



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

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

Twenty-ninth session

Summary record of the 622nd meeting

Held at Headquarters, New York, on Friday, 11 July 2003 at 10 a.m.

Chairperson: Ms. Açar

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Combined fourth and fifth periodic report of Ecuador

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The meeting was called to order at 10.10 a.m.

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

(continued)

Combined fourth and fifth periodic report of Ecuador (CEDAW/C/ECU/4-5)

1. *At the invitation of the Chairperson, Mr. Carbo Benites, Ms. García Alvarado and Ms. Aguilar Montalvo (Ecuador) took places at the Committee table.*

2. **Mr. Carbo Benites** (Ecuador), introducing the combined fourth and fifth periodic report of Ecuador, said that his country had made a great deal of progress in meeting its commitments under international human rights instruments and in institutionalizing gender equality policies. The Civil Code and other laws had been reformed in order to protect women's rights. Information campaigns had also raised awareness of the need to prevent and punish violence against women. The National Council for Women (CONAMU), established in 1997, had the primary role of coordinating public policy in the interest of gender equality. His Government believed that the role of women must be strengthened in order to meet the country's social and economic development goals; accordingly, it was developing policies, programmes and projects to deal with violence, health, education, labour and access to resources.

3. **Ms. García Alvarado** (Ecuador) recalled that, after consideration of the previous report of Ecuador, the Committee had recommended the strengthening of the national mechanism to protect women's rights, which had resulted in the establishment of the National Council for Women (CONAMU) in 1997. It reported directly to the Office of the President and enjoyed a high degree of political and financial autonomy. The Committee's further recommendation that the Congress should pay more attention to gender issues had also resulted in the establishment of the Permanent Commission on Women, Children and the Family in the Congress and significant reforms to the national legal framework.

4. During the 1990s, Ecuador had weathered a period of profound political and economic crisis leading to the devaluation of the currency, leaving five

out of ten people below the poverty line and generating a dramatic increase in international migration. Civil conflict in neighbouring Colombia had also led to flows of refugees and displaced persons. Against that backdrop of upheaval, however, social movements for indigenous peoples and women had gained strength.

5. Turning to articles 1, 2 and 3 of the Convention, she said that the reforms of the Civil Code had given married women full legal rights, and the 1998 Constitution incorporated the principle of gender equality and non-discrimination. Since 1998, a number of laws to eliminate discrimination and promote equal opportunity had been adopted, along with reforms to the Penal Code. A system to collect gender-disaggregated data had allowed social indicators for women to be developed which illustrated the gender gap and could be used to plan public policy. CONAMU, with the participation of women's groups, had formulated the Equal Opportunities Plan 1996-2000 incorporating the commitments made in the Beijing Platform for Action, which had been used to guide gender policy and activities. Through the establishment of the Ombudsman's Office near the end of the 1990s, gender equality and anti-discrimination provisions were being enforced.

6. Although progress had been made in eliminating discrimination against women from the legal structure in Ecuador, entrenched cultural patterns prevailed, and little had changed in the de facto situation of women.

7. **Ms. Aguilar Montalvo** (Ecuador), turning to the question of violence against women, said that the Law to Combat Violence Against Women and the Family provided civil and criminal measures to protect women, punish offenders and establish the responsibility of the National Police and other public agencies in enforcing the law. A procedural manual had been developed to guide the police and the medical community in addressing cases of domestic violence. Non-governmental organizations and CONAMU had conducted some 40 informational campaigns to raise awareness of the law and had provided training for judges, investigators and the police. Women's commissariats were created as a pilot project in 1994, and the programme had expanded to the extent that there were now 32 such commissariats throughout the country. In addition, the National Police had established the Office for the Defence of Women's Rights, which currently operated in six provinces. Much work remained to be done, however, the rate of

enforcement of the law was still quite low. In an effort to increase enforcement, investigative units in each province had been equipped with multidisciplinary teams trained to deal with domestic violence.

8. According to a survey conducted by CONAMU in 2000, 75.1 per cent of women were aware of the existence of the Commissariats, and 91.7 per cent of them were informed about the services they offered. During the past decade, the problem of family violence had finally been placed on the public agenda, and had gained recognition as a social and a public health problem. Increased awareness was demonstrated by a 30 per cent increase in cases of domestic violence reported between 1999 and 2002. However, the justice system, subject to corruption and cultural and sexist stereotypes, had lagged behind in enforcement of the laws against domestic violence on the books. Involvement of non-governmental organizations had helped to revitalize the work of the Commissariats for Women and the Family.

