.¹²⁵

211. In 2008, the Ministry of Public Health included violence-related reports in the clinical history of patients. It likewise put into effect a cross-cutting focus on prevention and comprehensive care in cases of gender-based violence and sexual violence against girls,

¹²³ Articles 32 and 358 of the Constitution of the Republic of Ecuador.

¹²⁴ Directorate established in January 2012. Previously a subprocess within the Directorate for Standardization from 2003.

¹²⁵ CEDAW/C/ECU/CO/7, para. 25.

developing rules and protocols and fitting out new emergency shelters, under the plan for the eradication of violence.

212. In this connection, and with respect to the design of protocols for the protection and care of victims of sexual violence, the State values the experience of civil society organizations in this area and considers it wise to develop joint efforts.

213. Notwithstanding the existence of explicit policies in favour of women and the provision of free health services, the main causes of morbidity among women, accounting for about 50 per cent of cases, relate to their reproductive system¹²⁶ and include miscarriages, false labour, genito-urinary infections and haemorrhaging during pregnancy.¹²⁷

1. Sexual and reproductive health

214. In response to this situation, most of the efforts made by the State regarding health have focused on sexual and reproductive health. All the strategies and actions to improve maternal health have accordingly grown out of the National Plan for Good Living and the Fast-track Plan for Reducing Maternal and Newborn Mortality, which incorporates maternal and newborn normative components, the Guide to Culturally Appropriate Labour Care, and the Family Planning Rule and Protocol, supported by implementation of the system for continuous quality improvement through the monitoring of care quality standards.

215. By and large, the total fertility rate in Ecuador shows a downward trend and, according to the 2010 census, is 2.7.¹²⁸ However, this trend has not been reflected in the maternal mortality rate because of the persistence of structural problems like illiteracy, domestic violence, the absence of guarantees for full enjoyment of the right to free sexual and reproductive choice, restricted access to information, education and communication programmes, and practical difficulties, in the form of economic, geographical, social and cultural restrictions, preventing access to specific quality services. In 2010, the maternal mortality rate showed a ratio of 110 women's deaths to 100,000 live births (although the statistical records are recognized to be not completely reliable in this regard).

216. As for the impact of unsafe abortions on the maternal mortality rate, an issue already addressed by the Committee,¹²⁹ the State is still looking into it. However, the State wishes it to be known that this issue is being taken into account in the debate on the draft Comprehensive Organic Criminal Code.

217. The Executive Unit of the Free Maternity and Child Care Act, set up in 2002, deals with care protocols, cost quantification, methods to improve the quality of services, tools for measuring quality and goal fulfilment and management agreements. More concretely, funding is provided under this Act for approximately 75 per cent of domestic consumption of family planning methods, the increase in institutional childbirth and more extensive cover of prenatal and well-child check-ups. The activities of this unit needs to be strengthened accordingly and, especially, the role of the Users' Committees¹³⁰ (in 2007, 143 Committees were registered).

¹²⁶ It is important to note that in the Ministry's statistics, childbirth is considered to be per se a cause of morbidity.

¹²⁷ Table of the main causes of morbidity and mortality among women. Annex 13.

¹²⁸ Average number of children that would be born to a woman during the fertile period.

¹²⁹ CEDAW/C/ECU/CO/7, para. 39.

¹³⁰ Established by law, as a civil society mechanism, to monitor and apply the Free Maternity and Child Care Act.

218. A point to be noted is the increased attention given to intercultural health care, through the adoption in 2008 of the Technical Guide¹³¹ to culturally appropriate labour care, aimed at women of indigenous, Afro-Ecuadorian and Montubio communities, peoples and nationalities. From that year until 2011, a total of 4,934 interculturality-oriented training courses were provided on the subjects of health, identity, gender and good treatment. At the same time, 65 health-care units were put in place countrywide that provide culturally appropriate labour care.

