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Localizing Women's Rights: The case of CEDAW in Ecuador

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Abstract

This study focuses on analyzing the different processes under which women's rights are implemented in the local context of Ecuador. It explains the conditions under which processes of diffusion, socialization and appropriation of ideas happen in order to implement women's rights throughout the specific set of rights on CEDAW. I argue that advocacy networks or any kind of social movement in the fight for women's rights play a key role in processes of diffusion, socialization and appropriation of norms. And in the specific case of CEDAW in Ecuador, the Shadow Report represents an important evidence of how these processes work. The study shows the importance of treaties, conventions and such international documents in their role of diffusion and promotion of ideas. They generate improvement of people's life conditions not in direct influence on state behavior but on influence to people through advocacy networks that allow the path between diffusion, socialization and appropriation of an idea in different contexts. The main focus of this study is the description of these different shapes under which local groups can generate an integrated process of information and appropriation.

Resumen

Este estudio se centra en el análisis de los diferentes procesos en que se implementan los derechos de las mujeres en el contexto local de Ecuador. Explica las condiciones en que los procesos de difusión, socialización y apropiación de ideas pasan a fin de implementar los derechos de las mujeres en todo el conjunto específico de derechos que propone la CEDAW. Sostengo que las redes de defensa o cualquier tipo de movimiento social en la lucha por los derechos de las mujeres juegan un papel clave en los procesos de difusión, socialización y apropiación de las normas. Y en el caso específico de la CEDAW en Ecuador, el Informe Sombra representa una evidencia importante de cómo funcionan estos procesos. El estudio muestra la importancia de los tratados, convenciones y los documentos internacionales en su papel de difusión y promoción de ideas. Estos no generan una mejora de condiciones de vida de las personas de manera directa sobre el comportamiento del Estado, sino que su influencia mayor radica en la forma como las personas a través de redes de promoción, generan procesos de difusión, socialización y apropiación de una idea en diferentes contextos. El objetivo principal de este estudio es la descripción de las diferentes formas en las que los grupos locales pueden generar un proceso integrado de información y apropiación de derechos.

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Localizing Women's Rights: The case of CEDAW in Ecuador

Introduction

According to a government platform, Agenda Nacional de las Mujeres y la Igualdad de Género, in Ecuador, around 60% of women have suffered from some type of gender violence. Around 38% of them have suffered from physical violence and 54% from psychological violence. And from that percentage almost 70% of these women are indigenous. These alarming data presents in very general terms, the context for women's rights and its advocacy. The situation of women in terms of all the different types of violence and inequality are present in many aspects of the Ecuadorian legislation, public policy and daily life.

Moreover, as of 2013, according to INEC, 112.000 mothers which comprehend 20% of the mothers in Ecuador are teenagers in ages from 15 - 19. This in turn means that the number should be higher as there have been several cases of girls being pregnant at younger ages, but the data from the state does not show that. Recently, an important controversy arose in regards of reproductive and sexual rights with the new government plan towards sexual education, "Plan Familia" which attempts to implement abstinence as a policy to control teen pregnancy, and moral values to educate on sexual matters. Moreover, along with this plan, declarations of the judicial secretary of state, Alexis Mera in regards of the role of women and their responsibility in controlling their sexual life moved the debate in regards of women's rights to the first page of the national panorama.

The situation of women around the globe is a result of social, economic, religious and political circumstances. Women have long been subject to discrimination and violence as the other in patriarchal paradigms. However, in recent years, women organizations and feminist groups have achieved important advances for women rights and their place in society. Core actions such as women's political participation, their decision-making and even growing incidence in the arts and sciences have challenged traditional gender roles. They also brought new topics to policy-making processes. One such process that can be seen throughout the Human Rights construction of norms is CEDAW. This process has important implications in the universal and local scheme of women rights. CEDAW sets out standards for states and challenges conventional ideas of women rights.

This study analyzes CEDAW politics in Ecuador through the 2014 Shadow Report to the CEDAW Committee Ecuador (Informe Sombra al Comité de la CEDAW Ecuador 2014). The 2014 Official report of the country is contested by Ecuadoran feminist groups who presented a Shadow Report. Hence, the conditions under which CEDAW is implemented in the domestic practices of Ecuador and the way the local influences this process is what this study ought to describe and analyze. The Shadow Report will be used as evidence of these processes, as an important source of information and a specific case study in order to understand the challenges that the CEDAW has to face when applied to local contexts.

In Ecuador, where CEDAW has been ratified since 1980, women's rights are facing important scrutiny as the latest official report to the CEDAW Committee 2014 was presented. Civil society issued *The Shadow Report* along with it. The report explains that women rights are losing ground in Ecuador, and expresses concerns with the im-

plementation of CEDAW standards. It is important to analyze the implementation of CEDAW recommendations in Ecuador because it is a much larger problem that concerns countries worldwide. This case is evidence that CEDAW faces challenges in different contexts around the world. What are the conditions under which CEDAW is implemented in the domestic practices of Ecuador and how has the local influenced this process? This study ought to investigate the local implementation of CEDAW in Ecuador and use it as evidence to understand the localization of women's human rights.

Human Rights conventions, treaties and institutions have generated significant institutional advances at the global scale, such as a greater awareness of women's rights, important implementation debates over the issue and a stronger international institution. However, much of what is secured in international norms has often stayed on paper, and some could be called 'dead-letter' norms due to the challenges and complications they face when they need to be applied in local contexts. Important cultural and political considerations have been at the core challenges for human rights at different contexts. International organizations generate norms to be applied everywhere around the globe but in many cases local contexts do not fit the considerations that were formulated in international agendas. The universality of human rights is weakened and contradicted.

Subsequently, by using the case of Ecuador, the linkage between international policies and their local implementation in Ecuador will be evidenced in current phenomena, allowing the examination of different theoretical approaches and a revision of the processes involving the localizing context of human rights. This case study provides a better understanding of the issue of Human Rights in Ecuador by revealing how dif-

ferent local groups are generating an integrated process of information and appropriation of international women rights. Meaning that, through the Shadow Report, I will explain the different networks of cooperation between civil society and the international convention in the way there is a two way enforcement of ideas. On the one hand, the civil society utilizes the instrument as an entity that gives their claims legitimacy and international validity. And on the other hand, the international convention benefits from the advocacy of the local organization as it promotes and diffuses the ideas the instrument was created for. Most importantly, in this sense, what this study is evidencing is the different processes under which women's rights are diffused, socialized and appropriated in the local sphere. It is not describing the channels for implementation of the convention but is describing the processes that women's rights, in this case CEDAW, are having in regards of diffusion of ideas in Ecuador.

In that way, this study has provided important evidence as it demonstrates the impact of the Shadow Report in the diffusion of women's rights in Ecuador. It describes the historical, political and social conditions of the women's movement in the country and the importance of such efforts in promoting and advocating for women's rights and human rights in general. Thus, this study determines the way women's rights are diffused and appropriated in Ecuador throughout the influence of important advocacy networks such as the National Coalition of Women who elaborated the Shadow Report. Throughout these processes, the Shadow Report and in general the women's movement has been able to generate awareness in the issue of women's rights, the conditions of them in the country and the importance of advocating for them. The study determines the importance of diffusion of ideas and processes of information in any context for the implementation of women's rights. However, it also questions the

methods and effectiveness under which civil society organizations work in order to generate them.

Furthermore, the selected case study has important relevance to the region and to the women's rights advocacy movement as it provides evidence of the different processes of diffusion, socialization and appropriation of rights in local contexts. The case of Ecuador sets out important precedents and relevance as it provides an adequate example of a challenging political context for the advocacy of rights, a context of relevant changes for the country and a long term regime with Rafael Correa that provides some type of specific time demarcation that goes along with the social promises of the regime. Moreover, the situation of women's rights in the country has turned to be a latent topic as many controversies have arisen due to the different programs the government has promoted. And to add on that, this topic is of high relevance as the time of the study coincides with the latest examination of the situation of women's rights in Ecuador to the CEDAW Committee, which in turn provides the study with current information and necessary attention.

Finally, this case study contributes empirical evidence to diffusion of norms theory, International Law studies and International Relations theory. Moreover, it engages with ethnographic methodologies to collect data from women organizations, political parties and feminist groups that participated in creating the report. The data obtained from this report are contrasted with CEDAW expectations and impacts in a general matter. Additionally, as well as it analyzes the gap between international public policy formulation and the national implementation through the specific case of CEDAW in Ecuador, this research will contextualize a literature review of the main aspects of

diffusion of norms theory, general understandings of the international system and institutions through IR theory and different human rights approaches.

For that purpose, this study is divided into three different chapters in order to explain the different processes of women's rights in the international and the local. Chapter 1 explains the global context of creation of the CEDAW and how it works as an international instrument and institution. Then, it contains a description of the general situation of women's rights in Ecuador and the implementation of CEDAW in the country. It also engages in a general theoretical description of the challenges human rights in general face in matters of implementation. And, lastly it describes the way CEDAW can be understood as an idea in process of appropriation. Under this assumption, CEDAW becomes an international instrument that is mainly promoting an idea more than a change of behavior of states. It is advocating for women's rights and becomes successful as the local starts diffusing the idea and making it something of their own. Only after that, the idea of women's rights can generate mobilization in the local, can generate debate around the topic and as a ultimate instance and goal it can generate change in state behavior.