9. **Ms. García Alvarado** (Ecuador), speaking on the subject of article 4 of the Convention and special temporary measures, said that the Constitution of 1998 included protection for persons in vulnerable situations. The Social Security Act also guaranteed women's right to work during pregnancy and to receive maternity benefits. The Free Maternity Reform Law provided a package of reproductive health services and benefits as well. The Employment Protection Act established that at least 20 per cent of staff in superior courts must be women. The same requirement was applied to political parties in forming their lists of candidates. Female heads of households, disabled and elderly women living below the poverty line also qualified for special allowances. Recent poverty reduction strategies focussing on the poorest and most vulnerable groups, however, had not produced substantial improvements in the situation of those women and their children.

10. With regard to the elimination of stereotypes, CONAMU had made significant efforts to disseminate information about the Convention and constitutional and legal reforms affecting women. Non-governmental organizations had held a national photography exhibition to enhance the image of women and counter the stereotype.

11. **Ms. Aguilar Montalvo** (Ecuador) said that the Constitution contained provisions protecting children

and adolescents from trafficking, prostitution, pornography and sexual exploitation, and the reformed Penal Code characterized such exploitation as criminal. In 1998, a special police unit had been established to investigate cases of child sexual abuse and exploitation.

12. About 15 per cent of the sex workers registered with the Ministry of Public Health were organized into associations. About 33 per cent of sex workers were subjected to health screening, and HIV/AIDS prevention programmes aimed at those workers had begun in 1998. Prostitution and sexual exploitation of minors were prohibited and punishable by law. In reality, however, it was possible to operate a brothel as long as the proper permits were obtained and regulations followed. To date, corruption in the police and the legal system had impeded efforts to prevent and punish the sexual exploitation of minors. A joint public and private network to prevent it had not succeeded in establishing programmes to care for exploited children.

13. **Ms. García Alvarado** (Ecuador), turning to the subject of women's political participation, said that Ecuador was the first country in Latin America to grant women the right to vote in 1929. However, at the 1998 elections, fewer than half the voters were women. Their level of representation in the National Assembly was very low, and in the provincial assemblies was between 12 and 20 per cent. Currently, there were four women ministers in the Government, amounting to 20 per cent. Levels of representation at the local level were slowly climbing, and had reached 27 per cent. Only one of the 39 judges of the Supreme Court was a woman; most women judges were in the lower courts. The reform of the electoral system in 2000 had fixed a quota of 30 per cent women candidates on party lists. However, as yet it had failed to have a significant effect on the structure of the patriarchal system of exercising political power.

14. Women were free to enter the diplomatic service without discrimination, but they still had difficulty taking advantage of opportunities in that field. There were five women at the level of ambassador, as compared to 61 men. On the other hand, the 1998 Constitution had given women equal rights with men regarding nationality.

15. Progress had been made during the previous decade in increasing literacy among women and

reforming the educational system. The 1998 Constitution contained specific measures to guarantee equal access to education for women and girls and to incorporate a gender perspective in the curriculum and textbooks. Bilingual education in indigenous languages had provided greater access to education for rural populations, especially indigenous women. CONAMU had concentrated on programmes to make gender a cross-cutting theme in school curricula and to provide gender awareness training for teachers and educators. Over 90 per cent of schools were State-supported, and the State also provided school lunch and health programmes to reinforce the school system.

16. Greater equality between men and women in the educational system was established during the 1990s, although teen pregnancy, especially in rural areas, led many girls from 15 to 19 years old to leave school or be expelled. In higher education, women and men tended to follow traditional patterns, with women usually choosing social sciences and men choosing technological pursuits. Efforts had been made to promote education on sexuality in the schools, although conservative groups and the Catholic Church had prevented the full implementation of those programmes. Although the gap between men and women in education had closed somewhat during the 1990s, gender stereotypes persisted throughout the system. The State had also failed to meet its budgetary commitments for education and continued to pay primary school teachers, most of whom were women, salaries that were shamefully low.