219. Adolescents as well, as a priority group, have benefited from inter-agency efforts, involving cross-cutting action to bring the topic of teenage pregnancy into the public arena and make it one of the priority items on the State agenda. While the total fertility rate has declined, there is a worrying upward trend in teenage pregnancy and early motherhood. Vital statistics for 2009 show Ecuador to have a 20.3 per cent fertility rate among women between the ages of 15 and 19, making it the country with the second highest teenage fertility rate in the region, after Venezuela.

220. Faced with this situation and in response to the Committee's recommendation that measures be taken to address teenage pregnancy,¹³² in 2010, a statement was issued from the Office of the President of the Republic making it a national priority to eradicate teenage pregnancy and providing for implementation of the National Intersectoral Family Planning Strategy (ENIPLA), whose general aim is to guarantee permanent and effective access to information, education, guidance, inclusion, protection and health services for the taking of free and informed decisions on sexuality and reproduction and the full exercise of sexual and reproductive rights. The Strategy also gives priority to changing sociocultural patterns relating to sexuality and family planning so that men become involved in and jointly responsible for matters of sexual and reproductive health. For 2012, the Strategy, as a public policy, included an appropriation of \$29 million for family planning and the prevention of teenage pregnancy, representing a major and historic investment.

2. Catastrophic diseases

221. For the prevention of catastrophic diseases like HIV/AIDS, the country has a National Multisectoral HIV/AIDS Strategic Response Plan 2007–2015, which serves as a framework for action by the State and all sectors aimed at achieving Millennium Development Goal No. 6 and responding to the Committee's recommendation that the preventive approach to HIV/AIDS be strengthened.¹³³

222. This plan, besides being characterized by an intercultural and gender-based approach, addresses specific issues relating to sex work and the care of persons living with the disease. A major advance in mother-child transmission was achieved in 2011 through a screening procedure with quick HIV diagnosis tests for pregnant women and DNA viral load testing for the newborn children of seropositive mothers. In general, free antiretroviral treatment is provided to all persons living with HIV/AIDS.

223. Although some progress has been achieved regarding the preventive approach to HIV/AIDS, the State finds that it is still a challenge to obtain information disaggregated by ethnic group.

224. The State also considers it a challenge to create information-processing mechanisms to produce continuing data on the state of health of indigenous, Afro-descendant and

¹³¹ Established under Ministerial Agreement No. 0474 of 20 August 2008.

¹³² CEDAW/C/ECU/CO/7, para. 39.

¹³³ CEDAW/C/ECU/CO/7, para. 41.

Montubio women and as tools for assessing and monitoring the health system to ensure quality, rights-based care.

225. Similarly, to prevent all forms of disability in newborn babies, measures are taken for the early detection and treatment of development disorders and for the early detection at school of hearing impairments.

226. One problem that has attracted attention in recent years is the prevalence of cancer, which in women is mainly related to the reproductive system, primarily in the form of cervical and breast cancer. In 2011, the Ministry of Public Health held 448,350 consultations for early detection of breast cancer, which still remains, however, the third cause of death among women in Ecuador.

227. In an effort to address this problem, and in response to the Committee's recommendation that the preventive approach to cervical and breast cancer be strengthened,¹³⁴ the Ministry of Public Health is adopting a comprehensive approach under the National Anti-Cancer Plan and focusing all the public health network services on prevention, early diagnosis and treatment. Prevention campaigns are being conducted to this end, which include free access to the various operational units distributed throughout the 24 provinces of the country for medical check-ups for early detection.¹³⁵

3. Crucial local action

228. The Institute for the Ecodevelopment of the Amazon Region, under its programmes and action lines, has set up and maintained an outpatient and multimodal transport programme, promoting economic air transport for isolated and vulnerable communities of Ecuadorian Amazonia, giving priority to children and women, especially pregnant women. This measure, which was introduced in 2008, currently benefits 284 Amazonian communities, resulting in an average monthly transport of 1,082 of their members and 1,672 professionals to provide preventive health services in the communities. In addition, in 2011, 18 health-care units were put in place for this plurinational, multicultural region.

