



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

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

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**Responses to the list of issues and questions with regard to
the consideration of the combined sixth and seventh
periodic reports**

Ecuador



Report on the Observations of the Committee on the Elimination of Discrimination against Women

1. Please provide information about the aims and the time frame of the ongoing constitutional reform process and how this reform will impact in practice on the legal guarantee of non-discrimination of and equality for women as contained in the Convention.

The Ecuadorian State's fundamental framework for matters related to women is the Ecuadorian Constitution, which establishes fundamental rights such as the right to health and sexual and reproductive rights for women and men, including the indigenous population and adolescents. Its principles of equality and non-discrimination include sexual orientation, thus making Ecuador's Constitution is one of the most progressive in Latin America and indeed in the world.

The following provisions of the Constitution, which relate to sexual and reproductive health, merit particular attention: (a) article 23 (3): all persons shall be considered equal and shall enjoy the same rights, freedoms and opportunities, without discrimination on grounds of...sexual orientation...; (b) 23 (2): the State shall adopt the measures necessary to prevent, eliminate and sanction, in particular, violence against children, adolescents, women and elderly persons; (c) 23 (7): the right to have goods and services of the highest quality, both public and private, to choose them freely and to receive adequate information...; (d) 23 (21): under no circumstances may use be made of personal information of third parties...regarding their health and sex life...; (e) 23 (25): the right to make free and responsible decisions concerning one's sex life; (f) article 39: responsible parenthood shall be promoted. The State shall guarantee the right of persons to decide on the number of children they can bear, adopt, support and educate; (g) article 41: the State shall formulate and carry out policies for achieving equality of opportunities between women and men by means of a specialized agency...; (h) article 42: the State shall guarantee the right to health, its promotion...the fostering of healthy environments in the family, work and community contexts and the possibility of constant, uninterrupted access to services...; (i) article 43: public health programmes and actions shall be provided free to all, as shall public medical-care services for those who need them. On no grounds shall emergency care be denied in public or private establishments. The State shall promote a culture of health and life, with emphasis on... sexual and reproductive health, through the participation of society and the collaboration of the mass media; (j) article 40 (4): protection against trafficking in minors, pornography, prostitution, sexual exploitation, drug use... (k) article 48: it shall be incumbent on the State, society and the family to accord the utmost priority to promoting the full development of children and adolescents...; (l) article 84 (12): it shall recognize and safeguard... the systems, knowledge and practices of traditional medicine of indigenous peoples, including the right to protection of ritual and sacred places...

The Ecuadorian Constitution is one of the instruments that have opened the way to the principle of progressiveness of women's human rights, but implementation is slow. Mention should be made of the work being done by the

National Council for Women (CONAMU)¹ as governing body for the incorporation of gender equity in the public sphere.

2. While the Committee's previous concluding observations urged the State party to repeal the remaining discriminatory provisions in its criminal, civil and family law, the report contains a list of 17 draft laws (para. 109) as well as a reference to the draft Equal Opportunities and Gender Equality Act (para. 426). Please provide updated information about the status of these laws, those considered as priority and what the time frame for their adoption is. Please also report on any obstacles impeding their adoption and implementation.

Sex education and love act

CONAMU, with the support of women's organizations concerned with the issue of prevention and treatment of sexual crimes in national education policies, has managed to have an impact on the Ministry of Education for the passage of the following regulations:

- Ministerial Decree No. 3393: Awareness and handling of sexual offences in the education system (27 August 2004)
- Ministerial Decree No. 403: Institutionalization of comprehensive sex education (10 August 2006)
- Ministerial Decree No. 062: Establishment of the National Plan for the Eradication of Sexual Offences (26 February 2008)
- Establishment of the Interinstitutional Support Committee for the Ministry of Education's Sex Education Programme (PRONESA), to define and implement comprehensive national sex-education policies within the framework of human rights, sexual rights and reproductive rights

3. Please provide information on steps taken to restore the Deputy Ombudsman for Women in the Ombudsman's Office and strengthen her/his role, including through allocation of adequate financial resources, in enforcing respect for and fulfilment of women's human rights. Also provide information on the current number of institutional and legal equal opportunity mechanisms in ministries at the national level as well as in provincial and municipal governments.

Efforts have been and continue to be made to create gender mechanisms in public institutions, as follows:

In the Ministry of Finance

Executive Decree No. 131 of 8 June 2007 created the Office of the Under-Secretary for Social and Cooperative Economy within the Ministry of Economic Affairs and Finance, with coordination among the following: intersectoral policy for social and cooperative economy, support to social and cooperative economy units and processes and cooperative finance and credit characterized by economic gender equality.

¹ CONAMU is the Executive Secretariat of the CONASA Commission on Sexual and Reproductive Rights and Health. Its purpose is to implement public policies in that area.

Coordination of economic gender equality is aimed at promoting, with specific policies and resources, women's economic rights and economic gender equality through recognition of the contribution of households as economic units.

In the Ministry of the Interior - DINAGE (National Directorate for Gender)

Information on steps taken to reform women's and family police stations and strengthen their role, including adequate allocation of financial resources, and on reporting efforts made with regard to the protection of women's human rights. Also, providing of information on DINAGE as a legal institutional equal-opportunity mechanism within the Ministry of the Interior.

Among the principal functions for which it was created, DINAGE has responsibility for coordinating the implementation of women's and family police stations; programming, organizing, directing and controlling their activities; overseeing strict compliance with the provisions of Act No. 103, not only in women's and family police stations, but also in national police stations, political offices, administrative offices and police sub-offices, in coordination with the governors' offices; and providing follow-up and evaluation of the operation of the women's and family police stations with the technical assistance of CONAMU.

On this basis, and with a view to fulfilling its *raison d'être*, the Directorate geared its efforts towards, and achieved, the following results in 2007:

- Evaluation of the operation of the women's and family police stations
- Working meeting with the women's and family police stations at the national level for the purpose of evaluating their operation and work processes
- Selection of heads of women's and family police stations through public competitions based on qualifications. Starting 13 March 2008, with a view to hierarchizing the tribunal, in the first instance the director, a woman, will be present, while in the second instance, should there be an appeal, a Ministry adviser, also a woman, will take part
- Investigation of compliance with the rules of due process in the application of the law in cases of domestic violence (cooperation agreement among the Esquel Group Foundation, DINAGE, the Ecuadorian Centre for the Promotion and Advancement of Women (CEPAM) and a USAID honorary witness)
- Establishment of a computerized system in the women's and family police stations in Quito canton (Quito Metropolitan District) to automate the procedural steps in cases of domestic violence (through a cooperation agreement between the municipality of Quito and the Ministry of the Interior)
- Creation of itinerant police stations (to provide administration-of-justice services in cases of domestic violence in urban slums)
- Creation of the first women's and family police station in the canton of Lago Agrio, Province of Sucumbíos, and the first women's and family police station in the canton of Francisco de Orellana (Resolution No. 0402, issued by the Office of Under-Secretary for Budget of the Ministry of Economic Affairs and Finance on 15 June 2006)
- 2 May 2007: installation of a computerized system in the National Directorate for Gender for the systematic handling of statistical data pertaining to the

logging and processing of cases of domestic violence reported by the 31 women's and family police stations and administrative offices and sub-offices, national police stations and political offices (within the framework of the 2006 UNIFEM trust fund)

- Execution of the project on “Strengthening DINAGE and emergency handling of sexual offences by authorities dealing with misdemeanours”, presented by DINAGE jointly with CEPAM within the framework of the 2006 UNIFEM trust fund. The aim is to reduce impunity in cases of domestic violence and sexual offences through training and the strengthening and coordination of the administration of justice in respect of both misdemeanours and criminal offences (period from January 2007 to June 2008; intended for 750 officials belonging to women's and family police stations, administrative offices and sub-offices, national police stations and political offices)

Activities carried out

- Preparation, design and publication of *the Handbook on Emergency Handling of Sexual Offences by Authorities Responsible for the Administration of Justice Relating to Misdemeanours*
- Preparation, design and publication of an information sheet in Spanish (Where to turn)
- Consciousness-raising video
- Publication of the *Procedural Handbook for the Handling of Cases of Domestic Violence*
- Setting-up of a computer program by DINAGE
- Organization and holding of workshops for training facilitators on gender, domestic violence and emergency care in the event of sexual offences (intended for representatives of the Ministry of the Interior and the women's and family police stations) - provinces of Azuay, Cañar, Carchi, Chimborazo, Esmeraldas, Guayas, Los Ríos, Pastaza, Sucumbíos, Tungurahua, Zamora Chinchipe, Orellana, Bolívar, El Oro, Imbabura, Loja and Manabí (target group: 47 officials)
- Organization and holding of workshops on gender, domestic violence and emergency care in the event of sexual offences, intended for officials of women's and family police stations, administrative offices, administrative sub-offices, police departments and political offices in Azuay, Cañar, Carchi, Chimborazo, Esmeraldas, Guayas, Los Ríos, Pastaza, Sucumbíos, Tungurahua, Zamora Chinchipe and Orellana (target group: 429 officials)

Gender mechanisms in local governments

Training and the strengthening of women's social activism are essential. Capacities must be enhanced for the placing and implementation of a gender and social-and-economic-development agenda that combines the principles of inclusion and the institutionalization of public policies on gender by means of strategies such as the consolidation of service networks or the institution of gender mechanisms in local governments.