17. Women were employed mainly in trade and service areas, and their unemployment rate of 16 per cent was double that of men. The Constitution guaranteed women equal employment opportunities and equal pay for equal work, and prohibited any type of employment discrimination. It also recognized domestic work as productive and that was reflected in the national census. A number of public and private agencies and groups were providing childcare services. However, the impact of the political and economic turmoil of recent years on wages and employment had led many to emigrate to seek work abroad. Although important progress had been made in legislation and efforts had been made to give women access to the labour market, efforts to create jobs had been inadequate.

18. Turning to women's health issues, she pointed out that maternal mortality rates had been reduced from 12

per 10,000 live births in 1990 to 7 in 1997, and the number of women delivering in maternity centres had doubled. However, there was still concern that maternity care had not improved further during the decade, and a high number of indigenous and rural women who had no access to health care at all. The Free Maternity Act governed the efforts of the Ministry of Public Health to provide an integrated approach to women's health care, including sexual and reproductive health services, family planning and safe motherhood initiatives. By applying decentralization as an element of the new model of health care, the services offered under the Act had reached over 2 million persons by 2001. The Constitution also guaranteed to women and men the right to take responsibility for their own sexuality, and also equal access to family planning services. In short, although much progress had been made towards the goal of safe motherhood, most health care programmes for women were still targeted to their childbearing years.

19. Rural women were disadvantaged compared to urban women in their access to credit and production resources, although the Constitution guaranteed equal access. The National Rural Development Programme had made progress in promoting joint ownership of land by spouses. However, public programmes to promote women's access to credit, land and adequate housing had not yet been translated into State policy. While Ecuador was multicultural and multiethnic, recognizing a population comprising 14 indigenous groups and 12 nationalities, social indicators for indigenous women, from literacy rates to health care coverage, were the lowest of any group. A number of community development programmes for indigenous groups and ethnic and racial minorities had been implemented, many of which contained women in development components, but the lack of services and infrastructure in rural areas had led to migration to the cities in search of a better life.

20. **Ms. Aguilar Montalvo** (Ecuador) said that the Constitution recognized both marriage and common law unions and equal rights and obligations for men and women in those unions. A review of the Family Code and the Children and Adolescents Code was in progress. Although legal reforms had equalized rights between husbands and wives, the national culture still confined women almost totally to their role as mothers.

21. To sum up, although the 1990s had seen great progress in terms of the formal, legal and institutional

framework, women had borne the brunt of the economic and political upheaval of that decade and still lagged far behind men in education, health care and jobs. Programmes to eliminate discrimination in those areas had not been implemented effectively, and the patriarchal culture still prevailed in Ecuadorian society.

22. **The Chairperson** said that in ratifying the Optional Protocol to the Convention in 2002, Ecuador had taken a positive step towards establishing gender equality. She recalled that Ecuador had ratified the Convention in 1981, but had begun to accumulate a backlog of periodic reports due. She therefore asked Ecuador to benefit from the opportunity which the Committee had extended to all countries with reports outstanding, namely, to bring their reporting obligations up to date by combining several successive reports in a single document.

23. Although Ecuador had undeniably made progress in promoting gender equality, mainly by enacting legislation, the main challenge it was facing was to ensure that policy was actually implemented.

24. **Ms. Morvai** said that she had noticed from international organizations' fact-finding reports on the situation in Ecuador and from the country's own report to the Committee that sexual violence and exploitation were a serious problem.

25. Sexual exploitation of women and children was part of a single phenomenon: the belief of many men that they could use such persons as something less than human. It was important that Ecuador should not see sexual exploitation of women and children as part of its culture, but as something alien to it, since it was men outside the country with interest in Internet pornography depicting children and who sought out child prostitutes.

26. Sexual exploitation of women and children was part of a global culture of patriarchal conduct, sexism and racism towards poorer countries, but those countries were often blamed for being the perpetrators of the exploitation. Ecuador should request international assistance to eliminate the problem at its root. Ecuadorian women and children were worth no less than the women and children of richer countries.

27. An additional problem was Ecuador's ambivalent attitude towards prostitution, demonstrated by its use of the term "sex worker" and the existence of licensed

brothels. Once again, Ecuador should not accept the situation as inevitable, but should recognize that the culture of prostitution had international roots and should seek international assistance to address the issue.

