

ECUADOR ORAL STATEMENT
42nd CEDAW session

Thank you Madam Chair,

We are Silvana Sánchez from CLADEM Ecuador and my colleague, Elizabeth Vasquez from Corporación Humanas.

We present this Declaration on the basis of four Shadow Reports prepared by CLADEM Ecuador, Corporacion HUMANAS, Organizacion Ecuatoriana de Mujeres Lesbianas, OEML, and Taller de Comunicacion Mujer.

In this intervention we are going to emphasise in the following priority issues regarding the women's human rights: 1) Our concerns regarding the implementation of the Constitution recently approved; 2) The fragility of the institutionality of gender; 3) The discrimination against diverse women regarding the rights to education and employment; 4) Sexual rights and reproductive rights; 5) Violence against women.

1. Concerns regarding the new Constitution.

The 1998 Ecuadorian Constitution already included important advancements for the human rights of women; nevertheless, these legal advances were not accompanied with the adoption of public policies, secondary legislation, institutionality and sufficient budget in order to achieve its effective implementation. Upon this precedent, we express our concern that the breach between the Constitution of 2008 and its real implementation, despite advancements, persists.

2. Fragility in the institutionality of gender.

The breach between the formal recognition and the real exercise of rights is related with the weakness of the institutionality of gender. The Consejo Nacional de las Mujeres, CONAMU, (National Women's Council) was institutionalised through an Executive Decree, a legal figure that leaves to the government's will the possibility to suppress it or modify it. A related problem is the insufficient budget assigned to CONAMU, that represents 0.021% of the National Budget and that has not been incremented in the last three years.

3. Discrimination in the enjoyment of the right to education and employment.

Regarding education, women continue to be more illiterate than men, and particularly indigenous, afro descent, elder and rural women. In the case of lesbian and transgender women, because of their identity, their right to education is violated, when they are expelled and denied access to educational institutions.

Regarding the right to employment, we are concerned that salary breaches between women and men persist. In the case of lesbian women, discrimination is expressed through dismissals without notice, and even sexual harassment, when their sexual option is visibilized. It is also our concern the high percentage of indigenous elder women that do not perceive any kind of economic income.

In the case of women refugee seekers, the State's denial of this status impedes the access to employment with severe consequences to the enjoyment of this and other rights.

4) Sexual and Reproductive Rights

The persistence of discourses giving an absolute value to life from conception, denying pregnant women's rights are alarming. Some examples of this are the Constitutional Tribunal's prohibition to commercialize a specific brand of the contraceptive emergency pill, the Evangelical and Catholic churches campaign against the recognition of sexual and reproductive rights in the new Constitution and the President's discourse as well as that of other members of the government who oppose to discuss decriminalization of abortion in terms of a public health and human rights issue.

The new Constitution recognises same-sex *de facto* unions yet it exclusively limits adoption to different-sex couple; thereby, discriminating lesbian women.

Likewise, despite constitutional recognition of the existence of diverse forms of family, what raises concern is the fact that government authorities have begun to present a restrictive interpretation of this norm that dismisses the inclusion of sexually diverse families and limits the intended "diversity" to migrant families.

As for lesbian women, discrimination is expressed in the assumption of heterosexuality as well as in the absence of attention to their specific needs within campaigns that address the prevention of HIV -AIDS, cervix cancer and other sexually transmitted diseases.

5) Diverse manifestations of violence against women and lack of effective constitutional protections.

In Ecuador there are documented cases of lesbian, bisexual, and transgender women who have been subjected to discrimination, torture and cruel, inhuman and degrading treatment when they are targeted for forced psychiatric and drug treatment in private clinics to "cure" their homosexuality or gender identity. This so called treatment is based on stereotypes and discriminatory cultural practices like the naturalization of the control of women sexuality in particular if it is transgressive. The relegation of sexuality to the private sphere has caused that these human right violations are not being sanctioned and that lesbianism and transgenderism to be pathologized.

It is alarming that domestic violence against women has increased in the last few years based on the number of reported cases in the Women's Police Delegations. What is most disturbing is that a minimum percentage of cases brought to court are resolved. Until the present day, domestic violence has not been typified as a specific crime.

The impunity that exists within the diverse forms of violence against women is distressing. Justice administration is even further from guaranteeing the effective constitutional protection of women in cases of violence and discrimination.