Throughout the country, the advances made in gender mainstreaming have been considerable. Such advances stem unquestionably from the existence of women councillors belonging to the local authority who espouse a gender agenda. Moreover, the presence of women counsellors and presidents or members of parish councils has added to institutional gender awareness. Gender mechanisms, gender and equity commissions, local ordinances on equality and concrete plans for the implementation of public policies for the promotion and protection of the human rights both of women and of children and adolescents are becoming commonplace throughout the country.

Another important driving force in the fulfilment of such rights lies in the effective participation of women as local authorities and the advances made by autonomous provincial and municipal bodies which, through local development plans or strategic cantonal development plans driven by the Decentralization and Citizen Participation Act and taken up by the Association of Municipalities of Ecuador and other initiatives, such as those of the National Secretariat for Planning and Development (SENPLADES), have incorporated a gender perspective into local budget and planning. In addition, there have been initiatives for promoting decentralized equal-opportunity plans in the local governments of Francisco de Orellana, Joya de los Sachas, Loreto, Guaranda, Guamote, Chunchi, Alausí, Santa Elena, Jipijapa, Paján, Sucre, La Libertad, Salinas, Riobamba and Tena and the provincial governments of Chimborazo y El Oro, as well as gender mainstreaming mechanisms and participatory budgets.

Along the same lines, gender mechanisms have been created in local governments through gender commissions and women's and family commissions as decision-making bodies in municipal and provincial councils as well as gender and generation departments, offices or headquarters for the implementation of local policies.

4. The report (para. 137) indicates that the adoption of the Equal Opportunity Plan 2005-2009 has been declared State policy by an Executive Decree, and that it guarantees the inclusion of a gender perspective for all groups of women in all public policies. Please provide information on the financial resources allocated to the implementation of the plan and details about the results achieved by the end of 2007 and indicate institutional and other challenges encountered.

The fiscal budget earmarked for investment expenditures for CONAMU in 2007 totalled \$1,826,990.00, as indicated below:

Total allocated for investment expenditures

Public policies on gender	\$1 283 930.00
Fiscal policy project	26 900.00
Promujeres Fund	704 340.00
Total	\$1 826 909.00

To this is added a sizeable contribution from international cooperation sources, both in financial resources and in specialized technical assistance, which amounted to \$1,508,656.00, thus yielding a total of \$3,335,556.00 earmarked for the implementation of the Equal Opportunity Plan in 2007.

As can be seen, the financial resources allocated for investment are limited. Within this context, moreover, the amount corresponding to the item “public policies on gender” is distributed, in the work being done by CONAMU, among the four rights themes provides for in the Equal Opportunity Plan. Furthermore, the specified resources allocated to gender-focused fiscal-policy projects and the Promujeres Fund did not permit significant advancement in the incorporation of the gender perspective within the State. Despite this, the work done by CONAMU with the support of other institutions did make it possible to move forward slowly in the State structure. Significant gains were also made through the creation of offices to provide care for women in various local governments.

Among the limitations hampering progress, apart from the scant budget, are the various delays in the transfer of funds by the State and the little or no sensitivity existing in the various State institutions to support action by them on behalf of women’s human rights.

5. According to the State party’s report (para. 222), the Quota Act requires a minimum female participation of 30 per cent as candidates in general election, as well as 20 per cent quotas for women employed in the administration of justice and as candidates in elections for public office, however, the implementation of the Act falls short of the required levels. Please indicate what measures are being implemented to overcome structural and other obstacles to the implementation of the Quota Acts’ requirements; how the Constitutional Court decision vis-à-vis the Supreme Electoral Tribunal can be implemented in the future; and whether a nationwide training in women’s leadership capacity and men’s acceptance of it is being implemented.

The related information is expected in the coming days.

6. The report (para. 97) states that the Convention has been invoked in national litigation, especially in cases of domestic violence and in respect to the exercise of sexual and reproductive rights. Please provide a detailed description of these cases and a summary of their outcome.

The requested information is not available. Appropriate consultations are being made.

7. According to the report (para. 163), violence against women, although widespread, is still “considered a misdemeanour rather than a crime”. Please provide information on efforts to amend the law, on the number of complaints regarding violence against women received by the National Directorate for Gender in 2005-2007, the number of complaints submitted to courts and the number of court sentences adopted. Also provide information on the results of the work of the Policy Impact Committee until the end of 2007 and whether there are plans to create a national observatory to collect data on violence against women.

The Ministry of the Interior’s National Directorate for Gender produced the project “Strengthening DINAGE and emergency handling of sexual offences by authorities dealing with misdemeanours”, which it has been carrying out jointly with the Ecuadorian Centre for the Promotion and Advancement of Women since May 2007. It has a computerized system for entering information on cases of domestic violence received and handled by the 31 women’s and family police stations throughout the country.

During 2005, 57,385 cases of domestic violence were logged in at 30 women's and family police stations. These figures do not include all the information pertaining to the last half of the year for the first women's and family police station of Guayaquil. In 2006, the number of cases reported was 64,775, which reflects an 11 per cent increase in reported cases and also takes into account the data reported by the first women's and family police station of canton Lago Agrio, which went into operation in October 2006. In 2007, the 31 women's and family police stations that provide administration-of-justice service in domestic-violence matters reported 65,494 cases, though no information was sent in by the first women's and family police stations of the cantons of Babahoyo, Portoviejo and Rumiñahui.

Act No. 103 establishes the penalty for the aggressor and provides for the payment of compensation for damages consisting of 1 to 15 minimum living wages, depending on the gravity, impact and consequences of the act of violence; replacement of property; or community work.

Under the Penal Code, the penalties consist in a correctional prison term and/or a fine, in addition to compensation depending on the damage caused, whenever the act of violence constitutes a misdemeanour. Where, owing to its gravity, the act of violence constitutes a crime, in accordance with the reforms made to the Penal Code in 2005, provision is made for specific aggravating factors for sexual crimes, particularly with regard to relations of kinship or power, and penalties of imprisonment. Moreover, for the first time in Ecuadorian legislation, accumulation of penalties has been established, something that is not contemplated for any other type of penal offence. In addition, to avoid revictimization, the law provides that it is not permissible to consider, in the proceedings, the victim's prior behaviour and, in the case of persons aged less than 18 years, consent by the victim is not taken into consideration.

From 2005 to 2007, 21,242 cases were tried in the women's and family police stations: 16,995 in misdemeanour proceedings and 4,247 in special proceedings.