28. **Ms. Ferrer Gómez** said that Ecuador's national machinery for promoting gender equality should be strengthened, enabling it to develop an institutional structure capable of influencing legislation and policy-making. She asked if there were any plans to unify the existing structure, to elevate the National Council for Women (CONAMU) to the status of a ministry and to ensure that sufficient resources were allocated to dealing with women's issues. She also wondered if the working group was still active and what activities were proposed for the Equal Opportunities Plan for 2002 to 2007 (since little seemed to have been done since the previous Plan, which had run from 1996 to 2000).

29. In poverty, Ecuador was facing an enormous challenge. There were reports that neo-liberal economic policies and debt had forced 69 per cent of the population below the poverty line, with women being the chief victims. Women accounted for a substantial proportion of economic migrants, but once they arrived in the receiving country they were given the worst-paid jobs and left vulnerable to exploitation and prostitution. She asked if the Government had any plans to cope with the serious economic situation of the country's women and particularly those in border areas affected by the measures of *Plan Colombia*.

30. **Ms. Kwaku** asked if there had been any assessment of the National Human Rights Plan, which dated back to 1998. She also wondered whether the Constitutional Tribunal or the Office of the Ombudsman had been called upon to deliver decisions on any gender-related matters. The measures to consolidate women's rights in the Employment Protection Act were welcome, but she wished to know if any structure had been set up to monitor compliance with the Act, particularly in the private sector, where it might be difficult to enforce. She asked if women in the private sector had invoked that protection and how many complaints had been received pursuant to the Act.

31. **Ms. Popescu Sandru** said that she would like information on the situation of indigenous women in Ecuador. The country's report had often referred to rural women; she wondered if Ecuador had taken rural

and indigenous women to be the same group. The report had also indicated that the national constitution had identified vulnerable groups needing priority attention. They included children, adolescents, pregnant women and persons with disabilities, but no mention had been made of indigenous or rural women. She asked whether indigenous and rural women were not considered vulnerable.

32. The sexual exploitation of children and teenagers was widespread. The legal provisions contained in the Constitution, the Criminal Code and the Children and Adolescents Code constituted a positive step, but implementation remained a problem. The corruption in the police and the judiciary was not encouraging, and the media still showed degrading images of children. She asked what action CONAMU planned to take, whether the media would be offered anti-discrimination training and whether there were plans for legislation to outlaw such depiction of children.

33. **Ms. González Martínez** said that Ecuador's replies to the Committee's questions on domestic violence seemed contradictory. They indicated that there had been complaints and presented data on reports of violence, but they also claimed that there were towns and cities with no registers of domestic violence. She regretted that incest had not been made a criminal offence, and that the Committee had received no information on the specific penalties for rape of minors.

34. The replies which Ecuador had given the Committee had also suggested that the circumstances in which procurement was punishable derived from the Convention. In fact, article 6 of the Convention simply stated that States Parties must take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. The continued existence of licensed brothels encouraged prostitution and corruption. Ecuador should also move beyond its Constitution and laws to attack trafficking by striking at its roots.

35. **Ms. Tavares da Silva** said that she had been struck by the disparities in Ecuadorian society which emerged from the report. There was a widening gap between de facto and de jure equality between men and women from the points of view of income and social justice. Women produced most of the country's food supply, yet they were rarely paid for their labour. Women were the least qualified and the most exploited

members of the labour force. The prosecution rate for reported cases of violence against women was low, and women were the most likely section of the population to be suffering extreme poverty. The position of prostitution in Ecuador was contradictory: it was banned, yet at the same time tolerated behind closed doors in licensed brothels. She asked whether the prostitution of minors was tolerated in the same way.

36. While the close cooperation between the Government and NGOs in establishing successive Equal Opportunities Plans was positive, the practice of having the women's movement present a list of candidates at elections for the CONAMU Executive Board was troubling. It was right for NGOs to be able to influence policy-making, but implementation of policy was the responsibility of the Government. If CONAMU was a Government body, it should not be relying on the women's movement to exercise Government responsibilities.

37. **Ms. Šimonović** said that eliminating discrimination against women in legislation was a vital aspect of implementing the Convention. After examining Ecuador's previous report (CEDAW/C/13/Add.31 and CEDAW/C/ECU/3), the Committee had called for fundamental legal reforms to eliminate legislation which discriminated against women, and requested the Government to report on progress in that regard in its next periodic report. In the combined fourth and fifth report, she had seen many references to proposed legislation, but she would like more information on plans to repeal or amend existing legislation. That was particularly important in the light of the goal set by the outcome document of the special session of the General Assembly devoted to Gender Equality, Development and Peace for the Twenty-First Century (Beijing +5) for legislative reform to be completed by 2005. She asked if the Criminal Code and the proposed revisions thereto allowed for acquittal on the basis of honour or family considerations, and how many cases per year involved such considerations.