229. Moreover, the State considers it an important challenge to extend the rights guaranteed to persons of diverse sexual orientation and gender by establishing specific health-care protocols for the LGBT community while raising the awareness of health system personnel to ensure appropriate provision of services.

Article 13

230. According to the national employment, unemployment and underemployment survey, in 2011 income poverty at national level fell to 28.6 per cent, with 50.9 per cent in rural areas and 17.4 per cent in urban areas. Disaggregated by sex, women living in poverty at national level form 29.27 per cent of the population and men, 27.98 per cent. The Economic Commission for Latin America and the Caribbean, in its report, *Social Panorama of Latin America 2011*, ranks Ecuador second among countries in the region that have most reduced their poverty rates.¹³⁶

¹³⁴ Ibid., para. 41.

¹³⁵ In 2012, the budget appropriation for the Anti-Cancer Society, a body specializing in cancer care, was \$84,560,252.

¹³⁶ Bárcena, Alicia et al., "Social Panorama of Latin America", ECLAC, 2011. According to information as of 2010, the countries that have most reduced their poverty rates are Peru (3.5 points), Ecuador (3 points), Argentina (2.7 points), Uruguay (2 points) and Colombia (1.4 points).

231. With regard to the Committee's recommendation urging the State to strengthen action to encourage women's economic initiatives, such as the "Promujeres Fund",¹³⁷ mention may be made of measures such as the granting of 4,051 loans for a total amount of \$1,031,322. Further, the Indigenous Nationalities and Peoples of Ecuador Development Fund has since 2007 been carrying out two programmes: "Llankari Warmi" (women entrepreneurs) and "Kawsay" (life), under which a total of 2,799 credit operations have been effected for the benefit of women living in poverty, for a total amount of \$7,830,813.41.

232. In addition, the Ministry for the Coordination of Production, Employment and Competitiveness called for bids in 2011 for the development of flagship productive initiatives for women living with HIV/AIDS in the provinces of Pichincha and Guayas. It also provided technical assistance for the strengthening of 1,250 production units in various parts of the country. It consolidated 29 local financial structures in the province of El Oro, providing training, technical assistance and funding for a total of 580 women members and founding members of local financial structures, including savings banks and community banks.

233. The Ministry of Industry and Productivity, for its part, has since 2010 been implementing policies for the granting of credit to women and associations engaged in productive projects and microbusiness. These policies result in the upgrading of equipment, improved supply and production and the obtaining of quality certificates that enhance economic payoff.¹³⁸

234. Additionally, a voucher known as the Human Development Bond Cash Transfer (BDH), which represents a big step forward in helping the poorest quintiles, rose to \$30 in 2007 and to \$35 in 2009. For mothers, this voucher constitutes payment for unpaid productive work. Furthermore, a welfare pension subprogramme was established for elderly persons among the poorest 40 per cent of the population and for persons with disabilities. It is also to be noted that on 20 November 2012, the National Assembly adopted the Social Spending Redistribution Act, which raised BDH from \$35 to \$50, with effect from January 2013.

235. Data for 2008 and 2009 show women to represent 89 per cent and 86 per cent respectively of all beneficiaries of BDH. The transfer payment is made to mothers who are heads of household, as it is considered that through them the benefit is extended to the entire family, mainly children. At the end of 2008, 1.3 million households received the voucher, representing a total amount of \$485.2 million (0.9 per cent of gross domestic product). For 2011, the Ministry of Finance reports social spending of \$756,288,673.97 for the benefit of people living under the poverty line. To this amount is to be added \$19,320,000 of financial assistance to persons with disabilities.

236. A further benefit introduced for persons in receipt of the BDH is the human development credit programme,¹³⁹ which seeks to bring women living in extreme poverty into sustainable productive microenterprises that lead to self-employment, increasing family income. Since 2007, about 95 per cent of beneficiaries of credit are mothers, 4 per cent are adults and elderly persons and 1 per cent are persons with disabilities. In 2008 and 2009, mothers in receipt of credit represented 97 per cent and 95 per cent respectively.

