

January 20, 2015

The Committee on the Elimination of Discrimination against Women
Office of the High Commissioner for Human Rights
Palais Wilson, 52 rue de Pâquis
CH-1201 Geneva 10
Switzerland

Re: Supplementary information on Ecuador, Scheduled for review by the CEDAW Committee in its 60th Session

1. This report supplements the periodic report submitted by Ecuador, scheduled for reviewed during the 60th session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee). The Center for Reproductive Rights (The Center), an independent non-governmental organization that works to advance reproductive freedom as a fundamental human right, hopes to further the work of the CEDAW Committee by providing independent information concerning the rights protected in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This letter will highlight in particular how the sexual abuse and harassment of girls in schools in Ecuador is a systematic problem that violates its obligations under the CEDAW.

2. The report is divided in three parts. First, it describes the state of affairs of sexual violence in public schools in Ecuador, focusing on the Paola del Rosario Guzmán Albarracín v. Ecuador (Paola v. Ecuador) case currently before the Inter-American Commission on Human Rights (IACHR). Second, it describes the rights enshrined in CEDAW and the state obligations that stem from those related to sexual violence, including sexual abuse and harassment. Third, it analyses how the situation of sexual violence in Ecuadorian public schools constitutes a violation of Ecuador State's obligations according to the CEDAW.

I. Sexual Violence against Girls in Ecuadorian Public Schools is Rampant

3. Violence against women is a structural problem in Ecuador. Sexual violence in educational institutions restricts women's educational opportunities and constitutes a violation of the right to education. The structural problems that in Ecuador around this kind of violence are primarily: i) lack of official information around cases; ii) lack of information and sensitization of personal and students around the issue; iii) lack of implementation of measures of prevention as well as the adequate investigation and prosecution of cases in administrative and criminal instances. All of those problems lead to lack of adequate access to justice and an unequal protection of the law because of her gender, race, age and economic situation. Failure

to prevent and punish such violence encourage an environment that tacitly condones it and ensures the continued of such acts.

4. Women in Ecuador experience high levels of gender-based violence. A 2011 national survey conducted by the Ecuadorian Institute on Statistics and the Census (Instituto Nacional de Estadísticas y Censos) revealed that sixty-one percent of women were victims of physical, psychological, sexual or economic abuse during their lifetime,¹ and one in four women are victims of sexual violence.²

5. Forty-three percent of women in Ecuador report having been sexually abused when they were under the age of fifteen.³ This disproportionately affects girls in educational settings. Eighty-five percent of victims of sexual abuse in school are girls, in contrast to boys, who make up only fifteen percent of victims.⁴ More than a third (36.9%) of female adolescent victims of sexual violence in Ecuador identified teachers as the perpetrators.⁵ In fact, educational settings are one of the main locations in which sexual abuse of girls occurs.⁶ Around thirty percent of adolescent girls are sexually harassed or abused in educational settings.⁷

6. The effects of sexual abuse and harassment cause physical and psychological trauma in the victims that can lead to girls dropping out of school.⁸ Sexual harassment and abuse at school increases girls' risk to acquire HIV and other sexually transmitted infections, unwanted pregnancy and the risks of illegal abortion, drug and alcohol abuse, depression,⁹ and suicide.¹⁰ Suicide is one of the first causes of death among youth ages 10 -19 in Ecuador, primarily caused by depression from experiencing violence, and unwanted pregnancy.¹¹

7. In contrast to the high rate of sexual harassment and abuse that girls face in educational settings, the number of cases prosecuted against the perpetrators is very limited. According to data produced by the National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women (Plan Nacional para la Erradicación de la Violencia de Género hacia la Niñez, Adolescencia y Mujeres), in 2005, only 1.9% of 8,682 complaints led to sentencing of the abuser; in 2006, 2.4% of 7,930 complaints, and in 2007, 3.1% of 10,204 complaints.¹² The small number of cases actually brought to trial is partly the result of inefficient investigation by the prosecutor's office,¹³ and a justice system that is inclined to believe the assailant over the victim.¹⁴