Chapter 2 describes the actual analysis of the impact of CEDAW in Ecuador and the way the Shadow Report serves as an evidence of the importance of diffusion of ideas, and in this case the diffusion of women's rights. Throughout the use of interviews to important scholars, participants of the creation of the Shadow Report and functionaries of the gender area of the government; I generated an overview in regards of the influence of the Shadow Report and actions from the different women organizations have on the socialization and appropriation of the ideas of CEDAW. These ideas seem to be diffused throughout the different actions of the women's movement, which then

transform into awareness in the local society, then into appropriation of the idea by different social groups, then into mobilization for these ideas, to finally turn into constant pressure for different policies from the state. This section evidences these different processes and analyses the way ideas work in the context of Ecuador in favor or against women's rights.

Chapter 3 explains the different ways diffusion of norms, socialization and transnational advocacy networks theory work in the processes of implementation of CEDAW in Ecuador. This chapter sets out an analysis of the theoretical impact of seeing implementation of women's rights throughout the Shadow Report. It emphasizes the importance and influence of the diffusion of ideas and information in order to make real local implementation of rights and not imposition of rights. Social, political and cultural considerations are analyzed in order to understand the status and conditions of women's rights in Ecuador and the historical and sociological process it needs to go through in order to make influential changes in the government and society. The recommendations made in the latest report by the CEDAW Committee are used to review these conditions and describe in general terms the process of norms adaptation in the country. Theoretical analysis and a general review of how norms, specially human rights norms, can modify state behavior and improve people's life conditions are revised in this chapter. And as a conclusion, there is important evidence that supports the idea that CEDAW implementation depends highly on the diffusion of the ideas it promotes and the extent to which those ideas are appropriated in the local context will highly impact the way they are advocated and in turn the way their governments comply to them.

Literature Review

The dynamics of state behavior need to be analyzed under different disciplines and approaches. Also, the role of International law, International relations, International organizations, institutions and regimes are important to be understood in order to set out a general scheme of human rights theory. “By better understanding how international human rights law functions, we can gain insights into the workings of international law more generally—what motivates states to behave as they do when faced with international law.” (Hathaway, 2007, 589)

Different perspectives that International law has on the debate of its existence, effectiveness and validity. Different IR scholars have different analysis of the fact that International law should or should not be considered a law.

“Hart (1961) argues that it is not the existence of a central enforcer that distinguishes a legal system, but rather the union of primary rules (defining what is and is not allowed) and secondary rules (rules about rules). Ultimately, in his view, international law is “sufficiently analogous to law” to be considered as such (Hart 1961:231), while Bull (1977) concurs that although the lack of an overarching enforcer has important implications for the efficacy of international law, the latter should nonetheless be considered law. The reason, ultimately, is that those who use it –national and international courts, diplomats, and politicians – believe that these rules have the status of law. Morgenthau (1948:255), too, accepts that international law is law, stating, “to

deny that international law exists at all as a system of binding legal rules flies in the face of all the evidence.” (in Denmark, 2010, 3)

Now, to talk about compliance in practice on Human Rights regimes, addresses on institutions are key. Compared with other international institutions, Human Rights are regarded as a weak regime and the effect of its treaties is not clear. “Committees and councils created to determine whether states are complying with a particular treaty frequently operate on a system of self-monitoring... Many treaties provide no recourse against offending states beyond “naming and shaming” by other state parties.” (Hill, 2010, 1162) That is why Human Rights regimes are often considered soft law institutions, as “highly legalized institutions are those in which rules are obligatory on parties through the links to the established rules and principles of international law, in which rules are precise, and in which authority to interpret the rules has been delegated to third parties acting under the constraint of rules.” (Abbot at Al., 1997, 43) In the case of human rights institutions, the obligatory enforcement does not happen and so constraints and forces pushing state behavior are seen to be weak.

According to Moravski, “compliance with international law is a function of the normative acceptance of international rules, which in turns reflects (among other things) their consistency with domestic values.” (Moravski, 224) And moreover, a perfect example is the one used in this study as CEDAW is one of the conventions that is most rectified of all the human rights norms, but is also the one with more reservations, which in turn tells us that a reflection of domestic values is not the case when ratifying but in making reservations. Meaning that even if compliance is higher when domestic values go along with international rules, in human rights this is a more complex analysis as the international assumes a universal scheme of values.

Some studies have been able to make predictions on how states comply with Human Rights Treaties and most importantly why they sign on the first place. For example, In Hathaway's study, she predicts "that states with less democratic institutions will be no less likely to commit to human rights treaties if they have poor human rights records than if they have good ones—because there is little prospect that the treaties will be enforced against the state. Conversely, she predicts that states with significant democratic constraints on government will be less likely to commit to human rights treaties if they have poor human rights records than if they have good ones—precisely because they are the countries where the treaties are most likely to lead to changes in behavior." (Hathaway, 2007, 590)

In addition, important theory in regards of human rights specifically is important to be reviewed as well. Particularly, theories and approaches such as norms diffusion, norms cascades, socialization of norms, norms as processes, translational advocacy networks, the boomerang effect and the spiral model. These will help us have a general view of how human rights norms are translated into local spheres, defined and interpreted in processes of transnational implementation. General schemes of these processes and how they actually affect state behavior and individual conditions are at the core of this ways of understanding the system of human rights.

Norm diffusion theory states that norms spread across the international system in different processes where norms are internalized and appropriated in the different schemes and local contexts around the world. This processes of diffusion include different actors among the international system, not only states are part of it but individuals and international NGOs are key for the spreading of this ideas. And as ideas,

these norms spread and with time they generate important transformations in state behavior and help the ones who advocate those ideas.

In these diffusion approach, 'norm cascades' concept is key to understand the way some theorists explain the way a number of states adopt a new norm. According to this theory, "international norms evolve in a patterned life cycle, whereby norms emerge, gain the acceptance of a 'critical mass' of states, and then diffuse across the international community, causing states to increasingly converge around a common set of principles. Once conformity is widespread, the norm life cycle moves into a period of internalization, during which the norm becomes a taken-for-granted feature of domestic and international politics." (True, 107) Meaning that, norms have different patterns of life and they generate a cascade of processes as they get wider acceptance from states and initiate some kind of similarity of patterns of expected behavior which in results in important processes at the local levels as well.

Another approach on norms is the one that talks about norms as processes, meaning that "norms are subject to ongoing attempts to reconstitute their meanings, even as they exert effects on patterns of social behavior. Although stressing that the boundaries around norms are not absolute and always porous." (Krook - True, 109) This approach argues that there is a special dynamisms in the norm life cycles as they are shaped by both, the ongoing debates over the definition of a norm and the broader environment under which norms evolve.

Furthermore, for some scholars that talk about norms processes, socialization and appropriation, transnational advocacy networks are key when talking about norms regimes and ideas. "A transnational advocacy network includes those relevant actors

working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.” (Keck-Sikkink, 1999, 90)

These networks are present in many issue areas and represent also the ideals of some states and shape these ideas for the rest to follow or challenge. “States are embedded in dense networks of translational and international social relations that shape their perceptions of the world and their role in that world. States are socialized to want certain things by the international society in which they and the people in them live.” (Finnemore, 1999, 2) For this reason, transnational advocacy networks are important as they not only shape in some points priorities but also advocate for specific ideas and standards that states take into consideration for their actions, positions and policies.

“Network theory can thus provide an explanation for transnational change, a model that is not just one of diffusion of liberal institutions and practices, but one through which the preferences and identities of actors engaged in transnational society are sometimes mutually transformed through the interactions with each other.” (Keck-Sikkink, 1999,100) Meaning that, this theory does not only shapes what happens within liberal states and ideas, it helps us understand what in general shapes actors identities in a society shaped by interactions; which includes actors on all kinds of ideas. So, it helps explain the diffusion of ideas in different contexts and sets of values.

Additionally, in order to understand the patterns under which norms and ideas are diffused and advocated, we must understand two different possible patterns: the boomerang effect and the spiral model. So, “a boomerang pattern of influence exists when

domestic groups in a repressive state bypass their state and identity search out international allies to try to bring pressure on their states from outside. National opposition groups, NGOs, and social movements link up with transnational networks and INGOs who then convince international human rights organizations, donor institutions and/or great powers to pressure norm violating states.” (Risse, 17) Meaning that, a pattern of pressure is established, and moreover the existence of international organizations becomes key when local activist groups need some kind of backup for their fight for rights. INGOs become extremely important to generate awareness on an issue and help domestic groups to become stronger. “Through this boomerang effect, local activists can gain access, leverage and information that they would not have had on their own, thereby instigating dramatic changes in the scope and recognition of international norms.” (True, 107)

The spiral model of diffusion “consists of several boomerang throws with diverging effects on the human rights situation in the target country.” (Risse, 18) It is intended to explain the variation in the extent towards which governments improve human rights conditions through five stages. This model of human rights change incorporates various activities at four levels into one framework: “the international-transnational interactions among transnationally operating NGOs, human rights regimes, and western states; the domestic society in the norm violating state; the links between the societal opposition and the transnational networks; the national government of the norm-violating state.” (Risse, 17:18)

Finally, another important term that contributes to the understanding of mechanisms of Human Rights implementation is the one that accounts times when international law might change state behavior. “By acculturation, we mean the general process by

which state actors adopt the beliefs and behavioral patterns of the surrounding culture. This mechanism induces behavioral changes through procures to assimilate- some imposed by other actors and some imposed by the self.” (Goodman, 638)

Given these points, a general understanding of human rights approaches in law and IR theory has been set out. Theories of diffusion, socialization and appropriation of ideas becomes core in shaping the background for how the CEDAW implementation in Ecuador will be understood and analyzed throughout the Shadow Report of different civil society organizations. It is important then, to have these concepts in mind when talking about specifics of the case of Ecuador and the impact of the local on the international; and the influence of international ideas in the construction of national policies and the background that empowers civil society.