¹³⁷ CEDAW/C/ECU/CO/7, para. 19.

¹³⁸ Ministry of Industry and Productivity, Projects with a gender focus. Annex 14.

¹³⁹ Credit is granted for up to two years as an advance on the Human Development Bond Cash Transfer for that period.

237. The right to obtain bank loans, mortgages and financial credit is provided for in the Constitution of the Republic and is linked to the right to a safe and healthy environment and appropriate decent housing. The Constitution likewise guarantees and gives priority to access to housing for priority groups, such as elderly persons, displaced persons, victims of violence and victims of child abuse, in addition to women heads of household and the poor. The Constitution also guarantees equality of rights and access to property and equality in decision-making regarding the administration of the marital partnership.¹⁴⁰

238. Comparative analysis of census results over the period 2001–2010 reveals an increase in the access to housing of women heads of household, rising from 25.41 per cent in 2001 to 28.69 per cent in 2010. The trend continues to favour men, who also have increased access to housing, with higher percentages: 74.59 per cent in 2001 and 71.31 per cent in 2010. There are so to speak generic reasons for this, given that men are granted greater credit opportunities for access to housing and also because of the prevalence of patriarchal cultural patterns, which favour male inheritance of property.¹⁴¹

239. In 2006, a housing credit policy was introduced, funded from the national budget. In 2008, the housing allowance was increased from \$3,600 to \$5,000 and set at the same level for urban and rural areas.¹⁴²

240. Against this background, the Ministry of Urban Development and Housing has since 2010 been carrying out a number of programmes, such as the resettlement programme for families affected by natural disasters, especially rural women and indigenous and poor persons; the migrants programme; and the Manuela Espejo programme, which offers housing to persons with disabilities.

241. Between 2006 and 2011, living conditions improved, the percentage of acceptable housing units increased and the percentage of irrecoverable housing decreased. In the country, 66 per cent of people have their own housing (2010 census). However, factors that make such housing precarious, like dirt floors, affect 6 per cent of women in general, 33 per cent of indigenous women and 6 per cent of Afro-Ecuadorians.

242. To address this situation, between 2007 and 2011, the country invested about \$800 million, through 240,000 bonds, which were allocated to 118,000 women, representing 55 per cent of the total. Moreover, women have been the main beneficiaries of a number of programmes, accounting for 78 per cent of bonds under the social housing programme, 62 per cent for urban housing and 51 per cent for land titles. In 2011, 10,858 bonds were issued, of which 56 per cent went to women. Of the bonds issued to families of persons with disabilities, 48 per cent were for women, while in rural areas 58 per cent and under the social housing programme 79 per cent were issued to women. It is worth noting that if the bond is awarded to the husband, the housing unit is assigned as a family asset and protects the wife and her offspring.

243. Parallel to managing the bond system, access to credit and the issuance of land titles, the Ministry of Urban Development and Housing leads inter-agency efforts to improve water coverage and sanitation in priority rural areas. In the habitat and housing sector, a Habitat Sector Citizens' Council has been set up.¹⁴³

¹⁴⁰ Article 375 of the Constitution of the Republic of Ecuador.

¹⁴¹ National Agenda for equality, non-discrimination and good living for women and sex- and gender-diverse persons 2013–2017 (Diagnosis of the situation of women).

¹⁴² Ministry of Urban Development and Housing, Statistical report 2012. Annex 15.

¹⁴³ The principal representative to the Plurinational and Intercultural National Assembly of Good Living is a man and his alternate a woman. In the Coordinating Committee there are four men and two women. Of 147 delegates to the Local Sectoral Assemblies, 63 per cent were men and 37 per cent

244. It must be said, however, that the registration of housing credit applications and inter-agency coordination for social inclusion are hampered by red tape and that, for this reason, efforts are being made to develop specific databases in order to give priority to low-income and priority groups and thereby help to improve the credit system.