8. In "Access to Justice for Women Victims of Violence in the Americas 2007," the Office of the Rapporteur on the Rights of Women for the IACHR wrote that judges often do not believe sex abuse cases are as important as drug or murder cases, and discriminate against young female victims using culturally-charged biases.¹⁵ Efforts to report sexual abuse by schoolteachers in Ecuador are often met with a defensive attitude by school authorities, and police tend to keep

poor records of such cases.¹⁶ When cases do come to light, some teachers are simply punished with a temporary unpaid suspension.¹⁷

9. The State report highlights the revision and implementation of the updated National Plan to Eradicate Sexual Offenses in the Education System (Plan Nacional Integral para Erradicar los Delitos Sexuales en el Sistema Educativo). However, there has been no meaningful implementation of this revised plan, and nor does it reach students at a national level, according to the Secretary General of the Commission on Children and Adolescents.¹⁸ The plan does not contain any indicators, benchmarks, timelines, resource allocations or specific plans detailing how any of the objectives will be achieved.¹⁹ It does not include any evaluation mechanism to measure effectiveness or any mechanism to enforce implementation.²⁰

10. A serious lack of government information further obscures the situation. While the government produces statistics about the number of claims of gender-based violence, there is no public available data on the number of girls who have been victims of sexual abuse or harassment in educational settings. This makes it extremely difficult to understand the extent of the problem, create a plan to combat it, or measure the effectiveness of any State action. The only public information about sexual harassment and abuse in education settings comes from the launch of a public awareness campaign: “No One Ever Again! Education without Sexual Violence” (¡Nunca Nadie Más! Educación sin Violencia Sexual) in March 2014, in which the Minister of Education stated that the State received 634 complaints of sexual violence in the education system in 2013.²¹

11. The case of Paola de Rosario Guzmán Albarracín (Paola), currently before the IACHR, highlights the many rights violations that girls experience when facing sexual abuse and harassment in school, and the devastating effects it can have on their lives. Paola was a 16-year-old Ecuadorian student sexually harassed by her Vice-Principal – a public officer –, who conditioned her request for academic assistance on her going out with him.²² He continued to sexually harass and abuse Paola for over a year, and began having sexual relations with her.²³ In late November 2002, Paola affirmed that she was pregnant, and showed her friends the positive blood test confirming the pregnancy. She claimed to be pressed by the Vice-Principal to perform an illegal abortion with the help of the school doctor.²⁴

12. On December 12, 2002, Paola intentionally ingested white phosphorus to commit suicide on the way to school.²⁵ Upon becoming aware that she had done so, she was taken to the school infirmary by her classmates. Although, none of the school officials undertook any action to get Paola the urgent medical assistance she required.²⁶ Paola’s friends finally informed her mother, who rushed Paola to a hospital, but it was too late, and she died shortly afterwards as a result.²⁷

13. Paola's family charged the Vice-Principal with sexual harassment, rape, and abetting suicide. In addition, they called for a disciplinary investigation and brought a civil suit. Subsequent testimony confirmed that the Vice-Principal had a track record of sexually harassing female students and teachers. Despite witnesses to the above abuse, along with evidence that the Vice-Principal had previously sexually abused other students and even assaulted a teacher,²⁸ the school authorities took no action to protect students.²⁹ The prosecution's investigation case was fraught with irregularities, unwarranted delays and incompetence.³⁰

14. In the criminal case against him, orders for the Vice-Principal to appear in court and for his arrest in 2004 were never carried out.³¹ The Department of Education determined that Paola was in love with the Vice-Principal and that his only misconduct was abandoning his post as Vice-Principal after her death, for which he ordered the Vice-Principal's dismissal.³² The civil case determined he had to pay \$25,000USD. Paola's mother appealed this decision in 2006. This decision cannot be executed because the respondent was a fugitive from justice. The accused never paid the compensation, and in 2013 the case was dismissed.³³