38. **Ms. García Alvarado** (Ecuador) thanked Ms. Morvai for pointing out Ecuador's right to seek help and compensation for the effects of debt and unjust terms of trade on its economy and population. Those effects had included pressure to emigrate in search of jobs, which in the case of women had brought about exposure to financial and sexual exploitation.

39. There had been no research into the incidence of exploitation and prostitution of minors. An NGO had examined the phenomenon, but had not produced figures to indicate its extent. The issue of prostitution in general had caught the attention of the Government, but mainly of the Ministry of Health and Welfare, which had reacted by providing certification of freedom from sexually transmitted diseases and by setting up an HIV/AIDS prevention programme. Those were measures which addressed health issues but not the issue of exploitation. CONAMU and the women's movement had not investigated prostitution.

40. The status of CONAMU was different from that of its predecessor, DINAMU (National Women's Department). Unlike DINAMU, which had been a department of the Ministry of Social Welfare and had been focused on carrying out projects, CONAMU was attached to the Office of the President and was focused on policy-making. While CONAMU was closer to the country's executive than its predecessor, it had also become much more vulnerable to the vagaries of political priorities.

41. Although the Constitution had provided for representation of the interests of women, no secondary legislation had been enacted to create a body charged with performing that function. As a result, the only legislative basis for CONAMU's existence was an executive decree which did not assure its future. CONAMU had given a voice to women's civil-society organizations, but the country's recent political and economic instability had resulted in a high turnover of officials, leaving in doubt whom to engage in negotiations. In addition, CONAMU's influence was reduced by the fact that it was small and centralized (it had no regional offices). It was clearly not a monitoring body; it provided coordination and assistance. Monitoring of policy implementation was the responsibility of the National Congress and women's commissariats (*comisariás*).

42. The Equal Opportunities Plan for 1996 to 2000 had covered the period of institutional transition from DINAMU to CONAMU. It had had an effect on constitutional and legal reform, but that reform could not become reality unless it was implemented. That goal had to be achieved if entrenched habits such as men's assumption that they had dominion over the bodies of women and children were to be changed. While that Equal Opportunities Plan had been conceived as a road map for CONAMU rather than for

the Government, its successor, the Equal Opportunities Plan for 2002 to 2007, was seen as a plan for the government, with an effect on ministerial portfolios. The country's economic instability and the transition from one Government to another had prevented the Plan from being consummated.

43. **Ms. Aguilar Montalvo** (Ecuador), replying to a question on the number of complaints made by women at the women's and family commissariats, said that no single unified record had been kept up to 1999. After that date, since CONAMU had had no coercive power, it had still been difficult to bring about the necessary record-keeping, but with the creation of the National Women's Department (DINAMU), it had now become mandatory to do so. It should be noted that the Women's Commissariats were technical entities specialized in dealing with domestic violence. Under the 1998 Constitution, all such local bodies were to be brought under the control of the national judicial authorities, and preparations were now under way for a single national system of record-keeping.

44. The rate of punishment was low because in most cases, the victims withdrew their complaints. Although they were assured of police protection against a revisit by the perpetrator of the violence, in almost 70 per cent of cases they failed to follow through by insisting on the prosecution of the perpetrator. The application of the Law to Combat Violence against Women and the Family was complicated by the confusion which had existed regarding the precise responsibilities of the Women's Commissariats, but they were gradually being clarified.

45. Commenting on the penalties for the rape of children, she remarked that although the 1998 reform of the Penal Code had introduced a clear definition of rape and established a penalty of 8 to 12 years' imprisonment, it failed to fix a penalty for the rape of a child. Pimping was punishable under the law by one to three years' imprisonment, except in cases where the person concerned was operating a brothel in accordance with the legal regulations covering such establishments. The police raided brothels from time to time to discover the presence of minors and, if found, to remove them, punish the brothel owners or close down the brothel, but those provisions were seldom applied.

46. A new gender and human rights module had been created for police training courses, with technical

assistance from the Department of Gender Equality; similar training programmes were offered to prosecutors, coroners and certain categories of administrative staff.