The right to participate in recreational activities, sports and all aspects of cultural life

245. The progress made in ensuring the exercise of this right is reflected in the programmes of the Ministry of Culture, which promote cultural expression and encourage the creation, production, dissemination, distribution and enjoyment of cultural and artistic goods and services. In addition, interculturalism and gender and intergenerational equality are mainstreamed in its activities.

246. One of the major projects implemented between 2008 and 2010 concerned the Competitive Funding System and the National Festival System, which facilitate the participation of male and female cultural managers in the country. The first provided funding for 250 women's projects, out of a total of 478, with at least 7 women finding employment for each project carried out. In the second, between 2008 and 2011, 274 projects were implemented, giving 400,000 women access to cultural products and services, with 5 women being employed on each project.

Article 14

247. The Committee's recommendation encourages the State to adopt targeted policies, programmes and measures to accelerate the improvement of the living conditions of indigenous women and women of African descent in all spheres of life, mainly to ensure that those women can fully participate in decision-making processes.¹⁴⁴ One important action in this respect was the proposal made by the Transition Committee of the Council for Women, within the framework of the United Nations Commission on the Status of Women, to give priority to rural women, as having a key role in eradicating poverty and hunger. Ecuador was the first country in the region to carry forward and promote this aspiration on the part of indigenous women, through a specific operative resolution adopted in New York.¹⁴⁵

248. In 2010, the Heritage Coordination Ministry approved the sectoral gender and interculturalism policy 2011–2013, which combines seven priority policies. These establish targets like the elimination of exclusion, racism and the gender gap; the strengthening of rights- and gender-oriented intercultural dialogue; the strengthening of health systems and approaches among the various nationalities and peoples; the preservation of the natural heritage and holy sites; the promotion of ancestral sports; the promotion of ancestral knowledge for biodiversity management; and the social and political participation of women and men in the heritage sector.¹⁴⁶

249. The implementation phase of the gender and interculturalism policy has now been finalized in the various units of the Sectoral Heritage Council. Various gender and interculturalism strategies have likewise been framed for the purposes of the Guide to

women. Among representatives of the Housing Committees, 40 per cent are women (315 out of a total of 779), while in the Drinking Water Boards, 90 per cent of representatives are men (554 out of 613). In all, 73 per cent of representatives of housing and drinking water committees are men and 27 per cent are women.

¹⁴⁴ CEDAW/C/ECU/CO/7, para. 16.

¹⁴⁵ Commission on the Status of Women, resolution, Fifty-sixth session, annex 16.

¹⁴⁶ Sectoral Gender and Interculturalism Policy 2011–2013.

Sectoral Public Policies. Other important actions include the promotion of organization-building and political identity in grass-roots women's organizations in the province of Chimborazo and the further development of cultural productive projects under the leadership of indigenous, Afro-descendant and Montubio women.

250. In pursuance of this policy, an agreement was signed in 2012 between the Heritage Coordination Ministry and the Women's Association of the Rural Parish Boards of Ecuador (AMJUPRE) for the development of activities to promote, advance and implement the rights and leadership of rural women. Within this framework, joint arrangements were also made for the Third Latin American and Caribbean Meeting of Rural Women, held in the city of Santo Domingo de los Tsáchilas in March 2012, with a view to highlighting the problems of rural women and calling for targeted action by States. This regional meeting produced a declaration setting out each country's priorities.¹⁴⁷

251. In July 2011, the Ministry of Agriculture, Livestock, Aquaculture and Fishing provided in its Organic Statute for plans, programmes and projects in support of ventures for rural women and families. These include a project on the formulation and implementation of a priority national policy for rural women in Ecuador, carried out in coordination with the United Nations Food and Agriculture Organization. As part of this project, planned in 2008 and taken up in late 2010, gender training and awareness-raising activities were organized for male and female staff of the ministry and diagnosis, training and awareness-raising workshops with rural women; some 1,500 representatives of various rural women's organizations participated in the workshops.