15. In 2008, after five years since the offense took place, the criminal court dismissed the case against the Vice-Principal, leaving the crime unpunished.³⁴ Paola's family have exhausted all remedies of the domestic system. None of these remedies has been effective in redressing sexual violence acts due to the gender-based discrimination across the judicial process, as a result of gender prejudices. The case, which was declared admissible by the IACHR in 2008, and is currently pending on the merits.³⁵ The rights' violations Paola experienced—right to be free from discrimination, right to life, right to be free from cruel, inhuman and degrading treatment, right to security of the person, right to substantive equality, right to education, and right to health—are violations faced by thousands of women and girls throughout Ecuador as a result of unaddressed sexual harassment and abuse in schools and are particularly representative of the systematic problems faced in Ecuador around this issue.

II. Ecuador's obligations with regard to protect girls and women from sexual violence, as recognized by the CEDAW

16. CEDAW defines discrimination against women in Article 1 as "*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*"³⁶ Discrimination encompasses gender-based violence, a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.³⁷ Gender-based violence affects girls' rights to life, right to be free from torture, cruel, inhuman and degrading treatment, right to security of

person, and right to health, according to the CEDAW Committee's General Recommendation No. 19.³⁸ The violation of these rights helps maintain women in subordinate roles that contribute to their low-level of political participation, education, skills, and work opportunities, preventing them from becoming economically or otherwise empowered.³⁹

17. The Ecuadorian Constitution establishes⁴⁰ the right to substantive equality between men and women. In the last three CEDAW Committee reviews to Ecuador, the CEDAW Committee expressed its continuing concern at the disparity between the *de jure* and *de facto* situation regarding women's equality in Ecuador, particularly in terms of gender equality and legal protection of women.⁴¹ Article 2 requires states to establish women's legal protection of on a basis of equality with men and to take all measures to abolish customs and practices that contribute to discrimination.⁴² The CEDAW Committee has emphasized that traditional attitudes by which women are regarded as subordinate to men, stereotyped roles, and prejudices and practices that may justify gender-based violence as a form of protection or control over women violate Article 2.⁴³

18. Article 10 requires States to ensure women equal rights with men in the field of education by, *inter alia*, the same access to studies and achievements in educational settings, elimination of stereotypes of the roles of men and women, the same quality of teaching staff, and reduction of female student drop-out rates. The CEDAW Committee's General Recommendation No. 28 also explicitly recommends States to promote girls' equal rights in areas in which they are more vulnerable to discrimination, such as basic education, emphasizing the special needs of adolescent girls, who experience aggravated discrimination.⁴⁴

19. The CEDAW Committee's General Recommendation No. 24 on the right to health highlights that "*adolescent girls and women in many countries lack access to information and services necessary to ensure sexual health. As a result of power relations based on gender, women and adolescent girls are often unable to refuse sex or insist on safe and responsible sex practices.*"⁴⁵ It therefore requires States parties to ensure the rights of female adolescents by ensuring access to sexual and reproductive health education.⁴⁶ It further establishes that special attention should be given to the needs and rights of vulnerable women, such as girls, and that particular attention should be paid to adolescents' health education.⁴⁷

20. Article 12 of CEDAW prohibits discrimination against women in the field of health and mandates States to ensure appropriate access to health care services, including those related to family planning and pregnancy.⁴⁸ In particular, General Recommendation No. 24 states that it is discriminatory for a State party to refuse to legally provide access to certain reproductive health services for women, and describes laws that criminalize medical procedures only needed by women, and that punish women who undergo those procedures, as a barrier to women's

access to appropriate health care.⁴⁹ It emphasizes that girl children and adolescents are often vulnerable to sexual abuse by older men and family members, placing them at risk of physical and psychological harm and unwanted and early pregnancy.⁵⁰ State parties must put in place systems to ensure effective judicial action, as well as access to healthcare services, information and education.⁵¹ Failure to do so violates Article 12 of the Convention.⁵²

III. Ecuador’s Failure to Address Sexual Abuse of Girls in Schools Violates the Rights to Life, Freedom from Discrimination, Violence, and Cruel, Inhuman and Degrading Treatment (Art. 1), Substantive Equality (Art. 2), Education (Art. 10), and Health (Art. 12).

a. Ecuador’s Failure to Protect Girls from Violence Violates the Right to Life, Security of Person and to be Free from Discrimination, Violence, and Cruel, Inhuman and Degrading Treatment (Article 1).