47. **Ms. García Alvarado** (Ecuador) said that measures of assistance and protection for migrants included a package designed to benefit those who migrated as well as migrants' families who remained in the country. The package provided financial help for migrants so that they were not forced to pay the high interest rates charged by "informal" lenders. The Office of the Ombudsman had a special department which could receive complaints from migrants in both Ecuador and Spain, in cases where migrants' rights were violated in the latter country. It could also provide financial help for the repatriation of the migrants who died in foreign countries.

48. Certain municipalities, with support from non-governmental organizations and the Roman Catholic Church, had set up a network to help migrants and, in particular, to provide psychological help to children of families broken up as a result of migration. The network was also supporting a scheme to assist the families of migrants who wished to use the remittances they received from their relatives abroad to engage in productive activities to improve their economic and social status. CONAMU was working with a migrants' organization in Spain to strengthen Ecuadorian migrant women's organizations in that country, including organizations of domestic workers and women sex workers.

49. The implementation of the National Human Rights Plan had not yet been evaluated but the Plan now featured strongly in school curriculums, with particular emphasis on children's rights. Attention had also been paid to the rights of sexual minorities since the decriminalization of homosexuality. In application of the Employment Protection Act, there were about 20 complaints per year from women who had been fired because they were pregnant, although there were no figures for cases in which women suffered discrimination when applying for promotion to a higher position with the same employer. There was still a tendency to hire young, attractive women who did not have children. There had been very few official complaints to that form of discrimination.

50. **Ms. Aguilar Montalvo** (Ecuador) said that the most significant legislative change was the revised

Family Code, which had had its first reading in Congress and was awaiting its second reading. Since there were many newly-elected deputies of both genders who did not yet have a full understanding of the issues, it would be better to work to achieve that basic objective rather than pushing forward with a second reading. While legislation providing for family courts had been enacted in 1998 there was no provision in the Family Code for their establishment and financing.

51. Neither incest nor sexual abuse were defined as offences in the Penal Code. If a parent sexually assaulted a child under 14, it was treated as an aggravating circumstance.

52. **Ms. Belmihoub-Zerdani** said that, although much remained to be done, impressive progress towards gender equality had been made in Ecuador. Noting that the country's economic growth rate had fallen to 0.4 per cent in 1998, she said that when the economies of developing countries were subjected to structural adjustment programmes, women and children were always the first victims of the resulting economic difficulties. The women of Ecuador and of all developing countries should campaign to ensure that the developed countries fulfilled their undertaking to devote 0.7 per cent of their gross national product to official development assistance and that United Nations Development Programme (UNDP) country offices carried out their duty to promote the advancement of women in all areas of society.

53. **Ms. García Alvarado** (Ecuador) said that the women of Ecuador were committed to the struggle for better conditions and for the establishment of institutions to improve the situation of women and eradicate discrimination, in accordance with the Beijing Platform for Action.

54. It should be noted that in Ecuador, many indigenous people had migrated to urban areas, forfeiting benefits from programmes which targeted rural women. Gender-disaggregated data for the indigenous population were not available owing to the way in which censuses were conducted. Older women and rural women were considered to be members of vulnerable groups only if they were living below the poverty line. The welfare system in Ecuador was very weak in providing assistance to older persons.

55. **Ms. Ferrer Gómez** noted that in 2002, the Constitutional Court had declared article 40 of the

regulations relating to the electoral law to be unconstitutional. She asked whether this represented a serious setback, particularly in relation to the 30 per cent quota for women candidates.

56. **Ms. García Alvarado** (Ecuador) said that a temporary measure had been adopted in 1998, requiring that 30 per cent of candidates on electoral lists should be women. Subsequently the same requirement was incorporated in the reform of the electoral law, with an additional provision that the quota should gradually rise to 50 per cent, with women and men alternating on the electoral lists. Analysis of the elections in 2000 showed that the political parties had construed the law as allowing them to include gender groups in the lists with, for example, two men at the top of the list, followed by one woman and then two more men. That had resulted in the election of a majority of men, and was seen as a setback by the women's movement. A draft law to modify the quota system was currently before Congress.