CHAPTER 1

The implementation of women's Human rights: CEDAW

a. CEDAW creation and its situation around the world

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. (UN, 2009)

Article 1 of the United Nations Charter is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to, inter alia, sex. (UN, 2009) which is the first international instrument that refers to human rights and establishes equality of treatment regardless of sex. Then, the Universal Declaration of Human Rights came to existence and established another important reference to human rights. However, this was not enough for women's enjoyment of equal rights. So the Commission on the Status of Women was created (CSW) in 1946 as a submission of the Commission on Human Rights.

“Between 1949 and 1959, the Commission elaborated the Convention on the Political Rights of Women, adopted by the General Assembly on 20 December 1952, the Convention on the Nationality of Married Women, adopted by the Assembly on 29 January 1957, the Convention on Consent to Marriage, Minimum Age for Marriage and

Registration of Marriages adopted on 7 November 1962, and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 1 November 1965.” (UN, 2009)

In 1966 the GA required the CSW to draft a declaration that would comprehend the protection and promotion of women’s rights. Drafting of the declaration, by a committee selected from within the CSW, began in 1965, with the Declaration on the Elimination of Discrimination against Women ultimately being adopted by the GA on 7 November 1967. Although it started just as a politics and moral intent, Article 6, concerning equality in marriage and the family, and article 10, relating to employment, proved to be particularly controversial, as did the question of whether the Declaration should call for the abolition of the customs and laws perpetuating discrimination or for their modification or change. (UN, 2009)

In the 1960s the world saw the emergence of different civil society groups advocating for equal women’s rights and different organizations were created for women’s rights activism. And after a World Plan of Action for the Implementation of the Objectives of the International Women’s Year in 1975, The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 by votes of 130 to none, with 10 abstentions. And in 1980 64 states signed the Convention, and by the next year it entered into force. (UN, 2009)

CEDAW has 30 different articles that expelling what girls and women’s rights are and what governments should do to end discrimination against them. Articles 1 - 16 of CEDAW outline the different things governments must do to end discrimination against girls and women. It lists specific areas where discrimination against girls and

women must end, like laws, marriage, education, health care and employment. Articles 17 - 22 of CEDAW set up a committee on international experts called the CEDAW Committee which monitors whether governments that ratified CEDAW are doing enough to end discrimination against girls and women. Articles 23 - 30 of CEDAW mention how the United Nations and governments should work together to make sure the rights of all girls and women are protected. (CEDAW in brief)

“The Committee's mandate is very specific: it watches over the progress for women made in those countries that are the States parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. A country becomes a State party by ratifying or acceding to the Convention and thereby accepting a legal obligation to counteract discrimination against women. The Committee monitors the implementation of national measures to fulfil this obligation.” (UN women, 2009)

At each of its sessions, the Committee reviews national reports submitted by the States parties within one year of ratification or accession, and thereafter every four years. These reports, which cover national action taken to improve the situation of women, are presented to the Committee by Government representatives. In discussions with these officials, the CEDAW experts comment on the report and obtain additional information. This procedure of actual dialogue, developed by the Committee, has proven valuable because it allows for an exchange of views and a clearer analysis of anti-discrimination policies in the various countries. (UN-Women, 2009) The 23 members of CEDAW, acknowledged as experts "of high moral standing and competence in the field covered by the Convention", are elected by the States parties.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. The Committee has adopted reporting guidelines to assist States parties in the preparation of initial and subsequent periodic reports. (UN women, 2009)

The Committee usually invites eight States parties to present their reports at each session, taking into account the criteria of preference to be given to those States parties whose reports have been pending for the longest time, the need to give priority to initial reports and the desirability of a balance of reports in terms of geographic and other factors. Representatives of the specialized agencies and bodies of the United Nations, as well as national and international non-governmental organizations, are invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group. (CEDAW, 2014)

Official data of CEDAW signatories and rectifiers of the Convention reports that on 26 July 2013, the closing date of the fifty-fifth session of the Committee on the Elimination of Discrimination against Women, there were 187 States parties to the Convention on the Elimination of All Forms of Discrimination against Women. As at the same date, there were 104 States parties to the Optional Protocol to the Convention, (CEDAW, 2013) Seven countries have not ratified the Convention: Iran, Nauru, Palau, Somalia, Sudan, United States and Tonga.

According to the International Center for Research on women, CEDAW provides an important tool for countries to use in realizing the potential of women and girls. In the three decades since the Convention was adopted, countries have incorporated

CEDAW principles in their constitutions, legislation and administrative policies and several civil society organizations have relied on it to improve lives of women and girls. (Warner, 2010)

CEDAW promotes women's empowerment throughout their full participation in economic, political and social life, believing that this participation will have important benefits for the whole society. In this sense, governments that have rectified CEDAW commit to take all appropriate measures to ensure women's full participation in these spheres and must guarantee women's ability to exercise and enjoy human rights in equality with men. However, each country will have its own independent methods to manage its own local situations according to its capacity and necessities. Nonetheless, in order to encourage further progress, each country submits a periodic report to the CEDAW Committee which issues recommendations for the countries. "The implementation and review process provides a forum for a constructive dialogue about the status of women and girls in each country, and helps to provide a 'blueprint' for further progress in each country." (Warner, 2010)

"Since CEDAW's adoption by the United Nations, more girls are going to school; women's life expectancy has increased; and more women are earning an income than ever before. There is also greater awareness of the epidemic of violence against women and girls and its consequences." However much remains to be done to achieve equality and better conditions for women and even if many positive stands come out by reviewing CEDAW in a general way, the real impact of it can only be seen through a case study and its specific context. That is why in the following section, an overview of CEDAW in the context of Ecuador is described as important background information for this research.

b. CEDAW in Ecuador

Ecuador becomes a member of CEDAW in November 9, 1981 date in which it ratifies the Convention and since that date has provided periodically, nine different reports on the situation of women and the actions taken by the country to improve it.

The context of implementation of CEDAW in Ecuador is important to bear in mind as it was currently being analyzed throughout the construction of this research. The latest official report was handed in in February 15, 2015 to the CEDAW Committee and along with it multiple civil society submissions were provided for scrutiny of the country. These multiple reports are advocating, in general terms, for the CEDAW Committee to recommend and intervene principally in the situation of abortion in the latest criminal code of the country, the different issues surrounding reproductive and sexual which are at the core of the debate within the country, and the investigation of violence against women measures being taken in place.

Ecuador's latest Constitution (2008) states material equality and no discrimination as one of its core elements, as well as the incorporation of a gender focus for the creation of public policy and a public sector as a guarantor for compliance of these terms. In this sense, throughout different policies and programs the Ecuadorian state has attempted to abide by its own law and has promoted better conditions for women. The state has created specialized courts for violence against women and family, has recognized explicitly sexual and reproductive rights and care work as remunerable work and worthy of social security. Alongside with these, Estrategia Nacional Intersectorial de Planificación Familiar y Prevención del Embarazo en Adolescentes - ENIPLA (Na-

tional Intersectional Strategy for Family Planning and Prevention of Teen Pregnancy) was created in 2013 with the assistance of UNFPA (United Nations Population Fund) which aims to “ensure continued and effective access to information, education, counseling, inclusion, protection and health services. It aims to strengthen the taking of free and informed decisions sexuality and reproduction, and the full exercise of sexual and reproductive rights.” (Ministerio de Educación, 2014)

Furthermore, in regards of the implementation of mechanisms for the advance of women in Ecuador, the country has created The National Agenda of Women and Gender Equality 2013-2017 that looks for equality between men and women and GLBTI communities and contains proposals of transversal policies, affirmative actions that will be applied in a transversal way in all government levels being a tool of the National Planning System. Moreover, in 2007, the National Plan for Eradication of Gender Violence against Women, Children and Adolescents as a part of a global strategy to fight and eradicate all forms of violence. Some of the actions relevant of the Plan were the campaigns: “Reacciona Ecuador, el Machismo es Violencia”, (“React Ecuador, sexism is violence”), “Ecuador actúa ya. Violencia de género, ni más” (Ecuador Act Now. Gender violence no more) and “Infórmate, Habla y Actúa. Por un Ecuador Libre de Violencia contra las mujeres y las niñas” (Inform, Talk and Act. For an Ecuador free of violence against women and children) in order to produce structural changes and break stereotypes of discrimination against women and children. (Country report, 2015)

Also, according to the latest country report to the CEDAW Committee,

“The National Development program for the “Good Living” has as transversal element the compliance of human rights and the search for equality, particularly on opportunities without exclusion or discrimination based on gender and sex, among others. It includes strategies and policies related to the access and equal participation of men and women... On a transversal way, the Ecuadorian National Assembly has adopted measures towards the legal protection of women’s rights in equality with men, it has approved 80 laws out of which 43 contain dispositions to implement the principle of equality and rights enshrined on the CEDAW: law for insurance and retirement of women that devote to non-paid housework; labor law for the punishment of sexual harassment; law for parity in political participation between men and women; law to claim sanctions on media or journalists that express androcentric and sexist messages, among others. ” (Country report, 2015)

However, in spite of all these important considerations. It seems that the state has gone back guards in the same policies it is promoting. The latest criminal code (COIP - Organic Comprehensive Criminal Code) abortion is only allowed in cases of rape and mental illness of the mother, leaving no guarantees of sexual and reproductive rights and abortion remains criminalized, increasing the number of unsafe procedures. According to the Shadow Report 2014, this criminal code affects highly indigenous people and teenagers due to the fact that information on family planning and sexual education does not reach them and most importantly criminalization of abortion makes them more vulnerable to violence and discrimination. (Informe Sombra, 2014)

Additionally, the elimination of the National Council of Women (CONAMU) and National Institute of Child and Family (INNFA) reduced the strength of institutionalization that the fight for women’s rights has had since 1997. The elimination of these in-

stitutions has an impact as all the work they have developed reduced its influence in the process of transference of their functions to different ministries and to the newly created Equality Councils (Consejos de igualdad). "Since 2009, all the Equality Councils saw dismantled its stewardship role of public policy and therefore, their powers and techniques, policies and budgetary capacities. The enactment of the Law of Equality Councils in May of 2014, and little or no implementation of the Code of Land Management, Autonomy and Decentralization (COOTAD)-, in terms of institutional mechanisms for Equality Rights at local level, evidences the low level of priority given to equality policies." (Informe Sombra,2014) In the same way, the system of protection is instable and not integrated as there are not common records registration systems in the court houses, protection centers are limited in access and locations and changes in the institutions that run them have lowered continuity and accountability.