21. The disproportional violence women and girls face in the educational system violates their rights to life, security of person, and freedom from discrimination, violence, and cruel, inhuman and degrading treatment, which contravenes CEDAW’s Article 1.⁵³ Human rights treaty monitoring bodies have consistently emphasized the need for Ecuador to prevent, investigate and punish the sexual abuse of girls in schools. They have particularly focused on the gendered aspect of the abuse. In its last review of Ecuador in 2008, the CEDAW Committee expressed concern that, “*in spite of specific legislation and plans, sexual violence against girls in schools remain rampant.*”⁵⁴ In 2009, the Human Rights Committee stated that it was “*concerned at the large number of cases of violence against women and girls and the high level of sexual abuse and harassment against girls in schools,*” which affected articles 3, 7, and 24 of the International Convention on Civil and Political Rights.⁵⁵ The Committee on the Rights of the Child likewise expressed concern at “*the high rate of sexual abuse and harassment against girls in schools*” in the Concluding Observations of its 2010 review of Ecuador.⁵⁶

22. The sexual harassment and abuse in Ecuador’s schools is gender-based violence that disproportionately affects girls, violating their right to security of person and to be free from discrimination, violence, and cruel, inhuman and degrading treatment. The Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment has stated that rape and sexual violence constitute torture and other inhuman and degrading treatment when carried out by public officials.⁵⁷ In Ecuador, girls overwhelmingly experience torture and other inhuman and degrading treatment associated with sexual violence.⁵⁸ Their claims against teachers are often met with defensive attitudes, little acknowledgement or inaction by school authorities.⁵⁹ In Paola’s case, despite evidence of that the Vice-Principal sexually harassed Paola and other female students and teachers, he has not faced any punishment.⁶⁰ The Committee against Torture

expressed its “*deepest concern about the numerous and consistent reports received describing the scale of the problem of abuse and sexual violence against minors in educational establishments in Ecuador.*”⁶¹ The failure of the State to act to protect girls like Paola from sexual violence at the hands of public school officials is a violation of Article 1 of CEDAW, violating girls’ rights to be free from discrimination and cruel, inhuman and degrading treatment, and to the right to security of person. In cases like Paola’s, where her suicide was directly linked to the sexual violence act, it violates the right to life also protected by CEDAW’s Article 1.

b. Ecuador’s Inaction to Prevent Gender Stereotyping in Schools Violates the Right to Substantive Equality (Article 2 and Article 5).

23. The sexual violence against girls in schools as a result of stereotypical gender roles and the discriminatory marginalization of women violate their right to substantive equality and to be free from gender stereotypes as guaranteed by CEDAW’s Articles 2 and 5. Ecuador has not acted to eliminate the persistent pattern of abuse and sexual violence against girls in schools⁶² or to implement effective preventive measures, such as public information and education programs to change attitudes concerning the roles and status of women and men.⁶³ In violation of Article 2, Ecuador has failed to punish acts of violence like the sexual violence of schoolgirls, including failing to punish the Vice-Principal who abused Paola, which serves to perpetuate stereotypes that believe men can exercise control over women’s bodies, and that blame women for the violence committed against them, favoring the social impunity of these cases.⁶⁴ The effect is the denial of substantive equality and the reinforcement of harmful stereotypes in many spheres of public and private life for women in Ecuador, particularly in education.

c. Ecuador’s Failure to Stop the Abuse of Girls in Schools Violates their Right to Education (Article 10).