57. **Ms. Achmad** expressed her concern that pupils in the bilingual education system might become isolated from the country's mainstream culture, particularly in terms of employment, and asked whether they were also educated in the national language. Referring to curricular reform as described in paragraph 139 of the combined fourth and fifth periodic report, she requested more information as to the training being provided to teachers in connection with the reform. The reporting State should specify what had been the results of the adoption of gender as a cross-cutting theme in primary and secondary education and what obstacles had been encountered, whether parental participation was allowed in the life-skills education programme, whether both boys and girls were involved, and whether the subject of sexual and reproductive health and rights was included in school health education programmes.

58. **Ms. Schöpp-Schilling** said she was concerned that so much of the information requested by the Committee and needed by the National Council for Women (CONAMU) in its efforts to incorporate a gender perspective throughout the Government had not been provided by the State bodies concerned; she hoped that that situation would be corrected and that the next report would include more information on the results of governmental activities. She wondered whether the Committee's concluding comments would

be discussed in the various ministries and whether the report had been adopted by Parliament.

59. She welcomed the statement in paragraph 168 of the report that unpaid domestic work was recognized as productive labour. However, it was not clear what such recognition implied beyond the inclusion of those workers in the national statistics. The delegation should also explain the distinction between the "own-account activities" mentioned in paragraph 181 and small businesses owned by women.

60. While applauding the temporary special measures taken by the Government, she wondered what minimum levels had been set for women's recruitment in the private sector, who monitored compliance, whether employers were required to file reports with the Ministry of Labour, what the results of CONAMU participation in the Sectoral Minimum Wage Commissions had been and whether it was represented on any of the other commissions. Lastly, she asked whether women discriminated against under the Labour Code were entitled to compensation and whether any penalties were imposed on violators.

61. **Ms. Gaspard** noted that ecological disasters and other crises penalized women by slowing the cultural development which could eliminate traditional gender stereotypes. For example, there had been little progress in increasing women's participation in sports; it would be useful for the next report to indicate the percentage of women and men on Ecuador's delegation to the Olympics since those statistics were indicative of gender inequalities in the areas of food, education, free time and funding.

62. Ecuador's combined fourth and fifth periodic reports (CEDAW/C/ECU/4-5) dated from 1998. It would be helpful to have more recent statistics on teenage pregnancy since 17.5 per cent of all girls aged 15 to 19 were either mothers or pregnant, a percentage that was even higher in rural areas. That situation resulted in unwanted children and was detrimental to girls' health and education; in some cases, it could even lead to suicide. A sex education programme was provided by law but was poorly implemented owing to pressure from conservative groups. The Government might therefore consider launching information campaigns and working with non-governmental organizations (NGOs) at the grass-roots level to counter that pressure.

63. **Ms. Ferrer Gómez** noted that poverty and public services were worst in rural areas, where 36 per cent of Ecuador's population lived. The delegation should provide more information on the current status of implementation of the Programme of Assistance for Rural Women in Ecuador (PADEMUR) and explain whether the procedural handbook prepared by CONAMU was being used in that Programme. The Committee would also appreciate information on literacy training and efforts to keep girls in school by, inter alia, lowering the teenage pregnancy rate.

64. **Ms. Patten** asked to what extent rural women's access to social security had improved. Wage gaps between men and women were also greatest in rural areas, despite the enactment of legislation and policies to redress such inequities. Women also suffered from job segregation, poor working conditions and high unemployment. She wondered how the Government planned to address those problems and whether special measures for rural and indigenous women were being taken.

65. The programmes run by the Ecuadorian Professional Training Service (SECAP) did not incorporate a gender perspective and there was little information on job segregation or promotion rates for women; she hoped that the next report would contain more gender-disaggregated statistics. Information on the number of Employment Inspectorates in urban and rural areas and on the number of complaints received would also be welcome. Ecuador's legislation on gender equality in the workforce was poorly implemented; a study of employers' compliance should be conducted. Additional information should also be provided on the number of lawsuits by women under the Labour Code and on the reasons why more women did not sue, such as ignorance of their rights and the cost of litigation. She wondered whether free legal advice was provided. She also asked what was being done to address the disturbing findings of the Labour Prevention Department's 1998 inspections among flower producers and exporters.

66. **Ms. Kwaku** said that even as a citizen of another developing country (Nigeria), she was stunned by the statistics on teenage pregnancy and child labour. As at 1995, 74 per cent of boys and 43 per cent of girls aged 10 to 17 were working, carrying out productive tasks in the home or seeking employment; those numbers were higher in rural areas. It appeared that nothing was being done to address the problem. She urged the

delegation to provide information on efforts to correct the shocking situation of those children, whose bright futures were being destroyed as they were forced to leave school and become child mothers.