Ecuador's legal and social situation present different complexities in regards of the status of women, their rights and their participation in society. Ecuador has advanced in many aspects of the legal spectrum and is attempting to implement important policies to reduce violence and discrimination against women. However, all these advances, in certain ways, evidence the limitations and necessities the local system still has and also portrays the conditions cultural differences and rural-urban conditions demand. In this sense, an overview of the Ecuadorian context for women is necessary in order to understand what the demands of women's organizations are, the process of creation of the Shadow report, local initiatives and the importance of having different perspectives aside from the state.

c. Challenges for implementation of human rights

Implementation of human rights norms has become a core debate for political scientists, lawyers, activists and decision-makers as awareness and pressure from civil society raises. Theoretical debates and important knowledge has been developed as a result of this increased interest making state compliance an important element of study. Theoretical approaches are revisited in this section with a special focus on norms diffusion theory, regime design debates, spiral effect, boomerang effect, socialization, impact of norms and transnational advocacy networks. Each of these approaches will contribute to set out a general understanding of the challenges human rights norms face in regards of their implementation at the local level.

Accordingly, one of the most important approaches for this study is the idea of diffusion of norms which aims to explain the application of human rights norms as a process where international networks manage to link up to international regimes and promote the diffusion of their ideals and generate in turn institutional change. Norms are defined in different terms and carry different standards of behavior and claims. In general we talk about norms as “‘things’, namely standard behaviors (Krasner, 1983), legitimate behavioral claims (Florini, 1996) and intersubjective or shared understandings (Joachim, 2003). Thus, although norms may take different forms, their boundaries are largely understood as fixed: norms are taught (Finnemore, 1996), advocated (Keck and Sikkink, 1998; True and Mintrom, 2001) and internalized (Risse et al., 1999).” (Krook-True, 2010, 104)

Consequently, this study focuses mainly in the way norms are advocated and internalized in the local contexts of Ecuador, through the evidence of advocacy networks such

as the different women organizations that participated in the Shadow Report and the internalization processes they evidence throughout their experiences as well. In this sense a process of norms diffusion depends on the establishment and sustainability of networks among domestic and transnational actors who manage to link up with international regimes. (Risse et al., 1999, 5) However, in this section, a general approach to human rights implementation is provided as a general framework is needed to understand the way human rights ideas flow, become principles, are advocated and applied in local contexts.

Considering this, norms diffusion becomes crucial for the understandings of this study; but as stated by Thomas Risse, “norms and principles do not float freely but affect domestic institutional change in a differential manner.” (Risse et al., 1999, 4) Meaning that, they do not just affect in one particular way the behavior of states, but they interact in different ways as social processes generate. And as norms are advocated, these principles travel also through different channels of institutions that will in turn interact and generate processes at the international and domestic level.

Additionally, “Sikkink and Keck established the importance of principled-issue or transnational advocacy networks for the diffusion of international norms in the human rights environmental issue areas.” (Risse et al., 1999, 4) And in this way, they introduced important concepts in regards of the way norms travel and expand throughout the globe. Transnational advocacy networks involve economic actors and firms; networks of scientists and experts whose professional ties and ideas underpin their efforts to influence policy; and networks of activists with central principles and ideas of transformation. (Keck- Sikkink, 1999, 1)

Similarly, Risse et Al. argue that “the diffusion of international norms in the human rights area crucially depends on the establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes, to alert Western public opinion and Western governments.” (Risse et al., 1999, 5) That is to say that international human rights norms would be more influential in Western regimes as in this cases, because of their value’s identification, political leaders change because they care about what others think, norms translate into standards or expectations of what similar value systems ought to behave and lastly because by linking with international regimes, identities define and redefine. And in the case of Human Rights advocates, states generally identify themselves ‘liberal democratic states’. “Advocacy networks serve three purposes, which constitute necessary conditions for sustainable domestic change in human rights area: they raise moral consciousness and remind liberal states of their identity empower and legitimate claims from civil society and domestic groups and they challenge norm-violating governments by creating a structure of pressure “from above” and “from below”. (Risse et al., 1999, 10)

By the same token, “advocacy networks in the north often function in a cultural milieu of internationalism that is generally optimistic about the promise and possibilities of international networking. For network members in developing countries, however, justifying external intervention or pressure in domestic affairs is a much trickier business, except when lives are at stake.” (Keck-Sikkink, 1999, 94) Meaning that, in general human rights regimes reflect the cultural baggage of the west and the north, assuming that the general progress and development of norms and life conditions need to head that way. However, in a general manner, the processes of implementation and appropriation in developing countries have more complicated processes and respond

to different domestic dynamics where international networking agencies do not necessarily fit in the same way as they do in their own contexts.

In addition, according to Thomas Risse, implementation of human rights requires: Political systems to establish the rule of law, some measure of political transformation such as a liberalization process, and enduring human rights changes that go with domestic structural changes. (Risse et al., 1999, 7) As a consequence of this conditions, many theorists also argue that human rights implementation or improvement is more evidenced in states that are going through some kind of transition process - specially democratization - as in this process of change, local activists and advocates of Human Rights can lead some kind of specific change and implement in a higher degree, different conditions to allow a change and permanence.

Accordingly, some scholars argue the importance of paying attention to the different processes of social influence that enhance implementation of norms. In this sense, Goodman proposes three mechanisms under which international regimes change state behavior: coercion, persuasion and acculturation. Being the last one the most important as it is evinced through different processes of socialization. Meaning that, “varying degrees of cognitive and social pressures - real or imagined - to conform... and in the terms of social psychology is that individual behavior and cognition reflect substantial social influence.” (Goodman, 2004, 639)

This last mentioned approach is particularly important for human rights norms because these are evidenced through individual experiences that at the same time influence social change and in turn, state behavior. In this sense, these processes of socialization, appropriation and acculturation are essential important for the implementation

of human rights ideas in general, because these norms highly affect individuals and so affect directly not only to what a state ought to do, but what a person is ought to have and advocate for; as a result of these processes and identification with the values the norms promote, reference groups that promote them and important frameworks of social pressure.

Subsequently, in the context of gender regimes, due to variations in the different local contexts, the cycles that follow the diffusion of this regime is always highly contested and has generated a constant debate in regards of the development of this norm. In this case, specific ideas of the different processes of socialization are challenged and important debates such as universalism vs. cultural relativism come to mind as many discrepancies in value systems arise. Moreover, ideas of norms diffusion, transnational advocacy networks and internalization of norms stay at the core theoretical approaches for this debate.

d. CEDAW as an idea in process of appropriation

Now, it is important to engage in the debate in regards of implementation, talking specifically about the case of CEDAW as an idea in process of appropriation. Meaning that, in general terms, as stated above, as a human right norm, CEDAW is advocated, socialized and internalized in the different local contexts where it works. In this sense, it is important to contextualize the impact of norms and ideas, the importance of socialization processes and the influence of discursive processes as important constructive approaches in the context of CEDAW formation and implementation as an important international and local ideal.

Thus, ideas and communicative processes define in the first place which material is understood as interests, preferences and political decisions. In this sense, material factors and conditions matter through the cognitive and communicative processes, without them, assumptions, discourses and identities cannot be made. (Risse et al., 199)

This is crucially important in regards of human rights and CEDAW as it emphasizes the importance of the process of communication of ideas, which at the same time, means the process of formation of such a crucial declaration and its importance as factor that sets, defines and redefines identities of states and provides individuals of an important conceptual power.

Likewise, “goals and interests are not exogenously given, we can think about the strategic activity of actors in intersubjective structured political universe. The key in doing so is remembering that the social and political contexts within which networks operate contain contested understandings as well as stable and shared ones.” (Keck-Sikkink, 1999, 91) In regards of this assumption, women’s rights are specially important because they operate within contested understandings and are subject to multiple interpretations of actors. However, as well as there is the ongoing conflict in regard of their meaning and specifics, important networks such as CEDAW represent the stable understanding of women’s rights and gives the context something institutionalized and structured to hold on to, try to influence and use for social pressure.

For instance, CEDAW becomes a core example as an idea in appropriation because it does not only describe rules of behavior for states and elements they need to implement to become better in regards of women’s status. But it also serves as an important element of definitions, standards and also a sign of identification. Moreover, it provides sets of general consensual areas where NGOs and other advocacy networks can

use to generate mobilization of human rights, the expansion of the idea and in so, as consequence, implementation of these standards. In the same way, in general terms, “human rights norms have a special status because they both prescribe rules for appropriate behavior, and help define identities of liberal states. Human rights norms have constitutive effects because good human rights performance is one crucial sign to others to identify a member of the community of liberal states.” (Risse et al., 1999, 8)

Furthermore, scholars have found important elements that are important to talk about appropriation of norms. Risse establishes “three types of causal mechanisms which are necessary for the enduring internalization of norms: processes of instrumental adaptation and strategic bargaining; processes of moral consciousness raising, argumentation, dialogue, and persuasion; process of institutionalization and habitualization.” (Risse et al, 1999, 9) These different stages explain in systematic way, the conditions needed to generate implementation of CEDAW and how these different mechanisms are crucial to the process that will be analyzed later, as it sets a framework for the communicative processes that the Shadow Report represents.