24. Girls in Ecuador are targeted by teachers for sexual abuse solely because of their gender, interfering with girls’ ability to fully exercise and enjoy their right to education on an equal basis, a violation of Article 10 of the Convention. One in four girls experience sexual abuse or harassment in educational settings, and eighty-five percent of victims are girls.⁶⁵ In 2013, the Special Rapporteur on Education reported that despite legal provisions in place, violence in schools is an important concern.⁶⁶ The report highlighted the high percentage of children who are victims of sexual abuse and the government’s lack of timeliness and accountability in most cases.⁶⁷ He emphasized that States need to investigate and prevent sexual abuse in schools, calling for effective, accessible complaint mechanisms and victims protection.⁶⁸

25. Sexual abuse and harassment in Ecuador's educational system violates girls' right to substantive equality in education by placing major obstacles in their path to education that their male peers do not face.⁶⁹ Sexual harassment and violence pose barriers that limit access and the possibility to benefit from education, influencing parents to keep girls out of school, and girls themselves to avoid school.⁷⁰ In the classroom, it is a major reason for girls to underperform or dropout of school.⁷¹ The risk of sexual abuse, rape, and unintended pregnancy keeps girls at home and contributes to school absenteeism, grade repetition and abandonment of formal schooling.⁷² Paola was victimized because of her gender, as were other girls and female teachers, by the male Vice-Principal. Instead of receiving the academic assistance she required, Paola was sexually harassed and abused.⁷³ The right to education is violated in Ecuador because female students like Paola face sexual harassment based on gender stereotypes that impede their equal access to the right to education.

d. Ecuador's Failure to Implement Comprehensive Sex Education and Restrictions on Abortion Violate the Right to Health (Article 12)

26. As evidenced by Paola's case, Ecuador's failure to set a system that ensures effective judicial action, as well as access to healthcare services, information and education constitutes a violation of Article 12 of the Convention.⁷⁴ Despite the CEDAW Committee's emphasis on the need to protect adolescent girls in schools from sexual abuse by their teachers, Ecuador has not paid special attention to the needs of girls and women as required by Article 12, nor does it have a system to ensure effective judicial action. Paola's family is still waiting for justice after twelve years.

27. In Paola's case, the Vice-Principal, a public official working for a public school, violated her right to physical and mental health when he sexually harassed and abused her. She committed suicide after became pregnant. Afterwards, this right was violated by school officials who did not offer her the medical care she desperately needed, and by the judiciary system, which has not ensured appropriate mechanisms to ensure effective access to justice and redress for wrongdoing for Paola's family, twelve years after her death.

IV. Conclusion

28. Sexual violence faced by girls in Ecuadorian schools prevents them from enjoying and exercising the right to life, the right to freedom from cruel, inhuman and degrading treatment, the right to security of person, the right to substantive equality, the right to education and the right to health. Ecuador must take immediate actions to prevent sexual abuse and harassment of girls in schools, thoroughly investigate and punish those who perpetrate this abuse, and remedy

the violations suffered by women in Ecuador, including through access to comprehensive reproductive healthcare.

29. We applaud the CEDAW Committee for its commitment to women's rights and the strong concluding observations and recommendations the CEDAW Committee has issued to the government in the past, which stress the need to enact, implement, and monitor effective policies geared towards increasing access to the full complement of human rights for women. We respectfully request the CEDAW Committee to formulate the following questions to the Ecuadorian government:

1. What measures has Ecuador adopted to act with due diligence to investigate and punish sexual violence in educational settings?
2. What measures has the State adopted to eradicate gender stereotypes leading to discrimination against women particularly in the judiciary?
3. What progress has Ecuador made towards implementing the National Plan to Eradicate Sexual Offenses in the Education System?
4. What measures have been implemented to guarantee access to reproductive and sexual health care services for women and girls victims of sexual violence in educational settings?