Judging by the number of cases reported, from 2005 to 2007 greater light has been shed on domestic violence and there has been a growing demand for and response by the women's and family police stations, as can be seen in the following table:

<i>Women's and family police stations</i>	<i>Cases turned over to Office of Public Prosecutor</i>		<i>Convictions</i>	<i>Acquittals</i>	<i>Compensation for damages - Replacement of property - Community work</i>
	<i>Year</i>	<i>Number of cases logged in</i>	<i>Judgements</i>	<i>Prison</i>	
2005	57 385	660	4 498	563	32 075 110 012
2006	64 775	670	4 096	1 103	595 694 132 171
2007	65 494	767	4 045	1 096	6 791 530 617 240

In addition, during the period from 2005 to 2007 there have been a growing number of cases in which women's and family police stations have ordered the protective measures provided for in article 13 of Act No. 103, aimed at preventing new acts of violence, as can be seen from the following chart:

<i>Protective measure</i>	<i>Number of protective measures ordered</i>
Assistance forms (protective measure No. 1)	145.094
Orders for the aggressor to leave the dwelling (protective measure No. 2)	20.043
Prohibitions against the aggressor's approaching the victim at her place or work or study (protective measure No. 3)	96.245
Restrictions against access to the victim by the aggressor (protective measure No. 4)	84.417
Prohibitions against the aggressor, either by himself or through a third party, carrying out acts of persecution or intimidation of the victim (protective measure No. 5)	110.863
Return of the victim of aggression to her home (protective measure No. 6)	7.847
Granting of custody of an underage or incompetent victim to a suitable person (protective measure No. 7)	25.463
Treatment for victims of domestic violence, aggressors and any underage children (protective measure No. 8)	40.946

During 2005, 2006 and 2007 the women's and family police stations referred 2097 cases to the Public Prosecutor's Office either by reason of failure to comply with protection measures or because the act of violence reported constituted another type of offence, as, for example, when the forensic medical examination of the victim of violence established that the duration of her incapacity for work was greater than three days.

In places where no women's and family police station exists, the authorities competent with respect to cases of domestic violence are the local administrative office or sub-office, national police stations and political offices. For that reason the National Directorate for Gender has required those offices too to report any cases of domestic violence that may have come to their attention. In addition, training on gender and procedures to be followed in cases of domestic violence has been initiated for the officials of those offices.

8. The report (para. 56) refers to an increase in complaints of psychological violence against women to the National Directorate for Gender and describes the social and psychological services provided by the Women's, Children's and Adolescents' Rights Office. Please provide information about the number of victims seeking access to these services.

As indicated above, when application is made to women's and family police stations in respect of a case of domestic violence that involves psychological and/or sexual violence, the case is handled through a special procedure. The records show that 863 cases were registered in 2005, 997 in 2006 and 2387 in 2007.

In the interest of better records of violence, software has been developed in collaboration with the Metropolitan Municipality of Quito. This experience will be replicated at the national level in the near future.

9. The report refers (para. 170) to Ministerial Agreement No. 3393, which calls for implementation of a set of mechanisms for the elimination of sexual offences in the schools. Please provide information on the nature of these mechanisms and whether they have been created in all schools, how many

offences have been dealt with and whether these mechanisms also promote preventive measures.

What is involved here is a process of implementation; hence the most relevant information set out below relates to vigilance committees and their action with respect to sexual offences in the educational sphere.

(a) Vigilance committees are spaces currently being set up and institutionalized at the level of local authorities, such as the provinces, where the local counterparts are the provincial education departments of the Ministry of Education of Ecuador;

(b) The objective is to establish sexual-offence vigilance committees in Ecuador's 24 provinces, as called for by Ministry of Education Decree No. 3393 and CONAMU Operating Plan 2008;

(c) At present, 8 vigilance committees have been set up in three provinces of the Sierra region, 2 in the Coastal region and 2 in the Eastern region, working with operating plans, while 4 committees are in the process of being set up;

(d) The strategic allies in this process are local governments, non-governmental organizations (NGOs) and international cooperation agencies;

(e) The principal difficulties encountered in the process have been resistance on the part of national and local education authorities; a lack of sensitivity of union educators to the subject; and cumbersome, slow administrative processes for the handling of cases of sexual offences against students within the Professional Defence Commissions of the provincial education departments;

(f) Gains made: there exists a National Plan for the Eradication of Sexual Offences in the Educational System, a policy of the Ministry of Education. There are also legal texts: Ministry of Education Decree No. 3393, on the handling of sexual offences; Ministry of Education Decree No. 403, which establishes the norms for the institutionalization of sex education in all the country's educational establishments; Ministry of Education Decree No. 062, which provides for the institutionalization of the National Plan for the Eradication of Sexual Offences in all the country's educational establishments; and interinstitutional decisions that commit the institutions of the State, society and international cooperation frameworks to working in a sustained process;

(g) The effort to unite the commitments of State actors and those of the citizenry has proven itself a factor contributing to the solution of grave issues such as the problem of sexual offences. Moreover, strengthening interinstitutional cooperation among State institutions working on the same subjects can lead them to have an impact on the elaboration of programmes, public policies and legal norms that favour the treatment of subjects such as human rights, gender violence and the eradication of sexual offences, among others. On the vigilance committees, for example, CONAMU, the Ministry of Education with its provincial education departments, the National Council on Childhood and Adolescence, the Office of the Public Prosecutor and the Ministry of Public Health work together in a coordinated manner. Successful efforts have been made to demonstrate the need for State institutions to concern themselves with investing in the training of human resources and also financial resources for rendering operational these new spaces that are being created;

(h) No statistics are available on reported cases and preventive measures. This, precisely, is one of the responsibilities of the vigilance committees being formed and a priority in their operating plans.

10. Please provide information on the results achieved under the Protection of Victims of Sexual Violence Programme within the Promujeres Fund and whether new programmes to protect women against all forms of violence at the local levels were established in 2006 and 2007.

Funds collected by the Protection of Victims of Sexual Violence Programme, created under the Promujeres Fund, will make it possible to provide support in the design, promotion, execution, monitoring and evaluation of plans, programmes or projects aimed at offering protection to children, adolescents and women who are victims of sexual violence, such as:

- Education, awareness-raising and prevention campaigns
- Legal sponsorship and psychological and social follow-up of victims
- Programmes for the protection of victims and witnesses
- Establishment and maintenance of shelters and safe houses
- Maintenance of a case-logging base

With regard to other programmes, CEPAM has a project with the Inter-American Development Bank (IADB) in Guayaquil named “Strengthening of local capacities to deal with domestic violence”, within which CONAMU also provides technical and financial support. The general aim of the project is to reduce the incidence of domestic violence by strengthening local capacities and setting up pilot comprehensive care centres in the Guasmo and Bastión Popular areas.

There is also the Gender Equity Board (Mesa de Equidad de Género) of the Municipality of Guayaquil, which seeks to place the spotlight on domestic violence and violence against women as a social issue of human rights and citizen security, and to call on political, financial, technical and other needed forces for the prevention of such violence and the related care.

In this context CONAMU has signed an agreement with CEPAM Guayaquil having the specific aim of strengthening the process of training interdisciplinary teams for providing care to victims of gender violence. The aim is to build an institutional model for the restoration of rights that takes into account local dynamics in Bahía, San Vicente, Manta and Portoviejo.

In addition, specific 2006-2007 agreements have been signed with the municipalities of Manta and Sucre in an effort to promote gender-equity processes that will make it possible to create conditions conducive to the management of national and local policies with a focus on gender, within the framework of the strengthening of local governments as guarantors of the human rights of women, children and adolescents.

The work done with those municipalities has been carried out within the main lines of the National Plan on Gender Violence.

11. The report (para. 169) explains that a Gender Committee was established in the Public Prosecutor’s Office as part of the process of mainstreaming a gender perspective into the administration of justice and that training courses

are offered to judges, women's and family police commissioners and police officers on cases of psychological or sexual violence. Please provide information about the impact of these trainings; whether they have resulted in more gender-sensitive investigation procedures; and how such investigations are monitored.

The creation, by an administrative act, of the Gender Committee within the Office of the Public Prosecutor and the 2001-2004 project of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) made it possible to provide trainer training to 90 per cent of all prosecutors throughout the country and to update the prosecutors' manual, in which a gender perspective has been incorporated.

The programme has made it possible to work on the gender perspective as a cross-cutting theme running through all penal policy within the Public Prosecutor's Office. This process resulted in the creation of the victims and witnesses programme and the sexual-offences and domestic-violence unit and gender mainstreaming in psychological, medical and social-work-related forensic expertise.