Furthermore, Krook and True emphasize their approach in the way discourses are taken into account in the formation of norms. This discursive approach argues that the promotion of women’s status and the way declarations and conventions were drafted respond to specific contexts and times. And so as norms are understood as discursive construction, we may have a better understanding of them. “A discursive approach suggests that norms continue to develop over the course of their life cycle due to ongoing critique and/or shifts in the content of other norms-in-process.” (Krook-True, 2010, 117)

In this regard, the authors focus on the policies that promote women's right which serve as a great example for background for this research. They argue that the definitions of political rights and development that are entailed in two broader categories of promotion of women's status have evolved over time, reflecting the achievements in these areas as well as the debates of their concepts. For instance, the promotion of women's rights and in this case the promotion of CEDAW as an idea reflects the connection of a highly contested area to be defined, important considerations over the discourse used in it, a linkage between state's identities and the results of different socialization processes.

Particularly, socialization becomes important in the understandings of CEDAW as an idea because this term demarcates international norms within their application to domestic processes. This process comprises the internalization of international norms by viewing at the social interactions it generates and shapes them within the local framework for later compliance. As a matter of fact, important actors in these processes are non-state actors which provide information for the exchange of ideas and set our paths for the international to influence the local or vice versa.

In this sense, "non-state actors gain influence by serving as alternative sources of information. Information flows in advocacy networks provide not only facts, but also testimonies - stories told by people whose lives have been affected." (Keck- Sikkink, 1999, 96) In this way they also influence this process of appropriation of ideas as they persuade people or raise awareness towards an issue by interpreting this facts and testimonies and giving them also a standard of right and wrong. And for this purposes,

“symbolic interpretation is part of the process of persuasion by which networks create awareness and expand constituency.” (Keck - Sikkink, 1999, 97)

Conclusion

The implementation of women’s rights is at the core of different theoretical debates and challenges in regards of its definitions and implications for the universal. They represent important developments in the institutional as well as theoretical sense of human rights. They embody different considerations of the political, economic and cultural aspects of the implementation of human rights. And moreover, they represent important processes of translating the international to the local.

Additionally, the case of CEDAW not only embodies considerations of rights but also evidence the empirical realm of different theories of norms as well as their processes of interactions. It becomes an important example of the impact of ideas and the way they travel and transform people’s lives. And as an important international institutionalized convention it provides important knowledge towards a theory of ideas and transnational implementation, because it provides norms that to some point challenge state rule over society and national sovereignty and also has a strong institutional body to have relevance and influence.

As has been mentioned; socialization, internalization and appropriation become core mechanisms in understanding the implementation of Human Rights and CEDAW in the different local concepts where they work. Socialization being the key to internalize concepts as it defines and redefines through practice in social interactions. Internalization as a process of understanding, along with these interactions. Concepts in these processes become clearer and ideas start to become part of the scheme of think-

ing of the actors and communities involved. And finally, appropriation where the concepts and standards generated before become part of the general common knowledge of individuals and establish then channels for advocacy of something of their own and not something imposed.

Subsequently, along with these mechanisms and processes, transnational advocacy networks that promote domestic change and carry ideas become important actors as well. These actors do not only carry the information, they also persuade states and individuals throughout the different process of the ideas they are advocating. Important NGOs and other transnational organizations, then do not only generate flows of ideas, but most importantly generate dialogue and discourse than in time they are appropriated can substantially generate important changes in state behavior or at least call for mobilization of rights of the individuals they impact through their activism.

And so to sum up, in general terms, "the most fundamental motivating force behind human rights regimes is not rational adaptation, let alone coercion, but transnational socialization - the "logic of appropriateness"-. Many such explanations assert that transformations in actor identities occur though the impact of "principled" nongovernmental organizations (NGOs) on domestic and transnational opinion. NGOs and publics within established democracies set up transnational networks, epistemic communities, and global discourses of human rights, dedicated to the advancement of a normative discourse of human rights. This in turn mobilizes domestic and transnational civil society at home and abroad, eventually socializing foreign and domestic leaders." (Moravski, 2000, 223)

CHAPTER 2

The Case of Ecuador:

Shadow Report to the CEDAW Committee Ecuador 2014

a. Human Rights advocacy and the role of NGOs

The Shadow Report becomes an important document to be analyzed as it demarcates an important process for the civil society movements in Ecuador. It stresses back the importance of having women organizations and in general, advocates for Human rights issues. Also, this report serves as important evidence of the different mechanisms under which human rights norms are implemented, because it shows the processes where human rights are advocated, socialized, and appropriated throughout the work of local civil society organizations. In that sense, this section will cover the importance of these different processes within the local context of Ecuador and their contributions to the understandings of implementation of human rights norms and the possible impact the local can have on the international.

For that reason, the Shadow report is presented here as a core document to be analyzed as it evidences socialization, monitoring and advocacy of norms. It represents the perspectives and ideas of different civil society women organizations; it presents the local - social and political -context for the advocacy of these norms and the results and consequences it has generated after being presented to the CEDAW Committee and the society of Ecuador. Particularly, for this section, I have conducted several interviews to representative people that participated in the Shadow Report; important scholars with expertise in gender issues, human rights, political topics and law; a

member of the public service of the state of Ecuador from the Equality Councils; and a representative from the local municipality of the city of Quito, capital of Ecuador. Hence, in that way I have generated an important overview of the way human rights ideas promoted by CEDAW are evidenced throughout local processes and the relevance of the Shadow report in this matter.

For that, I will start emphasizing the dynamism of the concept of human rights and set it out the way one of my interviewers, Nelson Reascos*¹, explained it taking into consideration Michael Foucault concept, human rights are a human invention that happen due to the necessity of human beings to live better; a necessity that improves life conditions becomes a right, but this are not automatically recognized as rights and so the state has to recognize them because without this they are worthless. A right shares this logic as it also responds to specific circumstances and options that human beings have at specific times.² In this sense, a human right cannot be understood as a universal consideration, as in a way, all societies advance in different phases and so rights are advocated at different times and recognized as well. However, this does not mean that rights are relative norms, but that they are appropriated in different stages of time and circumstances for every society.

For this, is important to revisit the concept under which this study is analyzing human rights implementation; which is establishing that human rights are advocated through different transnational networks, are socialized by different groups within the local context and then are appropriated as a social basis. Moreover, is necessary to understand that the fact when we talk about human rights not being universal is because

¹ * Philosopher, serves as dean and professor at the Pontifical Catholic University of Ecuador (PUCE), is Professor of Philosophy, Andean world view, epistemology. Former dean of the Faculty of Human Sciences of the Catholic University. Professor and guest lecturer at several international universities. Outstanding Professor of the UNIANDES.

² Nelson Reascos, personal interview by author, March, 26, 2015.

these processes happen distinctively in places and times and so, there might societies where rights have been recognized as norms and appropriated as such and others where the process has not even started yet. In the same way, Reasco establishes a pattern in which human rights become rights and says that: “someone systematizes rights, enunciates them in a comprehensive way, then advocates for them and finally they become objectives and standardized norms. And in general, advocacy of rights, or ‘the fight for rights’ has always been strenuous, forced and in many cases violent in order to be successful.”³ Rights are then, in most instances if not all, norms that need to be fought for and are advocated by some group that felt this necessity, without that there is no construction of them.

Following that idea, societies have generated these norms as a necessity for better life conditions, but in many cases this necessity has not been discovered yet and in some cases people do not perceive, for example, women rights as such. Now again, I consider important to restate the fact that human beings live in different ethos and for that reasons it is not necessarily adequate to assume human rights as universal. In this sense, Reasco's ideas are important as he explains “certain danger in seeing human rights as universal due to the fact that some groups fight for claiming rights for other groups that maybe have not even realized they have a necessity. And in this sense an impasse is generated as people do not yet perceive the utility, or does not suspect or poses the question of rights.”⁴ He sets the example of Ecuador and asks how many Ecuadorians have a clear idea of what is to have the right of a body? And answers himself, certainly the great majority does not.

³ Nelson Reasco, personal interview by author, March, 26, 2015.

⁴ Ibid.

Accordingly, these conceptual bases set out the different dimensions human rights norms and in this case gender norms have in their mechanisms of implementation. Now, it is also imperative to set out a framework for NGOs role in advocacy and their relevance in the mechanisms mentioned before. Therefore, under contradictory circumstances of human rights implementation and the difficulty under which they are generated in societies, the role of NGOs is crucial as they advocate for rights in contexts where groups do not always recognize a necessity. In this sense, this fight for rights has two effects: the great merit of the fight without the support of the beneficiaries of these rights and the state; and the difficulty of achieving these rights where there a social base that wants them is inexistent. Reascos calls this process an 'epic process' due to its great scope and difficulty and stated that "if rights are not fought, is difficult to achieve them, and even more when a necessity is not perceived."⁵

b. Shadow Report: process and relevance

With this in mind, to talk about the Shadow Report in the terms of advocacy of rights is not only crucial but necessary in order to understand an important mechanism under which women rights are implemented in the case of Ecuador. This Report, its process of creation, the context under which it was presented and the crucial moments the country is living demarcate a challenge to women organizations and an important time to be able to determine the actual impact of such a report. For this purpose, Rocio Rosero*⁶, representative of the Coalición Nacional de Mujeres (National Coalition of Women) and editor of the Shadow Report was interviewed in order to understand the

⁵ Nelson Reascos, personal interview by author, March, 26, 2015.

