

Committee on the Elimination of Discrimination Against Women
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Alternative Report¹
Corporacion Humanas – Ecuador

Corporacion Humanas – Ecuador, Regional Center for Human Rights and Gender Justice is a civil non-profit organization legally established in Ecuador, Colombia and Chile.

We are a feminist center for studies and political action and our mission is to promote and defend women's human rights and gender justice in Ecuador and the Latin American region.

Introduction

- i. State evaluations on the situation of the human rights of women reveal and acknowledge a fair distance between formal recognition and real exercise.
- ii. Namely, this implementation breach has a correlate in the weak institutional frame for equality between women and men in the Ecuadorian State as a whole, yet particularly more so in the absence of an executing institution. Inadequate and/ or absent gender mainstreaming and a lack of political willingness to understand substantial equality as a priority and indispensable condition for democracy and development continue to mark this period.
- iii. The Ecuadorian State and its decisionmakers reproduce gender discrimination insofar as they adopt measures and programs that reinforce traditional roles and stereotypes. This, in turn, increases *de facto* inequality between women and men. Such a statement has already been made by the Committee on Economic, Social and Cultural Rights at its 32nd session period, in its final observations to Ecuador's Report.
- iv. Ecuador goes through an institutional reform of the State. Democratic institutional reform directly involves the interests of Ecuadorian women as well as the opportunities to strengthen the institutionality for equality at all levels of government;

¹ This report has been elaborated on the basis of the Report on the Human Rights of Women in Ecuador; Corporacion Humanas – Ecuador. Drafting Team: Herrera, Ana; Goyes, Solanda; Palacios, Paulina; Villagomez, Gayne; Reyes, Ariadna; Gomez de la Torre, Virginia; Davalos, Pablo. Currently under Editorial Staff. 2008.

- v. The above mentioned reform also touches on the opportunity to take decisions that favor equality between women and men, insofar as discrimination against women spans through its life-cycle and multiplies in a country inhabited by women who belong to ethnic groups and nations; indigenous and black Ecuadorian women.
- vi. Hence, political and institutional reform facilitates or hinders women's effective enjoyment of their human rights. It is on the second level that public policies, as tools of a government's commitment to equality, reflect the leaders' degree of understanding of the fact that a democratic system and economic equity require the appointment and adoption of full measures towards equality.
- vii. After a series of interviews held with members of the political collectivity that conforms Corporacion Humanas – Ecuador, as well as with leaders of the organized women's movement in the country, this reports has chosen to focus on two aspects that are central to the life of Ecuadorian women and to the fulfillment of equality as a goal: the economy and women (article 13 of the CEDAW) and the adoption, by all appropriate means, of policy measures to achieve equality (articles 2 and 3 of the CEDAW).

I. The Economy and Women:

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

b) The right to bank loans, mortgages and other forms of financial credit;

Recommendations: paragraphs 307, 308; 323; 325 and 327.²

The situation

1. Ecuador's Integrated System of Social Indicators (SIISE) shows a relative decrease, by 37,6% to 34,9%, in the measure for poverty upon income in Ecuadorian women and men, from December 2006 through June 2008. A similar behavior occurs in the measure for extreme poverty upon income, which drops from 16,89% to 15,49% throughout the same period.³
2. According to the first survey on aboriginal peoples and nations (SIDENPE-SIISE), poverty, measured in terms of basic needs not met, affects 89.90% of the indigenous population (20 points beyond the national average that stands at 61.3% according to the survey on living conditions 2001 that corresponds

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307. The Committee is deeply concerned about the elevated level of poverty and extreme poverty among women, and particularly among rural and indigenous women. Despite the existence of isolated plans to fight poverty, the Committee is preoccupied with the lack of a general, comprehensive policy to eradicate poverty specifically directed to rural and indigenous female population.

308. The Committee urges the State to develop a general policy to eradicate poverty that includes a gender perspective and grants specific attention to rural and indigenous women.