12. Several United Nations Special Rapporteurs have expressed concern over the risk of trafficking in the State party, and in particular of Colombians into Ecuador. The report (paras. 172 and 175) includes information on the establishment of the Inter-Agency Committee and Technical Secretariat and explains that as of 2007 it seeks to implement the National Plan of Action against kidnapping, illegal trafficking in migrants, sexual and labour exploitation and other kinds of exploitation and prostitution of women, children and adolescents, child pornography and the corruption of minors. Please provide information regarding the current status of implementation of this Plan, its specific protection of women and whether the State has adopted legislation and penal sanctions criminalizing the illegal smuggling of people across the country's borders. Please also provide information about the extent of trafficking of women in Ecuador.

According to the constitutional mandate established in article 41:

The State shall formulate and execute policies to achieve equal opportunity between men and women through a specialized agency that shall operate in the manner determined by law, incorporate a gender perspective in plans and programmes and offer technical assistance for its compulsory application in the public sector.

The creation of this entity is in accord with the priority adopted and the commitments undertaken by Ecuador at the Fourth International Conference on Women, held in Beijing in 1995, as well as the recommendations established by the Committee on the Elimination of Discrimination against Women (CEDAW) in 2003. CONAMU, as part of the Technical Secretariat of the National Plan against Human Trafficking, has promoted and actively participated in the various actions carried out, especially through technical assistance and financing for the recruitment of resource persons, both national and foreign.

General activities

(a) Interinstitutional coordination with concerned public and private entities, both national and international. Within this context, CONAMU actively supported the issuance of Decree 1981 and its application, starting with the establishment of

the drafting committee for the National plan of action against kidnapping, illegal trafficking in migrants, sexual and labour exploitation and other kinds of exploitation and prostitution of women, children and adolescents, child pornography and the corruption of minors;

(b) In September 2006 CONAMU gave the first training course on trafficking for NGOs, the Domestic Violence Department - DEVIF (formerly the Office for the Defence of Women's Rights of the National Police - ODMU), the Supreme Court and the Women Prosecutors' Network;

(c) Collective work was done on the Plan for the Eradication of Sexual Offences in the Educational Sphere - Ministerial Decree No. 403 of 10 August 2006. See the document on the web: http://www.cnna.gov.ec/archivos/plan_erradicacion_delitos_sexuales_v04.pdf (includes sexual exploitation);

(d) Participation in the joint elaboration of the Ministry of Tourism's Plan against Sexual Tourism;

(e) Agreement with the local municipalities of Manta, Bahía and Cotacachi on the establishment and strengthening of women's technical offices for the defence of the human rights of women, children and adolescents and the eradication of sexual offences;

(f) Execution of the project "Learning for the building of a system of restoration of rights of victims of gender violence in the administration-of-justice service in Ecuador", financed by EUROsociAL Justice. During the first phase of the project, observation visits were made to the systems for the protection of the rights of victims of gender violence, including victims of sexual exploitation and trafficking. The visits took place from 8 to 21 December 2007;

(g) CONAMU is a member of the Interinstitutional Commission of the Technical Secretariat of the National Plan against Human Trafficking. In coordination with other State agencies it has been working on the design of the strategic and operative plan for the said Plan. Its main focuses are prevention, investigation, punishment and protection-reparation.

Within the context of the National Plan against Human Trafficking, member agencies have proposed, as a priority activity, carrying out a situational diagnosis of the issue at the national level. CONAMU, as a member of the Technical Secretariat on Trafficking, provides technical support for the follow-up of this IADB/CNNA (National Council on Children and Adolescents) project, known as "Support for the implementation of the National Plan against Human Trafficking in Ecuador". Its objective is to contribute to the efforts of the Ecuadorian Government to improve its performance in the eradication of trading and trafficking in human beings and to contribute to the application of the National Plan;

Training and systematization of experience

(a) Strengthening for validation of residential methodology in the care of women victims of sexual offences - María Amor Shelter in Cuenca;

(b) Local workshops and training events on sexual violence, intended for operators of various education, health and civil-society systems;

(c) Rights information and dissemination work carried out jointly with local governments, especially on sexual, gender and domestic violence;

(d) Systematization of care models of networks for the protection of victims of violence in Cuenca canton, CONAMU technical and financial support to the Cuenca Cantonal Council on Children and Adolescents.

Legal reform process

Push for approval of the Organic Act on Health published in the supplement to R.O. (Official Register) No. 423 of 22 December 2006, in which a specific chapter on gender violence was incorporated.

Impact on public policies

As an integral part of the Technical Secretariat of the Plan for the Eradication of Gender Violence, there are currently periodic meetings for the design and technical strengthening of the Ministries of Education, Health and the Interior concerning the Plan's principal themes and domains.

Strengthening of citizen training and social auditing

Establishment of six vigilance committees to handle cases of sexual offences in the educational sphere, with the provincial education departments of Esmeraldas, Azuay, Manabí, Tulcán, Sucumbíos and Chimborazo.

Ecuador Adolescent project, with the technical and financial support of Belgian Technical Cooperation, whereby the establishment of social networks is being promoted in 12 of the country's cities for the defence and promotion of the sexual and reproductive rights of adolescents, especially against sexual violence.

Within the Promujeres Fund there has been created a program for the protection of victims of gender violence, including victims of sexual exploitation. In addition, a technical committee has been formed and the operating regulations have been designed for the programme.

13. The report (para. 217) provides information about penalties being established for trafficking and information about an agreement between the National Women's Council and the United Nations Children's Fund to develop strategies to combat illegal trafficking, kidnapping and prostitution among refugee women. Please provide information on any measures developed regarding the prosecution of such offences, of remedies available for the victims and whether any such measures extend to undocumented refugee women in the northern provinces.

The requested information is not available.

14. The report states (para. 335) that the National Plan for implementing the Sex Education and Love Act encourages education regarding sexual and reproductive rights in Ecuador and that it has been introduced in schools and government and to the media. Please provide information about the impact of this plan, whether education about sexual and reproductive rights is a mandatory part of the curriculum in all public and private schools, including at what levels, and clarify whether there are additional awareness-raising efforts in schools on other gender-related issues.

At present there exists a National Programme of Sexual Health for Love, PRONESA, which is aimed at promoting sex education in educational institutions at the basic and secondary (baccalaureate) levels, with emphasis on the eradication of gender violence and sexual offences and the prevention of teen-age pregnancy, sexually transmitted infections (STIs) and HIV/AIDS. The aim is to help students learn to manage their sexuality responsibly, within a framework of values and self-esteem and a holistic perspective aimed at improving the quality of life.

- Ministerial Decree No. 3393 (special regulation on procedures and mechanisms for awareness and handling of sexual offences in the education system), 27 August 2004
- Ministerial Decree No. 403 (institutionalization of sex education in the country's public, private, fiscomisional (State-funded religious) and municipal educational establishments, at the level of basic education and baccalaureate), complying with the Sex Education and Love Act and the National Plan for the Eradication of Sexual Offences in the Educational Sphere of 10 August 2006; Decree No. 062 (establishment of the National Plan for the Eradication of Sexual Offences in the country's public, fiscomisional, private and municipal educational establishments at the various levels and in the different modalities of the education system) of 26 February 2008
- Publication of pedagogic packages for national teacher training
- Existence of a committee on interinstitutional support to PRONESA (made up of State institutions and cooperation agencies)

15. Further to the Committee's previous concluding observations (para. 326), regarding the implementation of programmes and policies to eliminate stereotypes associated with traditional roles within the family and in the education system, employment, politics and society in general, the report describes (paras. 193-203) efforts of the State party to train journalists in non-sexist communication, as well as by civil society to monitor media messages and advertisements at some local levels of the State and to introduce positive messages about women. Please provide information on the impact of such trainings and monitoring efforts and whether it is possible to identify a tendency for more non-sexist reporting and advertising, including substantive changes in the traditional concepts of gender in the family, in the educational, work and health spheres.

A journalist training and sensitization workshop was held in 2007 in the context of the adoption of the Organic Act on Health approved by the National Congress, with a view to the generation of public-opinion messages in accord with the articles proposed by CONAMU, all within the framework of the implementation of the Plan for Equal Opportunity 2005-2009.