252. Mention may also be made of the National Water Secretariat, established in May 2008 to manage and distribute water in the country. This institution in conjunction with the Ministry of Urban Development and Housing coordinates the water and sanitation sector governance programme in Ecuador, which will contribute to the democratic and sustainable management of water services while at the same time promoting social, territorial and gender equity. In June 2009, the National Water Secretariat began mainstreaming the gender approach in all the documents of the programme, including the founding agreement, the framework of indicators, the rules of procedure and the terms of reference. In addition, it has given priority in its work to communities in which women have a leadership role in the management of services so as to highlight the efforts made by rural women in the defence of their rights. As part of the same concern, it provides training to women leaders, women's organizations and civil servants in the application of the gender approach in the water sector. It is important to note that 70 rural communities in the three river basin districts of Guayas, Manabí and Esmeraldas have benefited from this comprehensive approach involving women's organizations.

253. The Afro-Ecuadorian Development Corporation, the special body dedicated to the all-round, sustainable development of the Afro-Ecuadorian people, while seeking to eradicate racism and discrimination, has been pursuing policies of economic support for Afro-Ecuadorian families. Within this framework, it has concluded an agreement with the Association of Afro-descendant Professionals (APADES) for the implementation of a gastronomic project for Afro-Ecuadorian professional women in the city of Esmeraldas for the period 2010–2011; this has generated jobs for its members. In addition, comprehensive farms have been established for Afro-Ecuadorian women's organizations in Esmeraldas, which provide restaurants with agricultural produce.

254. In another sphere, the Ministry of Urban Development and Housing has designed a public education, housing and economic development policy following consultations with

¹⁴⁷ Declaration and Agreement. Annex 16.

the Afro-Ecuadorian people, starting in 2003 and 2004. In most of the plans, programmes and projects currently under way, priority has been given to women heads of household in rural and periurban communities. From 2008 up to the present an ongoing project entitled “Housing in a bicentennial city” has been carried out under an agreement with the Provincial and Quito Housing Council for women heads of household, most of whom belong to the Formal Revolutionary Association of Afro-Ecuadorian Working Women (AFORMACTAE).

255. Similarly, since 2012, in communities in the cantons of Ibarra, San Lorenzo, Esmeraldas, Lago Agrio and Guayaquil, 60 women heads of household have benefited from social housing and 800 land plots have been authenticated, 40 per cent of which belong to women heads of household.

Articles 15 and 16

256. With regard to the Committee’s recommendation that action be taken to repeal legislation that discriminates against women, including the provision of the Civil Code that enshrines a presumption in favour of the husband in the administration of the couple’s affairs,¹⁴⁸ it must be noted that article 67 of the Constitution of the Republic of Ecuador stipulates that marriage is the union of a man and woman based on equality of rights, obligations and legal capacity, while article 69 of the Constitution provides that the State shall guarantee the equality of rights in decision-making for the administration of the marital partnership and the community of assets. In order to bring the Civil Code into line with these constitutional provisions, a bill amending the Civil Code was submitted to the National Assembly in 2010, providing in particular for the deletion of the words “unless otherwise specified, it shall be presumed that the administrator is the husband”, contained in article 180.

257. Another piece of draft legislation under discussion is the bill amending the General Civil Registration, Identification and Identity Card Issuance Act, which seeks to change sociocultural patterns, such as the predominance of the father’s surname over that of the mother. The object is for there to be free choice of a child’s surname.¹⁴⁹

258. As for the joint responsibility of men and women in family life, the Organization Act amending Title V, Book II, of the Childhood and Youth Code, submitted in July 2009, substantially improves the guarantees provided for the exercise of the rights of children and adolescents in the matter of maintenance, such as: a short and efficient procedure for the determination and payment of support and a “Table of minimum maintenance payments”. Provisions are made for the interim determination of maintenance payments upon submission of a request; clearance of dormant court cases; and determination of immediate emergency measures to prevent delays in court rulings. A level of shared family responsibility is thereby established with a view to ensuring equality of women and men in the matter of childcare.

¹⁴⁸ CEDAW/C/ECU/CO/7, para. 17.

¹⁴⁹ Ibid.