323. Despite the existence of employment legislation, the Committee is worried about the absence of a general employment policy that grants priority attention to women; the failure to apply employment legislation; and the persistence of a salary breach between men and women. The Committee notes, and is particularly concerned with, the elevated rate of child labor that persists in Ecuador.

325. Despite the existence of awareness programs, the Committee is worried about the persistence of traditional stereotypes around the roles and responsibilities assigned to women and men in the family, in education and in the larger society.

326. The Committee recommends the development and implementation of programs directed to women and men that would contribute to guarantee the elimination of stereotypes associated with traditional roles in the family, education, employment, politics and in the larger society.

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Analysis of annual surveys on INEC employment and unemployment.

to the same period). Out of this percentage, 69.84% suffer from extreme poverty (approximately 40 points beyond the national average that stands at 31.9%). This means, indeed dramatically, that the indigenous population is the poorest among the poor, with an additional two-point disadvantage affecting women in relation to men.⁴

3. The referred general decrease in relative and extreme poverty (not that that corresponds to aboriginal peoples and nations) has two inputs: on one hand, migratory remittance (women make up for 49% of the population that emigrates from Ecuador)⁵; and, on the other hand, the international prices of oil.
4. The relative decrease throughout this period has its axis and support in the goods and services produced by women in the reproductive economy, especially in the area of human care. Women's role in the economy has not yet been positioned by the State as a key-factor to overcoming empowerment, nor has it been taken into account in the design of comprehensive policies to promote equality.
5. On the contrary, the traditional role of mothers-as-caretakers has been reinforced as a structural component in all economic and inclusion policies. This reveals the State's failure to comply to the commitments undertaken by the State at the Beijing Platform; among these, the obligation to structure macroeconomic policies and comprehensive development strategies entailing real progress for women.
6. Despite the obvious relationship between improved living conditions and income and the reproductive economy, the Ecuadorian State has declared that the benefit issued to mothers by the social protection program run by the Ministry of Economic and Social Inclusion (MIES) constitutes a *payment in return for labor*. The government has positioned work in the reproductive economy in the public agenda with a referential value of US\$ 30,00 dollars attached to it, and, with it, the design of future policies.
7. This policy has confined the adoption of structural decisions in favor of women to the parameters contained in the vision of the above mentioned MIES social protection program; thereby hampering the entrance of reproductive economy into national accounts and, therefore, into the affectance of inequity's structural system. Again, all of this against the recommendations of the tenth session of the Regional Conference on Women in Latin America and the Caribbean.
8. Furthermore, the State's declaration affects the adoption of decisions towards full valoration of the goods and services of the reproductive economy and of domestic corresponsibility.
9. As a matter of fact, the increase in public income may be directly registered in the income-consumption function of worse-off homes by means of direct subsidies such as the "human development benefit". The latter is the main action in the social protection and other programs of priority social attention, where economic and social inclusion policies emphasize traditional gender roles: women-as-mothers-and-caretakers.

⁴ Human Rights Report – CONAIE. 2008.

⁵ 18 out of 1.000 personas emigrate from Ecuador. Source: Revista Indice. Technical Secretary of the Ministry-Coordinator on Social Development – Unit of Information and Analysis – SIISE. 2008.