Moreover, as part of the National Plan of Government 2007-2010, the current new Government took an important step regarding the strengthening of cultural rights, first of all with the creation of the Ministry of Culture and subsequently with the implementation of a specific objective No. 8: to affirm the various identities and strengthen multiculturalism and national identity. On that basis, efforts are being made to strengthen education, new technologies and, beyond any doubt, the promotion, dissemination and preservation of the nation's heritage, both tangible and intangible. With regard to the latter, i.e., the intangible heritage, one of the main

drives involves the strengthening of national identity through work on themes such as social inclusion and the generation of knowledge for fighting discrimination towards women and other groups that have been marginalized within the social sphere, so as to make it possible to work on the implementation of policies, programmes and mechanisms for the eradication of discrimination.

With this State portfolio, the National Council for Women is working on the development of four lines of action

- Integration of a gender perspective into the new Culture Act
- Generation of knowledge, investigation and publications concerning the topics: gender and culture, gender and multiculturalism, and gender and communication
- Gender mainstreaming in the development of national cultural mapping
- Technical assistance for the building of the network of observatories against discrimination, planned to include a media watch aimed at changing sociocultural gender patterns

16. The report (para. 36) lists the reasons why girls and adolescent women do not enrol in or drop out of school. Please describe measures taken to retain girls and adolescent women in education, in particular in the rural areas and with respect to indigenous women and women of African descent and the results of such measures. Also indicate whether measures are being implemented to eliminate illiteracy among women, in particular in these areas and among these groups, and whether goals and time frames for the complete eradication of illiteracy have been set.

The following are some of the measures adopted in rural areas

- Participation in the Ministry of Education's Manuela Sáenz and Dolores Cacuango national gender-focused campaigns for adult literacy and adult basic education
- Training of Ministry of Education technicians working on the theme of adult education - National Directorate of Popular Continuing Education and National Directorate for Professional Development (DINAMEP)

17. In the Committee's previous concluding observations (para. 324), it was recommended that steps be taken to guarantee the enforcement of the provisions of article 11 of the Convention, and that a new labour code be adopted. The report states (para. 106) that a reform process relating to the Labour Code is currently under way. Please provide an update of the progress and implementation of the reform and inform the Committee of the new legal measures envisaged and whether they include the application of temporary special measures in the public employment sector.

At the time of the report, a reform of the Labour Code was under way. With the technical assistance of the International Labour Organization (ILO), information on the demands of workers and employers was collected. CONAMU provided support, with the collaboration of members of Congress in the labour area, and discussions with the unions took place. All this led to the drafting of a reform proposal, which was posted on the appropriate web page for the information of the citizenry at large. Within the new context that began with the change in

Government, priority has been accorded to providing guidelines on the topic of labour in Constituent Assembly Working Group 6, on outsourcing and labour mediation.

18. According to the report (paras. 32 and 33) women suffer from underemployment and unemployment to a greater extent than men, and this occurs among women with higher education in particular. Please indicate whether studies on the reasons for underemployment of educated women have been carried out and whether measures are being implemented to address issues of both underemployment and unemployment of all groups of women in the public and the private employment sectors.

No studies of unemployment and underemployment among women with higher education have been done. Measures have, however, been taken by the Ministry of Labour and Employment to lower unemployment and underemployment rates, among younger women in particular. On the basis of the executive decree, positive actions aimed at employment of women have been undertaken. To that end, progress has been made on agreements with the Ecuadorian Professional Training Service (SECAP) for the purpose of training women so that they can enter the workforce under conditions that are more just and offer greater opportunity. There exists a strengthened public placement system through which positive actions are undertaken for the hiring of women in various posts. In addition, by means of an agreement with Andinatel and enterprises, attention has been provided through 1-800-EMPLOYED. The Ministry of Labour, moreover, is carrying out the programme “Mi Primer Trabajo” (my first job), which involves decent job offers for young people, including an admission quota, which implies an affirmative-action policy. In 2007 jobs were found for 550 young persons, 50 per cent of whom were women. In the current year the goal is to place 1500 trainees, the selection parameter used being to ensure access by the same number of women and men.

19. Please provide information on the situation of women with disabilities in employment and whether the quota regulations for persons with disabilities, contained in the Labour Code Reform Act of 2006, are being adhered to by public and private employers, the number of employers who have been penalized by the Ministry for Labour for non-adherence to these quotas and whether the Disabilities Act has been reformed. Please also provide information about whether the Employment Protection Act applies to the private sector and on progress made regarding the ratification by Ecuador of the Convention on the Convention on the Rights with Disabilities, signed on 30 March 2007.

Within the Ministry of Labour there is a programme of mothers supporting mothers, aimed basically at mothers with children who have disabilities. Its purpose is to provide them access to training, credit and the allocation of public funds in coordination with the Ministry of Economic and Social Inclusion (MIES), the National Council on Disabilities (CONADIS) and the Ministry of Labour.

On the basis of the labour reform, under which employers must take in persons with disabilities, comprehensive inspections are being conducted, based on which enterprises are notified that they are not in compliance with this provision, appropriate sanctions are imposed on them and they are required to comply. This is done in coordination with the disabilities area. Care is taken, through the Gender and Youth Unit, to ensure that the situation of women is taken into account.

20. The report states (para. 309) that 93 per cent of girls under the age of 18, who are in the labour market, perform domestic services. Please provide information on the working situation of such girls, including the percentages of these who become pregnant. Also provide information on the situation of domestic servants, a sector in which girls and women dominate, in general, their protection by labour laws, the monitoring of the implementation of such laws and such women and girls' access to social security.

The requested information is not available.

21. The report (para. 73) indicates that a total of 40 complaints on dismissals on the basis of maternity have been received by the Inspection Department of the Ministry of Labour and Employment and that the number of complaints regarding sexual harassment at the workplace is low. Please indicate whether measures have been implemented to combat dismissals of women on the basis of maternity, as well provide information on measures taken to combat sexual harassment in the workplace and any prosecutions of alleged perpetrators.

The measures that have been implemented to combat dismissals of women include the following:

(a) Gender mainstreaming in the FORSAT institutional strengthening forms, in the part on inspections. Incorporated into the Labour Code form on dismissals are questions that take account of that situation, and the related principles apply whenever a company registers a worker or workers;

(b) Campaign for the dissemination of women's labour rights through the Labour Inspectorate, to point up how women are disadvantaged in the field of labour owing to situations of dismissal and harassment in the work environment, underlying all of which there are a number of factors. Work was also done on the dissemination of a manual on the rights of refugees;

(c) Consciousness-raising for inspectors through a gender training programme. Work is being done on an inspection-restructuring proposal, the idea being to combine this with the rights-dissemination campaign;

(d) The goal of training 1000 women in different provinces in rights and production initiatives;

(e) Reactivation of roundtables on employment and gender;

(f) Focusing in the Assembly on the subject of sexual harassment in the workplace. What is of interest is to compile information on gender violence;

(g) Dissemination of labour rights throughout the urban and rural sector at the national level on the radio hour produced by the Ministry of Labour;

(h) In January 2008 a meeting was held for the purpose of obtaining greater information and establishing a diagnosis of sexual harassment in the work environment. On the basis of this, the discussion process is continuing in work groups focused on specific themes.

22. Please provide information on the implementation of the reformed Organic Act on Health and the funds allocated to it, as well as on the prevention of HIV/AIDS and the treatment of those girls and women who are affected by the disease.

Implementation of health reform and funds designated for it

The reform is aimed at gradually extending coverage, improving efficiency and efficacy, developing the functional articulation of health institutions and providers and promoting universal access to comprehensive health services.

In September 2002 the National Health System Organic Act, which is currently in force, was adopted and the National Health Council (CONASA) began to operate as an interinstitutional agency for coordination and mutual consultation among the System's different actors. However, in the face of the obvious severe fragmentation of the entities that make up the National Health System, it is strongly urged that the stewardship of the Ministry of Public Health as health authority be strengthened, as well as the management, regulation, availability and adequate use and control of existing resources; that deconcentration and decentralization be optimized; and that the operation of the provincial and cantonal health councils, as authorities for coordination, planning and control of management in the field of health, be institutionalized.