30. We respectfully request the CEDAW Committee to consider addressing the following recommendations to the Ecuadorian government during the 60th Session:

1. To adopt measures to promote due diligence standards to investigate and punish the perpetrators of sexual harassment and abuse against girls in Ecuadorian schools, and provide victims with redress, including full access to free health services: emergency contraception, abortion, diagnosis and treatment of sexually transmitted diseases as well as psychological treatment.
2. To adopt measures to eradicate gender-based stereotypes particularly in educational settings to remediate the effects that socialized gender roles have on girls' ability to exercise their human rights, including their sexual and reproductive rights.
3. To establish a mechanism to monitor and evaluate the implementation of the National Plan to Eradicate Sexual Offenses in the Education System and have official data about offenses and investigations.

4. To guarantee access to quality and confidential sexual reproductive healthcare services, including access to family planning and evidence-based sexuality education for all adolescents.

Respectfully,



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¹ Instituto Nacional de Estadísticas y Censos [National Institute of Statistics and Census], Encuesta Nacional de Relaciones Familiares y Violencia de Género contra las Mujeres [National Survey on Family Relationships and Violence Against Women, National Presentation] (2011), available at http://www.inec.gob.ec/inec/index.php?option=com_content&view=article&id=490%3A6-de-cada-10-mujeres-sufren-violencia-de-genero-en-ecuador&catid=68%3ABoletines&Itemid=51&lang=es (last visited January 6, 2015); Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2013: Ecuador, United States Department of State, 26 (2013), available at <http://www.state.gov/documents/organization/220651.pdf>.

² National Institute of Statistics and Census, National Survey on Family Relationships and Violence Against Women, National Presentation, 10, <http://www.ecuadorencifras.gob.ec/violencia-de-genero/> (last visited January 6, 2015).

³ Plan Nacional para la Erradicación de la Violencia de Género hacia la Niñez, Adolescencia y Mujeres [National Plan to Eradicate Gender-Based Violence Against Children, Adolescents and Women], Decreto Ejecutivo No. 620, 15, (Sept. 10, 2007) [National Plan Gender-Based Violence].

⁴ *Ecuador Emprende Acciones para Erradicar la Violencia Sexual en el Sistema Educativo* [Ecuador Undertakes Actions to Eradicate Sexual Violence in the Education System], Agencia Pública de Noticias del Ecuador y Suramérica [Public News Agency of Ecuador and South America] (ANDES), Mar. 20, 2014, available at <http://www.andes.info.ec/es/noticias/ecuador-emprende-acciones-erradicar-violencia-sexual-sistema-educativo.html> [Ecuador Takes Action].

⁵ Plan International, *Plan Learn without Fear, The Global Campaign to End Violence in Schools*, Plan-International.org, 23 (2008) <http://plan-international.org/learnwithoutfear%3E/files/learn-without-fear-global-campaign-report-english>.

⁶ Universidad Andina Simón Bolívar, Latin American and Caribbean Committee for the Defense of Women's Rights, and Coordinadora Política Juvenil, Alternative Report to the Committee on the Elimination of All Forms of Discrimination against Women, 25 (2006), available at <http://repositorio.uasb.edu.ec/bitstream/10644/471/1/Salgado-Informe%20alternativo%20ante%20CEDAW.pdf> (citing Tatiana Cordero Velásquez & Gloria Maria Vargas, "Me too... Sexual Harassment and Abuse in Ecuadorian Schools," CONAMU, Women's Communications Workshop, at 34-35).

⁷ *Id.*

⁸ Plan International, *supra* note 5, at 28-29.

⁹ *Id.*

¹⁰ *1 de Cada 4 Ha Sufrido Abuso Sexual [1 in 4 Have Suffered Sexual Abuse]*, Hoy, Oct. 18, 2013, available at <http://www.hoy.com.ec/noticias-ecuador/1-de-cada-4-ha-sufrido-abuso-sexual-593093.html>.

¹¹ *Id.*

¹² National Plan Gender-Based Violence, *supra* note 3, at 20.

¹³ Office of the Rapporteur on the Rights of Women, Access to Justice for Women Victims of Violence in the Americas, Inter-American Commission of Human Rights, Organization of American States, Doc No. OEA/Ser.L/V/II, Doc .68, par. 146 (Jan. 2007).

¹⁴ *Id.* at para. 143.

¹⁵ *Id.* at para. 160.