⁶ * Currently is the leader of the Coalición Nacional de Mujeres. She is a sociologist by Central University of Quito. He also studied at the University of Leuven (Belgium). She was director of the National Women's Council and is an international consultant on gender issues.

process of creation of the report and the actions this process triggered for the advocacy of women rights in Ecuador.

Rocio Rosero commented that the initiation of the process was something difficult to start as it required the integration of diverse women organizations who wanted to participate of the work in a collaborative and participative way. They had to engage in important political work, networking and the establishment of trust relations. They had to co-ordinate meetings and most importantly generate priority topics in which all organizations had interests. In this sense, they started with a pre-agenda of 6 important rights that evolved with the process in many more interests. This starting point generated as well important agreements in regards of the methodology to be used in the Report. First of all, the Coalition decided to make a Shadow Report instead of an alternative report and decided to use official information in order to make a contrast exercise. Most importantly they decided to assert their role of civil society organization in regards of enforceability of rights.⁷

In this process, formally 18 women organizations participated, but around 1200 women were present throughout the workshops, conversations, and tables of dialogue. The following organizations were part of The Shadow Report: Acción Ciudadana por la Democracia y el Desarrollo - ACDemocracia, Colectivo Político Luna Creciente, Cabildo por las Mujeres del Cantón Cuenca, Colectivo Nosotras, Confederación Ecuatoriana de Mujeres por el Cambio, Consejo de Mujeres Negras - San Lorenzo, Coordinadora Juvenil por la Equidad de Género, Coordinadora Política de Mujeres del Ecuador, Dirigencia de la Mujer - CONAIE, Federación de Sucumbíos, Frente Ecuatoriano de Derechos Sexuales y Reproductivos, Movimiento de Mujeres de Sectores Popula-

⁷ Rocio Rosero, personal interview by author, March 24, 2015.

res Luna Creciente, Movimiento de Mujeres de Manabí, Mujeres de Frente, Observatorio Ciudadano de la Comunicación - Cuenca, Plataforma Nacional por los Derechos de las Mujeres, Red de Mujeres Políticas del Ecuador - REMPE y Surkuma. (Coalición Nacional de Mujeres, 2014)

The process included different stages in which the organizations performed important exercises: reading of the official country report and state enunciations of what women want to say to the state and to the CEDAW Committee as well; 12 workshops with diverse and specific groups in which specific interests were set out, topic specific discussion groups and national and regional presentation of the report. According to Rocio Rosero, an important component of these activities and crucial to the understandings of specific cultural and diverse interests was the dialogue with indigenous women and afro-Ecuadorian women. This dialogue evidenced the importance of specific cultural considerations and the undertone of them. Topics such as the importance of an intercultural bilingual education and a plurinational state in matters of education and health seem to be core interests for these groups. Moreover, traditional - ancestral knowledge becomes crucial not only for the survival of cultural practices but for the daily practices of the specific groups. In this sense, for this member of the Coalition, “these women feel hurt by the state and their daily basis cultural reproduction is at stake as qualitative aspects of the schools of the millennia (highly advanced technological schools) and health services qualifications in the case of community midwives, burst into the local community life and delegitimize ancestral knowledge.”⁸

Additionally, the Shadow Report does not only provide information to the CEDAW Committee of these different interests of women organizations and the contrasted sit-

⁸ Rocio Rosero, personal interview by author, March 24, 2015

uation of the context in Ecuador. It is an important document that talks about the role of organizations in contesting the information of the state and providing the information to the public. For Pablo Romero*⁹, prominent scholar in communication and political topics, the Shadow Report represents an important come back of the civil society organizations for women after a long set back since 2008 where the latest Constitution of Ecuador promised important advances in regards of gender equality and portrayed the new regime as a guarantor of gender considerations and work towards the end of discrimination and important framework for rights in general. For him, the political panorama that was set out when the regime of Rafael Correa started, the civil society organizations fell back as they were looking for greater achievements in the way of greater state considerations instead of demanding specific interests for their groups.¹⁰ For that, this report does not only represent an informative process but it also represents a strong come back for the demands of civil society and a strong claim that represents an important part of the citizens.

Therefore, the Shadow Report represents important issues for the role of a demanding civil society, a process of construction of citizenship, empowerment of international instruments and a process of creation of consciousness and transcendence. Meaning that, with this Shadow Report, informative processes take place, even if at small scale, and generates in advocates and people that get access to it, the assumption of a clearer discourse of rights. The impotence of this report lies with the fact that it contributes to the diffusion of the ideas of CEDAW and the ideas of the local, it creates a comprehensive process between the local and the international and most importantly it pro-

⁹ * Professor of communication and political junctures at Pontificia Universidad Católica del Ecuador. Prominent activist for human rights and photographer.

¹⁰ Pablo Romero, personal interview by author, march 23, 2015.

notes the ideas of improvement of women rights and uses it to follow up the guidelines of international standards.

For Rocio Rosero, “the report has had an important pedagogical effect for the movement and for women. An important process of diffusion with the media, editorials, alternative media and public opinion with people that are interested in gender issues has started and is expanding as media uses the report data and approaches to talk about women’s situations.”¹¹ However, questionings to these effects are important as well because even if the report indeed has informed many, these many have been people that are constantly working on and towards gender issues, but the general public does not necessarily know about these processes and is debatable to how much the media campaign to inform the public as is evidenced that in almost all of the news that mention the report, give little attention to it and mention little about it. In that sense, Pablo Romero states that this is an important limitation of the NGOs and that is that after developing these important information, they do not necessarily follow up with an action plan to achieve their objectives and demands. But, in spite of that limitation is undeniable that these reports have an important validity as they generate, to an extent, important social mobilization.¹²

It seemed important for all of the people that were interviewed that the fact of the political context of Ecuador is an adverse context for women rights, it seems that there is an important contradiction with the laicism of the state determined in the constitution and the morals stated by the policies that are attempted to be implemented such as Plan Familia Ecuador which poses abstinence as a solution to control increased teen-

¹¹ Rocio Rosero, personal interview by author, march 24, 2015.

¹² Pablo Romero, personal interview by author, march 23, 2015.

age pregnancy. According to Rocio Rosero, “the state is implementing political violence with its speeches in regards of sexual and reproductive rights”¹³. To Nelson Reascos, the state maintains an important discourse in regards of human rights and affirms itself as a guarantor of them, justifying itself and convincing the public as it is protecting them because they are on the Constitution but in practice the policies implemented show something else.¹⁴

Additionally, for Pablo Romero, women’s rights advocacy has had an important backlash as they have lost institutional power with the transition of CONAMU - Consejo Nacional de Mujeres (National Council of women) to the Consejos para la Igualdad (Councils for Equality) which took away the power of this institution to generate participative creation of public policy with the state and women organizations, leaving this role only to the state, and letting only a monitoring role to the Councils.¹⁵ This institutional change has a great impact in the participation of women in the social and political sphere and reduces their impact. Furthermore, in spite of the weakening of the institutional claim, the ability and context for making more demands and mobilizations for women has become more difficult as the political panorama seems critical and limiting for any NGO.

To contrast this, in a conversation with Nancy Tello¹⁶, member of the Councils for Equality, she stated that the councils are a monitoring mechanism that are working for important actions for gender mainstreaming of public policies to include gender, in-

¹³ Rocio Rosero, personal interview by author, march 24, 2015.

¹⁴ Nelson Reascos, personal interview by author, march, 26, 2015.

¹⁵ Pablo Romero, personal interview by author, march 23, 2015.

¹⁶ * Currently is member of the National Council for Equality and is working for the National Strategy for gender mainstreaming promoted by the government.

clusion, interculturality and pluralism.¹⁷ However, she even said that the Councils are in a process of creation and reshaping their mechanisms for operating within the local context. So, in a way nothing has been done yet more than eliminating what was before being done with the CONAMU and starting a new process of mechanisms which are still on plannig. On the positive side, these Councils are set by law which gives them legitimacy for longer periods of time as they cannot be eliminated without changing the law, and are to some extent free to generate along with the consulted councils important monitoring work to the state in spite of their inability to influence public policy.

Nevertheless, in spite of the difficulties the actual context presents for the improvement of women's rights and in this case the implementation of CEDAW, the importance and relevance of the Shadow Report remains crucial for its significance for women's rights advocacy, the diffusion of information and in turn the generation of different multiple mechanisms for enforceability of rights. Rocio Rosero, editor of the Report, states that: "there is not a general consciousness for the importance of a Shadow Report in terms of advocacy of rights... The Shadow Report is positive for the rights of women in a context where is difficult to advocate for rights and that there are mechanisms that delegitimize the platforms of Cairo and Beijing. And on spite of the non-compliance of CEDAW by the majority of states, the Committee recommendations serve as a check route to follow up the standards established by the CEDAW, which is a positive element not only for women but for the improvements of the country."¹⁸

¹⁷ Nancy Tello, informal interview by author, march 22, 2015.

¹⁸ Rocio Rosero, personal interview by author, march 24, 2015.

For that reason, it is important to talk about not only the meaning of the report but also its relevance and importance that transcends the national sphere. It is an important document as it represents the comeback of non-governmental women organizations, it represents the consolidation of a stronger conglomerate of women that advocate for rights and most importantly it evidences the presence of a discourse of women rights and the necessity to diffuse them. Also, along with this significance, it showed the necessity for women organizations to follow up their work and generate better mechanisms of diffusion of their ideas, it showed the importance in the actual context of Ecuador of the necessity to inform people and allow them the knowledge of the situation and the necessities they should consider to make decisions and assume those necessities to advocate for them and make them rights.

c. Expected Results and consequences of the Shadow Report

In order to analyze the actual effects of the Shadow report, specially within the local context, a demarcation of what was expected and achieved through its creation is important. A follow up of the recommendations and questions that the report posed towards the improvement of women's rights in Ecuador is necessary to evaluate its actual power of diffusion and influence. In this sense, by talking with the editors of the Report, one of their most important role seemed to be the consolidation of different mechanisms of enforceability, which to their perspective they achieved improving their own expectations. They affirmed that with this process they realize it was possible and that even if the path is difficult they are on their way to get better conditions of rights.¹⁹

¹⁹ Rocio Rosero, personal interview by author, march 24, 2015.