During the period from 2002 to 2006, the Ministry of Public Health defined the following areas as system-reform and health policy fields:

- (a) Sectoral development;
- (b) Building citizenship in health;
- (c) Comprehensive health protection.

The stated objectives were:

- To promote citizenship in health and the guarantee, respect, promotion, protection and enforceability of human rights in order to live in dignity and health
- To guarantee comprehensive protection of the health of the Ecuadorian population by providing the means to promote both physical and mental health; to prevent and deal with diseases and their causes, mitigating their biological, economic and social effects
- To develop the capacities of the health sector by means of organizational and participative processes conducive to the establishment of and operation of the National Health System
 - Full development of human talent
 - Scientific and technical development and promotion of information systems
 - Provision of material, technological and financial resources

The year 2007 saw the formulation of a new initiative of reform articulated with the objectives of the National Development Plan 2007-2010:²

² Documents on health reform and presentations by the Ministry of Public Health.

- Goal 1: To reduce child mortality by 25 percent by 2010
- Goal 2: To reduce infant mortality by 25 percent by 2010
- Goal 3: To reduce early neonatal mortality by 35 percent by 2010
- Goal 4: To reduce maternal mortality by 30 percent by 2010
- Goal 5: To reduce teenage pregnancy by 25 percent by 2010
- Goal 6: To increase health services for women: to ensure that 80 per cent of all women are given at least one Pap test every three years
- Goal 8: To slow down the HIV trend
- Goal 9: To improve the quality and warmth of health services

Objectives

- To universalize access to health services, based on criteria of equity
- To guarantee adequate, timely financing for quality care
- To guarantee quality and timeliness in the providing of health services
- To optimize the organization, operation and management of health providers: integrated network
- To strengthen the role of the health authority
- To promote and ensure areas of citizen participation

Strategic lines of action

- Strengthening of stewardship of the health authority (management, regulation and control)
- Development of an integrated network of providers
- Clear definition of roles and functions between the sector's different actors and levels of government
- Financing based on the needs of the population and resource use
- Participation and social control

Changes and reforms

- Provision by Ecuadorian Social Security Institute (IESS), FA (Armed Forces) and PN (National Police) of public health care services with:
 - Broader coverage
 - Ease of access
- Ministry Public Health role of stewardship over IESS, FA, PN, Junta de Beneficencia (Charity Board), etc.
- Career in health: health professionals: eight hours per day
- Continued licensing in the country to the public sector and start of licensing to the private sector
- Generation of an integrated information system

- Modification of negotiating power with unions
- Training of graduate and post-graduate health human resources, guided by the Ministry of Public Health
- Facilitation of coordination between the Ministry of Public Health and IESS

Expected medium- and long-term results

- Recovery health-authority role:
 - Monitoring, supervision and standardization of the entire sector
 - Recovery of planning and control of public health
- Broader coverage and improved access by means of a single public provider network
- Creation of an entity to guarantee and control quality and universality
- Production incentives that will give rise to competitive public providers that are focused on users
- Allocation of resources on the basis of needs and the meeting of goals
- Development of integrated information systems for management and the meeting of goals

Basic economic requirements

1. Available resources	Institution	Amount
These resources cover approximately 53% of the Ecuadorian population	Ministry of Public Health (incl. emergency)*	\$550.00
	Ministry of Public Health Self-management 2007	\$50.00
	IESS	\$350.00
	Armed Forces Social Security Institute (ISSFA), Police Social Security Institute (ISSPOL)	\$192.00
	National Institute for Children and the Family (INNFA), Ministry of Economic and Social Inclusion	\$20.00
	Out-of-pocket expenditure	\$700.00

1.1 Present coverage (53%)	Pop. covered	Present per capita**	Total in millions of \$
	7 208 000	\$258.32	1 862.0

% increase in coverage 47%

% increase in financing -15%

2. Proposal summary	Target pop.	Total cost per capita	Millions of \$
2.1 Hoped-for coverage 78% (Q1-Q4)	10 608 000	\$150.00	1 591.2

Resources needed****			429.2
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Notes:

*Not including the US\$100 million of the 31 public health programmes.

**This result does not include total household expenditure, which is over \$1.2 billion (such as medication, hospitalization and self-medication costs). In 2007, only the visit is free of charge in the health units of the Ministry of Public Health.

***The reduction of costs owing to increased hours/doctor productivity was not taken into account, nor were considerable improvements in the use and administration of resources; economies of scale in acquisition.

****No account was taken of costs relating to wage parity (Ministry of Public Health-IESS) or administrative changes.

Prevention of HIV/AIDS and treatment for those young girls, teenagers and women who have become infected with the disease

Ecuador has the data of the National Programme for the Prevention and Control of STIs-HIV/AIDS of the Ministry of Public Health, the institution which since 1984 has maintained the national register of persons diagnosed with HIV/AIDS and persons who died of the disease. It is the only system capable of furnishing the trends of a certain number of variables within its sphere, albeit with a certain degree of underdiagnosis and underregistration.

Owing to their characteristics, the data for the said sample do not admit of a direct estimate of the parameters of the population made up of all persons living with HIV/AIDS, inasmuch as the majority of them do not know their serologic status. It is not possible, therefore, to reach conclusions regarding the overall picture of the epidemic on the basis of the number of persons reported, but only to approximate it.

HIV/AIDS is another vulnerability and discrimination factor: housewives aged 25 to 40 years having a single sexual partner and young persons aged 17 to 24 years are the groups most affected by this problem. In 1995 there was 1 infected (HIV+) woman for every 4 men; in 2006 the figure was 1 to every 2, while among young people it was 1 to every 1.5. In 2004, out of 1108 reported cases, 774 of the individuals were heterosexuals, 138, bisexuals and 97, homosexuals. The country has evolved with respect to guaranteed access of persons affected with HIV/AIDS to quality health services, antiretroviral drugs and medication for opportunistic diseases and to work in relation to stigmatization and discrimination.

No knowledge is available regarding HIV/AIDS in indigenous and mestizo women and women settlers in various regions of the country living in areas of greater social vulnerability such as border regions, especially cities where there is petroleum exploitation.

The distribution of cases according to sex and the ratio of men to women show that the epidemic is spreading to a growing extent among women. The gender ratio went from 4.7 in 1990 to 1.5 in 2006 and growth is greater in the heterosexual population, inasmuch as the heterosexual/bisexual and homosexual rate rose from 0.5 in 1990 to 4.4 in 2006.³

Statistics show that 96.9 per cent of all cases were transmitted sexually, which is related to the low prevalence of the use of condoms, i.e., 1.5 per cent in women of child-bearing age, and the increase in STIs. Another 2.6 per cent of the cases were the result of mother-to-child transmission and 0.5 per cent were due to the use of intravenous drugs, while only one case of HIV/AIDS caused by blood transfusions has been reported (1999). At present all the country's blood services have been licensed, the Quito Blood Bank operates with ISO 9000-2001 certification and all donated units are screened for HIV/AIDS.

To sum up, the epidemic remains concentrated among gay men and other men who have sex with men as well as sex workers. Notification of cases of HIV is on the rise, especially among heterosexual housewives, while the number of cases of

³ System of notification of cases of HIV/AIDS of the Ministry of Public Health, National Epidemiology Directorate, National Programme for the Prevention and Control of STIs-HIV/AIDS of the National AIDS Programme.

AIDS has levelled off and the number of deaths is declining. The most important route of infection is still the sexual route.

Pregnancy and HIV/AIDS

According to the National Statistics and Census Institute (INEC), the childbearing-age population of women aged 10 to 49 years was 4,377,373, the analogous population aged 15 to 49 years being 3,689,222. Within this group, the number of pregnant women in 2006 was 359,599, representing 8.2 per cent of childbearing-age women aged 10 to 49 years and 9.7 per cent of those aged 15 to 49 years.

A gain that should be highlighted is that within the range of children aged less than 1 year no cases were recorded in 2005 or 2006 thanks to an effort by the Ministry of Public Health to screen pregnant women visiting health services and to the availability of treatment for the prevention of vertical transmission.

National AIDS Programme information on the number of cases of HIV/AIDS in children does not exhibit any particular pattern.