¹⁶ Nicola Jones, Karen Moore, Eliana Villar-Marquez, with Emma Broadbent, Painful Lessons: The politics of Preventing Sexual Violence and Bullying at School, Plan International, Overseas Development Institute, 25 (2008), available at <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3312.pdf>.

¹⁷ Sociedad [Society], *3,466 Casos de Abusos Sexual en 2010 [3,466 Cases of Sexual Abuse in 2010]*, El Telegrafo, Mar. 27, 2012, available at <http://www.telegrafo.com.ec/sociedad/item/3466-casos-de-abuso-sexual-en-2010.html>.

¹⁸ *Id.*

¹⁹ Plan Nacional Integral para Erradicar los Delitos Sexuales en el Sistema Educativo, Actualización 2011 [National Plan to Eradicate Sexual Abuse in the Education System, 2011 Update], Ministerio de Educación [Ministry of Education], Despacho Ministerial [Ministerial Decree] Acuerdo No. 340-11 (2011) available at <http://educacion.gob.ec/wp-content/uploads/downloads/2012/08/ACUERDO-340-11.pdf>.

²⁰ *Id.*

²¹ Campaña “¡Nunca Nadie Más! Educación sin Violencia Sexual” Completará Nueve Eventos Esta Semana [Campaign “No One Ever Again! Education without Sexual Violence” Will Conduct Nine Events This Week], Agencia Pública de Noticias del Ecuador y Suramérica [Public News Agency of Ecuador and South America] (ANDES), Mar. 3, 2014, available at <http://www.andes.info.ec/es/noticias/campana-nadie-nunca-mas-educacion-sin-violencia-sexual-completara-nueve-eventos-esta-semana>.

²² Paola del Rosario Guzmán Albarracín and Next of Kin v. Ecuador, Case 12.678, Inter-Am. Comm’n H.R., Report No. 76/08, Petition 1055-06, Admissibility, para. 8 (2008) available at <http://cidh.org/annualrep/2008eng/Ecuador1055-06eng.htm> [hereinafter Paola Admissibility Decision].

²³ *Id.*, at para. 9.

²⁴ Original Petition 1055-06 received Oct. 2, 2006 in the matter of Paola del Rosario Guzmán Albarracín and Next of Kin v. Ecuador, Inter-Am. Comm’n H.R., at para. 6-8 [hereinafter Paola Original Petition].

²⁵ Paola Admissibility Decision, *supra* note 22, at para 11-12.

²⁶ Paola Original Petition, *supra* note 24, at 10-13.

²⁷ *Id.*

²⁸ *Id.*, at para. 16.

²⁹ *Id.*, at para. 68.

³⁰ *Id.*, at paras. 14-16.

³¹ *Id.*

³² Paola Admissibility Decision, *supra* note 22, at para 17; Paola Admissibility Petition at para. 77.

³³ Paola Admissibility Decision, *supra* note 22, at para. 19.

³⁴ *Id.*, at para. 16.

³⁵ *Id.*

³⁶ Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 16, 1966, art. 1, G.A. Res. 34/180, U.N. GAOR, 39th Sess., Supp. No. 46 at 193, U.N. Doc. A/34/46, U.N.T.S. 13 (*entered into force* Sept. 3, 1981) [hereinafter CEDAW].

³⁷ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against Women*, (11th sess., 1992), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 331, para. 1, UN Doc. HR1/GEN/1/Rev.9 (Vol. II) (2008), [hereinafter CEDAW Committee, *Gen. Recommendation No. 19*].

³⁸ CEDAW Committee, *Gen. Recommendation No. 19*, at 331, para. 7.

³⁹ CEDAW Committee, *Gen. Recommendation No. 19*, at 332, para. 11.

⁴⁰ Constitution of the Republic of Ecuador, Articles 66.4 and 70, Published in the Official Register on September 28, 2008.