The representatives of the National Women Coalition affirmed that their media-communicative incidence has generated important processes of dialogue between more actors' interests in the topics and also with important government officials. With the impulse they got from the presentation of the Shadow Report, they achieved visibility and are engaging, as a group, in important talks with the Minister of Justice in order to generate dialogues around the plan against violence; also are demanding the National Assembly, the legislative branch of the government, to start a follow up process with an audit of the anti-rights policies the government is engaging in, like for example Plan Familia Ecuador.²⁰

In this matters, I was able to interview one of the academics involved in a follow up process of this legislative results of the Shadow Report, which intends to create specifics around the violence plan stated by law. Daniela Salazar*²¹, member of this legislative project with other scholars and representatives of women's movement, explained that their work aims to generate an "draft project of an integral law of violence against women which, without going against the current integral criminal code (COIP), attempts to regulate the empty spaces in the typing of violence in the code. There are not norms that help operators of the law to understand the ways and modalities under which violence happen. This draft will include economic violence, violence at work, obstetric violence, which are topics that go beyond domestic violence."²²

Their project was generated by petition of women organizations and uses the same platforms of the Shadow Report for the creation of a participative process; this draft

²⁰ Rocio Rosero, personal interview by author, march 24, 2015.

²¹ * Professor at Universidad San Francisco de Quito. Teaches international law and human rights related issues. Is in charge of different projects at the university.

²² Daniela Salazar, personal interview by author, March 25, 2015.

seeks to put in place important guidelines for mainstreaming of public policy in gender bases. Participation of women groups was stated as primary and their advocacy and social pressure is vital for the project to have visibility and some kind of impact.

Nonetheless, the report has generated important reactions and diffusion; represents important advances for women and has even historical significance for the fight for women's rights in Ecuador, is necessary to keep in mind the cultural and political context under which this advocacy is taking place. With this in mind, is something else to analyze the results and achievements of the Shadow Report, as it has gained important advances and territories for dialogue, considering the adverse situation for advocacy of rights. In this sense, even if the Shadow Report did not end up in major modifications of the law, it generated important debates between scholars, people interested in gender issues and important attention by the media in regards of the recommendations of the CEDAW that followed its presentation.

Now, it is also important to consider, not only the political aspect but the social one, as deterministic sociocultural patterns shape everyday life in Ecuador. In this sense, majority if not all of the interviewed people agreed upon the fact that if better conditions for women's rights are wanted, important changes in the normal social paradigms need to be made. More women need to be informed of their productive role in society which goes far more than being mothers, more men need to address the different types of violence they portray and are bound to and more parts of the society need to at least address the issue. The importance of the diffusion of ideas seems key for everyone, as it poses the question and provides information to people in regards of the necessities that they have not even thought of.

In this regard, an important example was given by both of my interviewees; the controversial case of the declarations of Alexis Mera, an important functionary of the actual government, who stated in an interview to a newspaper that the “the State must teach women that it is preferable to delay their sexual life and (...) the conception so that they can finish a career. That makes women be able to have a better development.” These declarations included important public polemic and several other less appropriate declarations that raised the questions of a patriarchal society and state. On the one hand, we have Rocio Rosero, who states that the “government is strengthening socio cultural patterns in the way it proposes policies that attempt to make culture homogenous under a logic where the white-mestizo decides everything from a desk and have never actually been in rural places and in that way assume a techno - bureaucratic position, globalizing gender discourses and generating political violence with their declarations.” On the other hand, we have Nelson Reascos, who talks about the same example and says: “Mr. Mera said what the majority of Ecuadorians think but was criticized as being the worst, but he stated and portrayed a common thought between all Ecuadorians and if you make a survey you will find out that most people agree with him... If you do not believe go to a popular market or even just get on a bus and ask women there, parity and equality and matters regarding the body, sexual and reproductive rights are still seen on the perspective of morality and lack of information.”²³

Furthermore, on the matters of the social situation, all people interviewed agreed that the government is portraying an scenario where rights are being highly guaranteed and respected because a language of rights has been adopted and also because there is an important legal backup with the Constitution. However, all of them also agree that

²³ Nelson Reascos, personal interview by author, March, 26, 2015.

behind this symbolic, important and positive advance, in practice the policies and institutional backing for this languages fall short and do not actually set an important evidence of the elements stated in words. For Nelson Reascos, “there is a deep divorce between what the Constitution says and what happens in reality, the Constitution is really advanced and there is an big gap between what should be and what is. When there is a discourse of constant advancement and improvement of rights, the fight for rights is hampered because if we convince everyone that we are living in good and better conditions, the fight for better conditions is delegitimized. An important gap of inobservance of rights happens.”²⁴

Alternatively, Daniela Salazar stated that “the country has advanced in a very symbolic way; we have advanced in matters such as talking in a language of ‘los y las’ but we have not advanced in public policy that actually would recognize women’s rights. We have not advanced in formal matters. Institutionally, we have had a back lash as all what women organizations achieved before was abolished and matters such as penalization of abortion, and backwards public health policies show the way policies are being based in stereotypes, morality and without a gender approach. There is parity and there are 3 women running the National Assembly but what good is that when these women cannot actually have a voice and are silenced. Those are actually setbacks not advances.”²⁵

For all that, the assumption that the Shadow Report triggered important mobilizations and direct changes in public policy cannot be made. However, even if it did not have this type of direct results, it has had important incidence in the diffusion of infor-

²⁴ Nelson Reascos, personal interview by author, March, 26, 2015.

²⁵ Daniela Salazar, personal interview by author, March 25, 2015.

mation and ideas of the actual context of women in Ecuador and the diffusion of women's rights. Moreover, by having the CEDAW as a platform, it generated visibility of the women movement and to an extent it evidenced the capacity of local women organizations to be influential, be a strong conglomerate and be able to advocate for women rights even under adverse circumstances. This in turn, shows the necessity of the diffusion of ideas, of rights as ideas, for people to have something to question and think about their individual situations and choose with information a stand to advocate for, fight for or accept.

Conclusion

The Shadow Report is representative of different processes in regards of women human rights and the implementation of CEDAW in Ecuador. It represents the advocacy of rights by non-governmental organizations and civil society in general; the importance of the diffusion of ideas in local contexts to generate awareness of women's rights; the difficulty of implementing women rights in an adverse social and political context; and it represents important evidence of the women's situation as a historical document. Also, it serves as a sign for the construction of citizenship, capacity building in regards of enforceability of rights and most importantly for the creation of a discourse of rights.

“The Shadow Report is demonstrating important advances for women and also it is says a lot, in a positive manner, on regards on the way the data is being presented. The report is really technic and gives it great value. It is a very important work that includes a historical value because it documents what is happening in the country and should be diffused in major communications with the purpose that everyone should

know about it.”²⁶ And as consequence, if efforts like the Shadow Report are diffused, people will start questioning the conditions under which they live in and with more information they will be able to take better decisions, and most importantly be aware of matters that could affect them directly.

In this sense, the diffusion of the Report and in turn the diffusion of CEDAW is crucial for the understanding of what constitutes a right, what policies affect those rights or implement them, and to what standards is the state actually being challenged by civil society organizations and international instruments. “The CEDAW is important for the construction of a discourse of rights, diffusion of ideas of rights, and enforceability of rights in terms of public policies, legislation and questioning of conservative - traditional social standards.”²⁷

Additionally, in spite of the CEDAW recommendations not being a binding statement, the diffusion of what it says to a state is important so that people would be informed in a more comprehensive way of their rights. So that they can have other perspectives from the ones their society or state gives them. In this way, this does not mean that people from different cultures or social paradigms should be introduced this topics so they can change their way of living by imposition of ideas. On the contrary, this means that everyone should have all possible information available in matters of rights, so that people can choose which practices are being beneficial or not for themselves and their community. And so in that way make informed decisions on the way they attempt to improve their life’s conditions. Is not a matter of taking an international standard and making it applicable to all contexts, is a matter of socializing this

²⁶ Daniela Salazar, personal interview by author, March 25, 2015.

²⁷ Rocio Rosero, personal interview by author, march 24, 2015.

ideas, so that the best can be chosen for each individual, society and community. In this sense, also, the most important role for the diffusion of ideas is not the ones that the state is taking into consideration, but what individuals are, because they will be the ones that will advocate and generate structural changes in the state.

In the case of Ecuador, as has been described before, this topic of women's rights is as controversial as in many other places in the world. The country is a multicultural and plural-ethnic state and as so it has within it many contradictions of values. Important differences from the rural to the urban areas are key when analyzing the context of women. Nonetheless, the situation of women is somehow similar as in all instances, at lower or higher levels, women's rights are not a reality for all and social conceptions and standards of gender roles are strongly positioned in daily life. For that reason, also all people interviewed coincides in the fact that the fight for women's rights is especially difficult for the social context in which we live in, which is intensified with the actual political situation. Nelson Reascos summarizes this situation very well and states that in Ecuador "there is not a social bases that coincides and advocates for these rights and the state presents itself as very conservative... When you are working towards the education of rights and attempting improvements of the quality of life is very complicated to achieve anything when rights are being stated in relation with religious beliefs."²⁸

To sum up, it is important to analyze these processes of advocacy or rights, such as the Shadow Report in Ecuador, because they provide an excellent example of the way the diffusion of ideas work, its importance and actual influence in local contexts. The National Coalition of women who worked on writing this Report represents an excel-

²⁸ Nelson Reascos, personal interview by author, March, 26, 2015.

lent example on the way advocacy networks work on the local spheres and use international instruments as important background for discourse, accountability and legitimacy for their claims. Moreover, in spite of the difficulty of the task, this organizations engage in when they advocate for rights, their work is key in shaping important socialization of ideas which at some point will turn into mobilization that will generate important changes in state policies and traditional paradigms of their communities.