10. Entrepreneur opportunities within the social protection program do not include mechanisms designed to overcome inequality and to promote the comprehensive participation of women in the economy and are marginal to the financial/ alternative entrepreneurship system.
11. The emphasis of economic and social inclusion policy through the actions impeded by the social protection program, and by programs that deal with children and adolescents in relation to mother-caretakers, deeply limits the adoption of measures aimed to overcome the gap between formal recognition and real exercise of human rights by women. Stereotypes on women prevail in the design of economic and social inclusion policies.
12. A clear difference between men and women is revealed in terms of their labor participation. This is especially due to the reality of family and care work remaining invisible in the economy. Women's labor access conditions are determined by their adherence to home tasks. According to the SIDEFT project, "more than 2,1 million women 18 and older are inactive" (40% of the female population falls within this age range). Out of these, half have not looked for employment, either because they have no time left or because they are *not allowed* to work, as a consequence of domestic activities.⁶
13. While the gross underemployment rate is alarming among both women (62,7%) and men (66%), it is even more critical among indigenous women, whose 91.3% stand against indigenous men's 78,6%. As for black women, they fall slightly under the national rate, at 59.6%.
14. In terms of social inequity, according to INEC surveys on living conditions, the Gini coefficient - a measure of income distribution - stood at 53,4 in 2003 in contrast to 57,6 in 2007⁷. This means that, despite a decreasing pattern in poverty, inequality of income distribution is on the rise.
15. The Ecuadorian economy continues to depend on the fields of oil production and of agro exports of bananas, flowers and shrimp. As for the second field, female labor force is massively demanded and there are no specific policies to improve the conditions of these workers. Manufactures represent 13.9% of aggregate national product⁸, immediately after agro exports. In this latter field, women are also majoritarily employed. There are cantons in Ecuador exclusively dedicated to manufacturing where women are employed in completely irregular labor conditions.
16. Throughout the period we are dealing with, the cost of the alimentary basic basket has risen from USD 361.75 to USD 507.48 while monthly family income has risen from USD 253.17 to USD 374.5. The monthly deficit between family income and purchasing power of primary goods and services lies at USD 132.9 to the present date. The former is especially absorbed by women as they waive their rights in favor of other family members.
17. State initiatives designed to guarantee the rights of women who belong to aboriginal peoples and nation and to the black population along standards contained in the United Nations Declaration on the Rights of Indigenous Peoples are non-existent. The prevailing vision centers exclusively on interculturalism and the expansion of State-logic programs towards these citizens.

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Cfr., Ministry of Labor and Employment – CEIME. Proyecto SIDEFT. Línea de base: derechos fundamentales del trabajo. 2007.

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INEC Survey on living conditions. Results as thrown by the V and VI Rounds, INEC, 2008.

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National Accounts, Banco Central del Ecuador (National Central Bank), September 5, 2008.

The problems

18. Regressiveness is expressed in the realm of public policies for equality between women and men. The prevalence of a discourse on universal citizenship hides inequity breaches and their differentiated effects on women and men.
19. The State has experienced no advance in the design of macroeconomic, economic and social and economic inclusion policies with a focus on equality. Women are not entitled to their rights in terms of real empowerment⁹.
20. Policies are designed and formulated for the poor without understanding the difference between women and men in conditions of poverty. Moreover, policies are designed and executed upon chains of goods and services generated gratuitously by women. The National Development Plan holds this limited vision.
21. Poverty and extreme poverty reduction policies have a relative impact only, and one that is limited to consumption. Relationships with the State and the market are imposed on the families of aboriginal peoples and nations upon social policies.
22. Despite the existence of advances in the quality of information and tools that could enable the design of economic and social public policies that would guarantee and foster equality between women and men, these are not used (e.g., Equal Opportunities Plan; Pilot Survey on the Use of Time; gender-sensitive budgets).
23. A false dichotomy confronting women policies and childhood policies has undermined the possibility of a complete, systematic understanding of public policies for equality and social public policies (The Ministry of Economic and Social Inclusion benefitted from a budget increase from 506,6 million dollars in the 2007 to 542.4 in 2008. The Human Development Benefit has prioritized mothers as beneficiaries of such increase, yet the State has not designed a single policy on equality that is solidly grounded on political will, strategies, mechanisms and adequate budgets).
24. There is an absence of State policies adequately conjugating self-determination of aboriginal peoples and nations and African Ecuadorian populations with ethnic women's rights. The main tendency in social public policies remains framed in an economic and social inclusion perspective that leaves little room for a genuinely universal-in-diversity public policy; and in consequence, little room for appropriate visibility of the relationships between women and the environment, women and the economy, women and migration, women and sexual diversity. Instead, a clear intention to control ancestral territories where strategic natural resources lie has shaped State action towards the indigenous peoples and nations that inhabit them.