⁴¹ See Concluding Observations of the Committee on the Elimination of Discrimination against Women: Ecuador, UN Doc. CEDAW/C/ECU/CO/7 Para. 16 (21 Nov. 2008); Report of Committee on the Elimination of

Discrimination against Women: Ecuador, UN Doc. A/58/38(SUPP), at 126, para 301 (18 Aug. 2003); Report of Committee on the Elimination of Discrimination against Women: Ecuador, UN Doc. A/49/38(SUPP) at 95, para 510 (1 Jan. 1994).

⁴² CEDAW, art 2 (c), (f).

⁴³ CEDAW Committee, *Gen. Recommendation No. 19*, at 332, para. 11.

⁴⁴ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc. CEDAW/C/GC/28, par. 21 (Dec. 16, 2010).

⁴⁵ CEDAW Committee, *Gen. Recommendation No. 24*, at 362, para. 18.

⁴⁶ *Id.*

⁴⁷ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 24: Article 12 of the Convention (women and health)* (20th sess., 1999), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 359, 362, para. 6, 21 UN Doc. HR1/GEN/1/Rev.9 (Vol. II) (2008), [hereinafter CEDAW Committee, *Gen. Recommendation No. 24*].

⁴⁸ CEDAW, art. 12, para. 1.

⁴⁹ CEDAW Committee, *Gen. Recommendation No. 24*, at 360-61 para. 11, 14.

⁵⁰ CEDAW Committee, *Gen. Recommendation No. 24*, at 360, para. 12(b).

⁵¹ CEDAW Committee, *Gen. Recommendation No. 24*, at 361, para. 13.

⁵² *Id.*

⁵³ CEDAW Committee, *Gen. Recommendation No. 19*, at 331, para. 6.

⁵⁴ Concluding Observations of the Committee on the Elimination of Discrimination against Women: Ecuador, UN Doc. CEDAW/C/ECU/Q/7 para. 20 (Nov. 7, 2008).

⁵⁵ Concluding Observations by the Human Rights Committee, Ecuador, UN Doc. CCPR/C/ECU/CO/5 para. 9 (Nov. 2009).

⁵⁶ Concluding Observations of the Committee on the Rights of the Child: Ecuador, UN Doc. CRC/C/ECU/CO/4 para. 64 (Mar. 2010).

⁵⁷ Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment, Manfred Nowak, “Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak,” UN Doc. A/HRC/7/3 at 9, para. 34 (15 Jan. 2008).

⁵⁸ *Ecuador Takes Action*, *supra* note 4.

⁵⁹ Jones, et. al., *supra* note 16, at 25.

⁶⁰ Paola Original Petition, *supra* note 24, at para. 16.

⁶¹ Consideration of reports submitted by States parties under article 19 of the Convention, Concluding Observations of the Committee against Torture: Ecuador, Committee against Torture, UN Doc. CAT/C/ECU/CO/4-6 par. 18 (Dec. 2010).

⁶² *Id.*, at 334, para. 24(c).

⁶³ *Id.*, at 336, para 24(t)(ii).

⁶⁴ Paola Admissibility Decision, *supra* note 22, at para. 23; CEDAW Committee, *Gen. Recommendation No. 19*, at 332, para. 11.

⁶⁵ Universidad Andina Simón Bolívar et. al., *supra* note 6, at 25; *Ecuador Takes Action*, *supra* note 4.

⁶⁶ Kishore Singh, Report of the Special Rapporteur on the Right to Education, Kishore Singh: Addendum, Mission to Ecuador, UN Doc. A/HRC/23/35/Add.2.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ CEDAW Committee, *Gen. Recommendation No. 24*, at 360, para. 12(b).

⁷⁰ Plan International, *supra* note 5, at 28.

⁷¹ *Id.*

⁷² United States Agency for International Development, *Unsafe Schools: A literature Review of School-Related Gender-Based Violence in Developing Countries*, 9 (Sept. 2003) available at http://pdf.usaid.gov/pdf_docs/pnacu253.pdf.

⁷³ See Paola Admissibility Decision, *supra* note 22.

⁷⁴ CEDAW Committee, *Gen. Recommendation No. 24*, at 361, para. 13.