The provinces of Ecuador that record the greatest number of cases in the notification system of the National AIDS Programme are Guayas (55,4 per cent), Pichincha (18,7 per cent), Manabi (7,9 per cent), el Oro (6,1 per cent) and Los Ríos (3,9 per cent). Not found among them are Chimborazo, Cotopaxi and Imbabura, which have high percentages of indigenous population.

The National Strategic Plan for Multisectoral Response 2007-2015 is divided into priority sectors for action, within which the specificities of women, children, adolescents and the migrant population are considered.

The costing of the Strategic Plan considers the items for each priority action sector and indicates those items intended for work with women, children, adolescents, sex workers and migrants.

<i>Strategies</i>	<i>Total costs 2007 to 2011</i>
Strategies aimed at strengthening all priority sectors	\$3 443 000
Strengthening of the Health System, including the strengthening of models, systems, mechanisms and services that ensure universal access to treatment	\$31 574 448
Sector 1: Care, empowerment and promotion of rights of people living with HIV/AIDS	\$8 593 993
Sector 2: Prevention of HIV/AIDS in children, adolescents and young people, while ensuring the gradual exercise of their rights	\$6 285 000
Sector 3: Prevention of vertical (mother-to-child) transmission of HIV and protection of children against perinatal exposure	\$1 588 219
Sector 4: Reduction of HIV/STI exposure and risk and promotion of the rights of gay men, men with bisexual behaviour and transsexual persons	\$2 575 000
Sector 5: Promotion of rights, prevention of STIs/HIV/AIDS and development of skills for safe sex in persons engaged in sex work and their clients	\$1 050 000
Sector 6: Promotion of equitable gender relations between men and women, rights and reduction of violence against women	\$2 541 000
Sector 7: Provision of safe blood in receivers	\$13 199 810
Sector 8: Promotion of rights, care and safe sexual behaviour among the military population	\$1 260 000
Promotion of rights, care and safe sexual behaviour among persons deprived of their liberty	\$1 087 000
Promotion of rights, care and safe sexual behaviour among members of the National Police	\$1 765 000
Sector 9: Inclusion of the refugee and asylum-seeking population in national prevention and care responses and reduction of vulnerability and risk behaviour	\$449 500
Sector 10: Promotion of safe sexual behaviour and reduction of stigmatization and discrimination in the population at large and in mobile groups	\$2 823 750

23. Please provide information as requested in the Committee's concluding observations (paras. 317 and 318), regarding the impact of programmes to limit and prevent teenage pregnancies, and in particular on their results in the rural areas and among indigenous women and women of African descent.

In Ecuador, women aged 15 to 24 years constitute more than a third (38 per cent) of the population classified as "of childbearing age" (women aged from 15 to 49 years).

The impact of sex education on women is reflected in fertility, the health of mothers and children, knowledge and use of contraceptives and the prevention and control of STIs. The more educated women are those who have healthier and better-nourished children and also those who end up at the head of the family in households where no father figure exists. Moreover, there exist a number of factors that influence young people with regard to the risk of starting their sex life at an early age, something that increases the period of exposure to the risk of unwanted

pregnancies or marriages outside the socioculturally accepted context. In addition, there are unrealistic expectations regarding the sexual behaviour of adolescents and young people in Ecuador.

Proper sex education and counselling in keeping with the stage of development of adolescents and young people contribute favourably to their health and development and help to defer an early active sex life. In this connection, all women aged from 15 to 24 years were asked whether they had been given information on the various aspects of sexual and reproductive health. It was thus found that 81.6 per cent of the women in that age group had received some information on sex-related topics, a value that ranged from 91.4 per cent in urban areas to 67.6 per cent in rural areas, and that 46.7 per cent of the women in the same group had had sexual relations. The pattern is very similar in urban and rural areas (approximately 47 per cent). A higher percentage of women in the Amazon region (55.4 per cent) stated that they had had sexual relations than in the coastal area (51.3 per cent), the Sierra or the Island region (41.8 per cent and 49.1 per cent, respectively). In the provinces of Los Ríos, Manabí and Esmeraldas, the percentage of women who have had sexual relations is greater than elsewhere, whereas less sexual experience is reported in Chimborazo and Cañar. Among women aged 20 to 24 years, 70.3 per cent have already had sexual relations, as compared with 27.0 per cent of those aged 15 to 19 years. As expected, with increasing age the percentage of women having had sexual relations also rises, from 9.6 per cent in 15-year-old women to 83.1 per cent in 24-year-olds. With respect to the results of the 1999 survey, one observes an increase of 3 percentage points at the national level between the two surveys as well as an increase in premarital sexual relations (30.0 per cent as against 37.2 per cent).

At present, one of the main problems affecting young people beginning early sexual activity is unplanned and unwanted pregnancy, the consequences of which affect both their health and their family environment. Among the causes of the occurrence of such pregnancies one might mention a lack of sex education or inappropriate information, early onset of sexual activity, family-related causes, sociocultural factors such as scant economic means, poor school attendance, lack of maturity, failure to meet one's responsibilities and lack of knowledge of and failure to use contraceptive measures. According to the findings, 38.9 per cent of all women aged 15 to 24 years have had at least one pregnancy. Of this percentage, the first pregnancy is classified as marital in 22.0 per cent and as premarital in 16.9 per cent. The percentage of women who have been pregnant at some point is higher in rural areas, primarily in the coastal region (50.2 per cent). The differentials between the provinces do not exhibit a clear pattern: in the Sierra, Imbabura stands out (46.8 per cent), and among the cities of the Coastal region, Los Ríos (50.8 per cent). The pattern according to type of pregnancy is not homogeneous: indeed, whereas in some provinces pregnancy within the marital context predominates, in others premarital pregnancy shows a greater percentage. In the same province of Los Ríos, pregnancy within marriage represents 40.5 per cent and premarital pregnancy, 10.2 per cent.

In view of this reality, the State has brought about the creation of the National Plan for the Prevention of Teenage Pregnancy, the aim of which is to reduce pregnancy in adolescents by institutionally strengthening health, education and social welfare services within a framework of interinstitutional coordination, with active participation of adolescents and other young people and a commitment on the part of civil society, including the media. The objective of the National Plan is to

guarantee the participation of adolescents in the design and implementation of comprehensive intersectoral public policies on the prevention of pregnancy and to establish a national information system on the pregnancy situation. The interinstitutional coordination framework is made up of representatives of the Ministry of Public Health, CONAMU, the Ministry of Education, the National Council on Children and Adolescents, the Social Development Coordinator Ministry, The Ministry of Economic and Social Integration, Ecuador Adolescente and the United Nations Population Fund (UNFPA).

24. The report (para. 346) describes the ongoing discussion on the issue of access to emergency contraceptive pills, noting that the Glanique pill has been approved and is widely used as an emergency contraception. Please clarify the impact of the May 2006 Constitutional Court decision which prohibited the morning-after pill “Postinor 2”. Please also indicate what steps have been taken to safeguard a secular approach to sexual and reproductive health.

The Ecuadorian Constitution recognizes sexual and reproductive rights. Consequently, access to the emergency contraceptive pill has to do with the guarantee of the right to take free and responsible decisions regarding sex life (art. 23 (25)) and determine the number of children one can have, adopt, support and educate, in conjunction with the obligation of the State to inform, educate and provide the means to facilitate the exercise of that right (art. 39).

In 1999 Ecuador established the use of the emergency contraceptive pill in the case of unprotected sexual relations in the reproductive health standards of the Ministry of Public Health. Subsequently, in 2000, information regarding the emergency contraceptive pill was included in the protocols for the care of victims of sexual violence of the Public Prosecutor’s Office. In other words, its marketing and use have been permitted for more than seven years.

The purpose of the emergency contraceptive pill is to prevent unwanted pregnancy, but under no circumstances to interrupt pregnancy. According to the World Health Organization Department of Reproductive Health and Research, it has been shown that emergency contraceptive pills containing levonorgestrel prevent ovulation and have no detectable effect on the endometrium (uterine lining) or progesterone levels when given after ovulation. Emergency contraceptive pills are not effective once the process of implantation has begun and do not cause abortion. Emergency contraception pills should not be administered to a woman with confirmed pregnancy because it is too late to prevent pregnancy. Experts believe there is no harm to a pregnant woman or foetus if emergency contraceptive pills are inadvertently used during the first weeks of pregnancy.