Recommendations

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The Beijing Platform clearly establishes the need to undertake effective, efficient and synergic programs that take gender into account and contribute to give power to the role of women and promote their advancement.

25. Fighting the causes of poverty and extreme consumption poverty is as necessary as **attacking the causes of such impoverishment, sincerely admitting that women in any social and economic situation are affected by discrimination** (in other words, the difficulties that stand in the way of rights enjoyment are different in women and in men). Some of the consequences are: an overburden of work in women, traditional role supremacy, and hence, male domestic irresponsibility, right-waving by women in favor of other family members.
26. **The National Secretary of State Planification (SENPLADES) must decidedly treat substantive equality as a goal in the democratic reform of the State and in its design of social and economic policies;** equality between women and men should be considered a matter of national priority and included in the National Development Plan.
27. **In the current institutional reform, the Ministry of Economic and Social Inclusion must immediately, promptly and responsibly renew the global aspiration of equality between women and men in protection programs.** This entails abolishing the use of women as links within inclusion policies and assuming them as citizens fully entitled to their rights.
28. **The Social Coordinator Ministry must immediately, promptly and responsibly renew the goals contained in the National Priority Agenda** to guarantee substantive advances for women as individuals fully entitled to their rights.
29. The National Secretary of State Planification (SENPLADES) and the ruling bodies of the Ecuadorian State (sectorial Ministries) must include **measurable, specific, holistic and sustained goals in the objectives for real equality between women and men (taking into account international instruments ratified by Ecuador) in their annual and pluri annual central and territorial operative plans.**

II. State Responsibility: The Institutionalization of Gender¹⁰

Article 2

*States Parties condemn discrimination against women in all its forms, **agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:***

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

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302. The Committee urges the State party to repeal discriminatory norms remaining in civil and family law in order to ensure the application of laws that fight discrimination against women, and to speed up procedures to revise the compatibility of such laws with the Convention, thereby reinforcing its political willingness to incorporate a gender perspective in the formulation and application of laws. The Committee also urges the State party to consider the incorporation of a gender perspective in its norms as a central axis within the State party's strategic priorities, and to consider the possibility of designing and implementing a holistic policy for gender perspective institutionalization.

Article 3

States Parties **shall take in all fields**, in particular in the political, social, economic and cultural fields, **all appropriate measures**, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Recommendations: paragraphs 302, 304¹¹

The situation

30. As a result of women's political demands and in fulfilment of the State's obligation to create a responsible institutionality for the policies of equality between men and women¹² the Women's National Council (CONAMU) was established as a starting point in the process of solidifying gender institutionality in Ecuador.
31. The CONAMU is created upon Executive Decree No. 764, as of October 1997, as a leading organism in the formulation and promotion of Gender Perspective Public Policies, with its own legal constitution, patrimony, administrative regime, financial autonomy, and ascribed to the Presidency of the Republic.
32. As referred in the country's report¹³, besides the CONAMU, other spaces have also met legal existence by means of Executive Decrees, either upon spontaneous initiative or under the Council's coordination, with the purpose of making the implementation of specific laws possible. Among these are the National Gender Direction under the Ministry of Government and Police (2002), the National Plan on Education in Sexuality and Love (PLANESA, 2000)¹⁴, the National Plan to fight kidnapping, illegal trafficking of migrants, sexual and labor exploitation, other forms of exploitation and prostitution in women, children and adolescents, child pornography and corruption of adolescents¹⁵ (2004), the Executing Unity for Free Maternity Insurance and Attention to Childhood¹⁶(2005) ascribed to the Ministry of Public Health, with administrative and financial autonomy, the National Plan on the Eradication of (Different forms of) Gender Violence¹⁷ (2006).

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304. The Committee urges the State to strengthen the leading role of the National Women's Council, by adopting a law that institutionalizes and regulates the Council's activities, by conferring to this organism a more active role in the control of the application of laws centered in the promotion of gender equality, and by assigning sufficient financial resources for its adequate functioning and performance. Likewise, the Committee encourages the State party to choose a chair or head of the National Women's Council. The Committee encourages the State party to ensure the participation of civil society in the Council and to foster participation by indigenous and black women's movements.

