



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2008

List of issues and questions with regard to the consideration of periodic reports

Ecuador*

The pre-session working group considered the combined sixth and seventh periodic report of Ecuador (CEDAW/C/ECU/7).

Legislation, machinery for the advancement of women and national plans

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.
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.
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.
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

* Issued without formal editing.

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; details about the results achieved by the end of 2007 and indicate institutional; and other challenges encountered.

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.

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.

Violence against women

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.

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.

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.

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.

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 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.

Trafficking and exploitation of prostitution

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.

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.

Stereotypes and education

14. The report states (para. 335) that the National Plan for implementing the Education for Love and Sexuality Act, encourages education regarding sexual and reproductive rights in Ecuador and that it has been introduced in schools, 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.

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.

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.

Employment

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.

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.

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.

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.

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.

Health

22. Please provide information on the implementation of the reformed Health Organization Act 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.

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.

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.

Marriage and family relations

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.

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

27. The report (para. 386) indicates that a new Children's 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's and Youth Code and its specific impact on girls and female adolescents.

Vulnerable groups of women

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.

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.

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.