The past few years have seen the intensification in Ecuador of a campaign of opposition to sexual and reproductive rights in quarters close to the Catholic Church, NGOs and conservative groups, which have made a strong impact in an attempt to place limits on the advances mentioned, such as banning the use of contraceptive methods; promoting sexual abstinence and conjugal fidelity as responses to HIV/AIDS and as a norm for young people; reducing sexual diversity in private life invoking the right to intimacy; and advocating the punishment of abortion in all cases. Specifically with regard to the emergency contraceptive pill, the Catholic Church has maintained an ongoing campaign of opposition, alleging that it is abortive, and has done so using all its power via the media it controls,

public pronouncements by its representatives and even Sunday sermons in many parishes.

Within this context of emergency contraception, in November 2004 a representative of a group called Abogados por Vida (Lawyers for Life) filed an amparo proceeding for suspension of the registration of the drug and the health-registry certificate for the product known as Postinor 2 (which, as is known, is the dedicated emergency contraceptive product). One of the arguments adduced was that the product is abortive and violates the right to life, beginning at conception. Despite all the evidence provided against any supposed abortive character of Postinor 2, in May 2006 the Third Chamber of the Constitutional Court of Ecuador ruled in favour of the amparo. The Court thus committed a clear-cut violation of sexual and reproductive rights recognized under both the Constitution and international law.

The Constitutional Court's decision exhibits serious legal flaws. The failure to recognize scientific evidence demonstrating the contraceptive and non-abortive nature of the products and the consequent creation of a spurious conflict between the right to life beginning at conception and women's sexual and reproductive rights imply a failure to recognize the reality in which thousands of women live in Ecuador, especially what occurs and is recorded under maternal mortality, clandestine abortions, unwanted pregnancies and pregnancies resulting from sexual violence.

All this has triggered and fed into a debate on emergency contraception, especially with regard to sexual and reproductive rights. Yet the strong impact of those conservative groups restricts further and further a debate free of prejudice, fear and rejection with respect to such topics as well as others, including sex education, health services and proper information.

The Organic Act on Health contains an important chapter relating to sexual health and reproductive health, violence and transmissible diseases, HIV/AIDS and other topics. The Act establishes, among other things, that sexual health and reproductive health policies and programmes must guarantee access by men and women, including adolescents, to health services and actions that ensure gender equality with a multicultural focus and help to eradicate risk behaviour, violence, stigmatization and sexual exploitation.

It should be pointed out that women's and youth movements have participated and been constant defenders of these and other processes and rights.

25. According to the report (para. 385) the principle of equality in marriage has been established by the Civil Code, but at the same time the report states that a presumption in favour of the husband in the administration of the couple's affairs is maintained unless the spouses make an explicit declaration to the contrary at the time of their marriage. Please provide information on whether this presumption is part of the Civil Code or whether it results from societal practice. Also provide information on measures taken to address this situation and to raise awareness among young women of their rights.

Article 180 of the Civil Code provides that the ordinary administration of jointly owned property shall be held by the spouse who, by decision of the contracting parties, is named to that effect in the marriage certificate or in marriage

settlements; in the absence of any stipulation, it shall be assumed that the administrator is the husband.

Despite the fact that this article provides for the possibility that the spouses may stipulate which of the two may exercise the ordinary administration of conjugal property and that in the absence of such a stipulation it is assumed that the husband will administer it, one must point out that socially, the women of Ecuador, not knowing their rights, leave that administration to the husband.

Concerning the measures taken to change this situation and increase young women's awareness, it must be pointed out that at the national level there does not exist any programme for training adult and young women as rights counsellors who might in turn provide training in women's human rights. It is important, therefore, that all public institutions invest resources to enhance the diffusion of the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol and the provisions of national law that protect the human rights of Ecuadorian women, for there exists a body of family law of which women are unaware and which is violated daily, affecting women's living conditions and those of their children.

In this area civil society, and specifically NGOs, have been active, promoting the training of rights counsellors through their various programmes.

26. Please provide information on the material situation of female-headed households with or without children, whether they are predominantly found in urban or rural areas and among vulnerable population groups, and on the measures taken to improve their lives.

As a consequence of migration, female-headed households have grown in number, a phenomenon noticeable primarily in Cañar and Azuay provinces, where the population is made up of women, children, adolescents and older adults.

Generally speaking, with regard to housing and land tenure by households, the difference between men and women heads of households is not statistically great. As for the ratio of women to men, the figures are analogous to the ratio of female- to male-headed households, which is 21 to 79, for everything except the item "received for services", which for women is very low.

27. The report (para. 386) indicates that a new Children and Youth Code has improved the administration of justice in cases to which it applies, but that the harmonization of this Code with a new Family Code was suspended. Please provide more details of the impact of the suspension of the reform of the Family Code and on the content of the Children and Youth Code and its specific impact on girls and female adolescents.

The requested information is not available. Appropriate consultations are being made.

28. Please provide information on the number of women as compared to men who do not have identification cards. Please provide information on the time frame of the implementation of providing registration and identity cards to all unregistered Ecuadorians as a prerequisite for accessing basic services and on the number of registrations of women achieved by the end of 2007.

The requested information is not available. Appropriate consultations are being made.

29. The report (para. 375) provides information about significant action taken to address poverty among rural, indigenous and Afro-Ecuadorian women, including through free access to reproductive and sexual health services. Please indicate the current percentage of rural adult women and of indigenous and African Ecuadorian women having access to the solidarity funds, with or without financial services, and indicate how these funds have improved their living conditions. Also provide information on the actual availability and accessibility of free sexual and reproductive health services for these groups of women.

Through 626 solidarity funds, with a seed capital of US\$ 425,000, it was possible to serve nearly 15,000 women. The total investment by the Indigenous and Afro-Ecuadorian Peoples Development Project (PRODEPINE) was \$558,000, or an average of \$912 per fund. Local input (obligatory savings for establishing a fund) amounted to \$129,000 (\$211 per fund). This implies that the women achieved a degree of capitalization of 23 per cent over an average of two years, which is a satisfactory result. The funds have been concentrated in the Sierra region (65 per cent), with the regional office for the Central Sierra accounting for 48.5 per cent, followed by the Coastal region (21.3 per cent) and Amazonia (13.2 per cent). The subprojects of the solidarity funds empowered the women, improving their position within the family and in society.

30. The report (para. 292) describes measures taken to improve the situation of the large number of refugees and asylum-seekers within the State's territory and for Ecuadorian migrants to other countries. Please indicate whether any measures have been taken to protect the vulnerable group of undocumented refugee women living close to the Colombian border and what efforts are being undertaken to register them. Also provide information on whether the Migrant Workers' Bill has been adopted, whether it contains a gender perspective and how it is being monitored.

In response to requests arising from migration (immigrants, emigrants, displaced persons and refugees) in Ecuador, in 2007 the National Secretariat for Migrants (SENAMI), the highest body charged with the elaboration of migration policy in Ecuador, was created.

In addition, there is a National Human Development Plan for Migrations 2007-2010, carried out under the joint responsibility and coordination of SENAMI, the Office of the President of the Republic, the Ministry of Foreign Affairs, SENPLADES, civil society organizations and organizations of migrants.

The Plan was conceived as a State policy and has the following main objectives:

- (a) To develop, in Ecuador, a migration policy based on respect and the exercise of human rights and the economic, social and cultural rights of all persons;
- (b) To generate and consolidate ties with migrants, their families and their countries;
- (c) To encourage Ecuadorians to remain in their country and to build conditions to make possible the sustainable, dignified voluntary return of emigrants;

(d) To implement human-development processes for migrant individuals, their families and their environment;

(e) To promote processes of intercultural exchange and citizenship-building.

SENAMI will be charged, at the national level, with designing and implementing all policies, programmes and projects necessary for carrying out the Plan, the execution of which will commence in 2008.

Despite the completeness of the Plan and the active participation of all the stakeholders involved in and connected with the issue of migration, the Plan was not elaborated with a gender perspective in mind, though among its programmes it does have gender and migration projects.