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We refer to the postulates of the Beijing Platform that inform this obligatoriness.: H. Institutional mechanisms for the advance of women, paragraphs 196,197,201,102 and 203.

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Committee on the Elimination of Discrimination Against Women, Examination of States' reports in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. State parties' combined sixth and seventh periodic reports 1998 – 2006.

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Paragraph 336 of the Report by virtue of Ministerial Resolution No. 910, as of May 28,2000. For the Application of the Plan, the National Program on Education for Sexuality and Love (PRONESA) was created by virtue of Ministerial Resolution No. 3152, as of December 16, 2003. Within this process, the Special Regulations on Procedures and Mechanisms for Acknowledgement and Treatment of Sexual Crimes in the Education System were implemented.

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Executive Decrees 1981 and 1823.

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Paragraph 314. The Law on Gratuitous Maternity Insurance and Attention to Childhood (LMGYAI), reformed in 2005 and codified in 2006 is a special measure.

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This was elevated to the rank of State Policy by virtue of Executive Decree 620, as of September 2007.

33. All other spaces mentioned in the country's report have constituted coordination mechanisms that have, at best, managed to exist as offices or units within certain ministries, such as the Ministry of Labor (Unit on Gender Equality and Youth), Economy and Social and Economic Inclusion¹⁸, Public Prosecutor (Attention Unit for Victims of Sexual Violence) and National Police – Office on Women's Human Rights -. These are agencies that have operated in the context of agreements and projects and that use mechanisms such as committees, observatories, tables, etc. None has achieved adequate institutionality within the State, not one has become part of the sectorial structure of the State, therefore, their functioning or their suspension has occurred at the mercy of the three elected and two transition governments that have been in power in Ecuador between 1998 and 2006.
34. Analysing Ecuador's official report through the eyes of someone familiar with the State's reality and internal dynamics, it becomes obvious that, beyond systematic advancements in statistical documentation, the logic on fulfilment of commitments undertaken and recommendations made by the Committee, is one that focuses excessively on isolated, partial executions and pilot programs that lean disproportionately towards punctual actions, events and trainings.

The problems

35. The CONAMU's legal frame itself, as well as that of the Plans dictated throughout the last two years have come into force through Executive Decrees. Hence, their suppression or modification may occur instantly as each new government or authority in power sees fit. The weakness in the CONAMU's very origin causes instability; a serious condition when considering that many other policies of vital importance to women depend on this institution, such as the treatment of violence against women, illegal trafficking of women, and sexual rights in the realm of education.
36. Lack of institutionality has subjected continuity in the implementation of policies of equality to the good will of governments, authorities and public employers, weakening the efforts essentially made by the CONAMU, since the majority of non-institutionalized coordination spaces have suffered delays, multiple financial difficulties, lack of budget, permanent changes in authorities, permanent changes in focus. In practice, there is a coincidence in the political vision within the Ecuadorian State, as custom has grounded and limited the State's entire **responsibility** in matters of women's human rights to the CONAMU. Real State responsibility is largely rhetoric and absent in actual fact, as an abyss stands between discourse and formal recognition on one hand, and effective exercise of the rights of women on all levels of the government and the territory on the other hand.
37. The evidence left by this entire process is that the Ministries, as executing agencies within the State's structure have neither the understanding nor the capacities to assume the necessary procedures to overcome the significant discrimination breaches that affect Ecuadorian women, and indigenous and black women in particular, both rural and urban.
38. Budgets are a reflection of states' political will. Between 2004 and 2008, the institutionality for gender in Ecuador has not been strengthened in terms of budget allocation. As of 2005, the CONAMU operated on a budget of USD

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The Ministries' denomination was modified by the current government as part of the changes in the structure of the State. January 2007.