67. **Ms. Saiga** asked whether the 10-year basic education cycle was compulsory, whether it included pre-school and what the dropout rates at all levels were.

68. **Ms. Khan** asked whether the high percentage of working children was the result of poverty alone or whether cultural factors were also at work, particularly in rural areas, and whether primary education was provided at no cost. Her own country, Bangladesh, had instituted staggered school hours and provided cash and food incentives so that working children could remain in school. She wondered whether the social protection programme for mothers with young children was implemented in rural as well as urban areas, whether it involved food coupons or cash payments and, in the latter case, whether mothers could use that money to send their children to school.

69. She was concerned at the lack of domestic violence assistance centres in some rural areas and at the general absence of available remedies for rural women. It would be useful to know whether sex education, including information on contraception, was available to girls in rural areas and how the Agrarian Development Law benefited rural women.

70. **Ms. Popescu Sandru** said she regretted that the Government had not replied to the questions on child labour in the list of issues (CEDAW/PSWG/2003/II/CRP.1/Add.1); she hoped that updated, gender-disaggregated statistics on working children would be included in the next report. Since Ecuador was a party to the Convention on the Rights of the Child, she wondered whether the human rights programmes in the schools informed children that they had the right not to work, whether child labour was prohibited by law and whether there were any awareness-raising programmes to alert parents and teachers to the harmful nature of child labour, particularly in indigenous and rural communities.

71. **Ms. García Alvarado** (Ecuador) said that the intercultural bilingual education programme provided instruction in both the indigenous language and Spanish; the teachers were bilingual members of the indigenous community. The programme had been successful in bringing additional jobs into those

communities and increasing indigenous people's access to higher education.

72. The reorganization of the education system had lengthened the primary school cycle by two years. Previously, students had chosen an educational "track" at age 14; under the new system, all students followed the same general curriculum, which made boys and girls less likely to choose gender-specific fields of study. The new system also took into account the beliefs and culture of indigenous people, and included instruction in the environment, resource management and values, including gender equality. It also promoted access to sports and recreation for both boys and girls.

73. Many areas of Government action were still at the planning stage; she hoped that there would be results to report in the future.

74. The public schools were free of charge, but additional costs for items such as textbooks were very high. In remote areas, as many as 150 children aged 5 to 14 had only one teacher. Moreover, since teaching was among the poorest paid of occupations (about \$150 per year), teachers were obliged to take a second job.

75. Although the combined third and fourth report had been prepared by the Ministry of Social Welfare, there was no established reporting procedure and the ministries were not required to discuss the Committee's concluding comments or to provide information on their activities for inclusion in Ecuador's periodic reports. A better system needed to be developed.

76. The fact that unpaid domestic work was recognized as productive labour under the Constitution had high symbolic value. In the future, women who worked at home would be eligible for social security, which was not the case at present. There was no mechanism for monitoring private sector compliance with hiring quotas for women. Since 1995, women had had more flexible options for part-time or temporary work, often in the tourism and flower-growing sectors. However, many of those hirings were not reported to the Government. CONAMU was studying the matter.

77. Administrative measures, including reinstatement, penalized employers who fired pregnant workers. However, no statistics on the imposition of such penalties were maintained. She welcomed the Committee's suggestions on measures to increase women's participation in sports.

78. Teenage pregnancy was a major problem and many early pregnancies were unwanted. The average girl became sexually active at age 13 and most girls dropped out of school once they became pregnant. Indigenous women tended to have short lifespans and their communities considered it normal for them to become mothers at a very early age and for children to work to help their families. There were no programmes aimed at changing those attitudes. The situation was aggravated because sex education was not compulsory in the schools. A new plan for the prevention of teenage pregnancy was at an early stage of implementation, but it was too soon to assess its outcome. The INFANS programme, which was designed to keep urban children in school, was restricted and had little impact. Realistically, it was unlikely that the number of working children could be reduced in the short term; they were not permitted to work at high-risk jobs in urban areas, but the economic crisis meant that families could not forego their contribution to the family income.

79. A programme to give women access to land had been established and subsequently abandoned; she hoped that it would be possible to reactivate it with international cooperation.

The meeting rose at 1 p.m.