1003.374,61 while as of 2008 it had increased to USD 2253.374,61¹⁹. A percentual analysis throws light on the fact that in both figures, the CONAMU'S budget ranges at approximately 0.021% of the General National Budget²⁰. No significant increase exists.

39. Adding to the lack of institutionality, the failure to meet the commitment to mainstreaming within the State, and the decrease in a budget that was already insufficient to start with, an even more serious situation has to be addressed. As of 2007, we have witnessed how the CONAMU has become part of an institutionality challenged by the national government with relation to its scarce internal democratic ways and its limited impact on the State. For this reason, as with other Councils dealing with rights, it has been forced to undergo a process of democratic reform under the direction of the National Secretary of State Planification (SENPLADES). This is preliminary as no reform can be effectively operated until the results of the referendum that approves the new Constitution 2008 shall come into force²¹.
40. A discourse on citizenship, with an underlying vision of rights in and of themselves is led by the above mentioned Secretary. Such a vision orients the State reform and leads dangerously to rendering discrimination against women invisible. This weakens furthermore the State's commitment with transforming power relations between men and women towards real equality, as much as it marginalizes what little institutionality for gender exists.
41. The State must guarantee both the recognition and the exercise of rights. Guaranteeing equality requires, and is the result of, State's interventions, yet the tendency in Ecuador is to leave the changes that serious problems affecting women demand, in the hands of women themselves. Gender violence remains an iconic example of the State's inefficacy, as multiple forms of violence against women of all age groups and social conditions has increased.
42. The State refuses to undertake accountability for the practical realization of the right of women to equality without discrimination. The constitutional consignment of rights, laws and regulations has no effect if the means to provide or facilitate access to their exercise and restoration are not fully implemented. Policies must be systematic and permanent if the aspiration is to attain sustained and structural changes. Such is the essential commitment States undertake before the CEDAW.

Recommendations

43. Institutional reform must depart from the principle that democracy is not possible without women, hence, that overcoming profound inequalities between men and women is crucial and a State priority. For this reason, policies, laws, restoration mechanisms, institutionality itself, and any other means adopted to this end, demand real and clearly identified political willingness.
44. Political willingness expresses itself through mechanisms for equality (institutionality) located at the highest level of the State; with real impact on

19 www.conamu.gov.ec

20 The 2008 budget proform amounted to 10,357.6 million dollars.

21 Changes in the structure of the State and particularly a reform touching the CONAMU will be certainly promoted whether or not the new Constitution's draft be approved in the referendum that will take place on October 27, 2008. Hence our preoccupation with the reform process.

the design of general policy towards the construction of equality between men and women and sufficient budgets to face such an enormous task.

45. The State must overcome the practices that have permeated a public policy towards women that has been built upon the gratuitous work of women, not only in the reproductive economy but in the economy of care, and that has used women as mediators *vis-a-vis* consumption, services and the market. Reform should produce a new institutionality willing and able to fully undertake the mandate of a life with dignity for women. The State as a whole must be held accountable for it.
46. So long as the Ecuadorian State continues to demonstrate profound limitations in its ability to guarantee the rights of women, the need for the institutionality to co-direct and control the cycle of public decisions prevails. This includes planning, coordinating, directing and executing. In the current political process the country is going through, this stands as the path to guarantee real implementation of policies, and as a possibility to generate capacities to be mainstreamed from an expert space through the entire structure of the State.
47. The logic must be that of a State policy. Therefore, all legal, procedural and financial safeguards must be undertaken in order to ensure the continuity of those policies beyond individual or political willingness.
48. The institutionality must fully assume the participation of diverse women as citizens throughout the national territory as a means to overcome the limited representation of women within the current model. This entails trusting and respecting women's autonomy to manage their own citizen participation processes, generating real interlocution with a State in turn capable of responding to their interests.
49. The Ecuadorian state must undertake these commitments in discourse and in practice, shortening the breaches between formal recognition and the implementation of policies that add significantly to a change in paradigms and to wealth redistribution without gender discrimination.