CHAPTER 3

Localizing the Universal

The Shadow report has been evidenced to be an important document to be analyzed in order to describe the different processes of diffusion of ideas, the role of advocacy networks or non-governmental organizations and the way universal instruments are implemented, specifically localized. In that way, this chapter will be focused on the specific ways under which CEDAW is implemented in Ecuador, bearing in mind what was described in the previous chapters in regards of human rights theory, actual context of women rights in Ecuador, the role of NGOs and; the process, relevance and impact of the Shadow Report. So, particularly in this section, the situation of implementation of CEDAW will be examined in regards of the major concerns of the CEDAW Committee and what women organizations put on the table; the meaning of the recommendations of the CEDAW Committee; and important generalizations of processes of norms adaptation in Ecuador.

a. Implementation of CEDAW: Latest report of Ecuador and Committee Recommendations

The complete implementation of CEDAW in Ecuador has a long way to go; there are still many gaps between what is established in the instrument and what is applied in Ecuador. Many reasons respond to this situation and generate specific meanings for the diffusion of CEDAW in the country. Social, economic and political circumstances have determined the extent to which compliance to this convention has been done in Ecuador. Many factors that were mentioned in previous chapters such as the political

situation of the country and the persistent patriarchal social paradigms impact the formats under which CEDAW is observed within the local practices. For that reason, as the last report of the country was presented in February of the present year, 2015, important questions arise towards the advancement of rights and the elements that should be worked on to actually generate improvements.

In this sense, the implementation of CEDAW in Ecuador has seen important improvements in matters of legislation and policy programs that promote equality of men and women. The CEDAW Committee recognizes as important the following actions taken by the government of Ecuador to implement the convention.

“The Comprehensive Organic Criminal Code (2014), which criminalizes femicide as well as discrimination and hate crimes based on sex; The Organic Law on National Councils for Equality No. 283 of July 2014, which creates the National Council for Gender Equality (CNIG); The Organic Law on an Economy of Solidarity with the People (2011), which provides for measures to reduce gender inequality in the economic sphere; The Organic Law of the Public Service (2010), which ensures parity between women and men in the nomination and appointment of public servants; and The Organic Law on Elections and Political Organizations, Code of Democracy (2009), which requires gender parity and alternation between women and men candidates on electoral lists. The National Plan for Good Living (PNBV) 2013-2017; The National Agenda on Women and Gender Equality (ANMIG) 2013-2017; The National Agenda on Equality for Human Mobility (2013-2017); The National Inter-sectorial Family Planning and Prevention of Teenage Pregnancy Strategy (ENIPLA-PEA) adopted in 2012.” (CEDAW, 2015)

However, as was stated in the previous Chapters, all these initiatives are also welcomed by the Shadow Report but include important considerations on mechanisms of applicability of them. It is important to understand that these initiatives and most importantly the legislations have been undermined on its application. Most of them have been justified as being new and so their mechanisms of application are still being tested. Nonetheless, most of these initiatives are left in reality as mere symbolic mechanisms. That is not to say they are negative for the implementation of CEDAW, these initiatives are important in regards of rights as they represent attempts to introduce a gender approach to the legislative and general social conditions. But they are initiatives that need to be analyzed carefully in order not to mistake the discourse of their importance in exchange of their effectiveness. The question to be made in this case is not what has been written about gender approaches and rights of women, but what has been done.

In this sense, the concluding observations of the CEDAW Committee coincide with the perceptions of scholars, representatives of women organizations and members of public institutions in Ecuador; in the sense of necessity of diffusion of the CEDAW among society. Greater diffusion of the convention and invitation to women's organizations to take part in such awareness-raising activities is recommended first by the Committee, which evidences the importance of the informative aspect of these ideas. Moreover, it is noted that under article 417 of the Ecuadorian Constitution, the Convention and other international human rights treaties are directly applicable. However, the Committee observes lack of visibility and awareness about the Convention among public authorities and society; it also notes few cases relating to women's rights in Courts and most importantly has not seen any strategy to implement recommendations of previous reports. (CEDAW, 2015)

For that reason, as it was evidenced by the Shadow Report, important awareness activities are needed in rural and remote areas where justice does not reach all the times. Also, the Committee suggests that it is important to take into consideration the way the new legislation is being applied, and in that sense the different functionalities of justice should be capacitated in order to deal with the specific demands of women. Campaigns of awareness rising in gender issues are key in order to allow women victims to tell their stories and not be repressed by justice or their communities. “The challenges for the effective implementation of such a framework, in particular at the local level and in remote areas, and the slow progress in bringing about the necessary changes in institutions to enforce legislation and public policies; and *De facto* and intersectional discrimination faced by indigenous, Afro-Ecuadorian and Montubio women, women with disabilities, migrant women, women asylum seekers, and refugee women.” (CEDAW, 2015)

Furthermore, in relation to what was stated in Chapter 2 in relation to the Councils for Equality, on its lack of capacity of generation of public policy and being only a monitoring institution. The CEDAW Committee is also concerned about this situation, as it appears that this new institution with the purpose of establishing gender mainstreaming does not have important institutional strength or the necessary mechanisms to ensure the application of a gender agenda in a coherent manner. In this sense, the CEDAW recognizes this limitations and recommends the country to consider assigning accountability mechanisms to monitor and asses’ implementation of policies and ensure systematic participation of women’s organizations in decision making processes on the protection of women rights. (CEDAW, 2015)

Additionally, other important area of concern for the CEDAW Committee is education, specially education in rural areas where there seems to be an important contradiction with the escuelas del milenio and indigenous educational institutions. For the Committee “public speeches downplaying the importance and relevance of education for indigenous communities” (CEDAW, 2015) is an important matter to chance. Then, some of the most polemicized topics in the local context are the matters of abortion, teen pregnancy, and access to health. All reduced in descriptions as sexual and reproductive rights. The penalization of abortion has become one of the most controversial matters due to its social implications in regards of religious beliefs.

The actual government has returned to a traditional and conservative way or portraying matters that should be treated as public policies. Specially this matter, as it affects important amounts of the young population of women. “Women’s limited access to therapeutic abortion and resort to unsafe abortions as a consequence, as well as breaches of confidentiality by health personnel who denounce women needing health care after a miscarriage or seeking abortion to the police or the judiciary.” (CEDAW, 2015) According to the NGO’s Shadow Report, the official country report and the CEDAW Recommendations, there is a high rate of teenage pregnancy which can lead to an increase of maternal mortality, limited access to modern contraceptives and family planning services. And in matters that the country report does not concede is the fact that parliamentary discussions did not address the issue of decriminalization of abortion in cases of rape, incest and serious malformation of the fetus; and the barriers faced by indigenous, Afro-Ecuadorian and Montubio women in accessing health services answer their needs, and respect their health approaches, including the practice of “vertical births” of indigenous women. (CEDAW, 2015)

Under those circumstances the CEDAW Committee recommended the state to provide training in human rights to health providers so that they can adopt protocols of respect and confidentiality, also the decriminalization of abortion in cases of rape, incest and serious malformation of the fetus, ensure affordable access to modern contraceptives and adopt the draft law on intercultural practices taking into consideration the different labor care situations. (CEDAW, 2015) However, the actual government has undermined this recommendations and has announced instead the controversial Plan Familia Ecuador which includes abstinence as a public policy to control teen pregnancy. This Plan clearly goes against what is established on CEDAW and is most importantly based on moral values that cannot be used as public health policy. Women organizations have started an important media campaign against this Plan and many others had reacted against this topic. For example, in this years “Marcha de las putas,” a congregation of women and men of all ages that walked the streets of Quito with the purpose of making statements for violence against women, the Plan Familia was intensely criticized and many notes on newspapers and independent media have reacted negatively towards it because it is certainly a backlash for women’s rights.

“The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (a), (b), (d), and 33 (c),” (CEDAW) which are decriminalization of abortion in cases of rape, incest or serious malformation , systematic collection of information in a desegregated form, comprehensive implementation of the National Action Plan for the elimination of violence against women and provision of immediate protection of reports of violence upon first report. In this way, the

recommendations seem to have included the demands of women organizations, and specific aspects where the country has not been able to implement important programs or policies towards the improvement of women's conditions.

Nonetheless, it is important to note the meaning of these recommendations that even if they are not binding, they have important implications for women's movement in Ecuador and gives them an important instrument as background for their claims. Moreover it also legitimizes their claims as it gives them international support and assumes an important language under which rights are necessary conditions for a country to comply with. Additionally, many of the recommendations reflect the topics stated in the Shadow Report and use similar languages, because things that were not portrayed in the official report were mention in the conducting observations of the Committee. Although, these recommendations are just suggestions of what the state should do to implement in a better way the Convention. However, it is important to see the importance of these recommendations in the processes of norms diffusion. They become crucial in the way ideas of women's rights are distributed in the local sphere, because they assign legitimacy to the claims of NGOs and also they contribute with important verified information. So it does not only help advocacy processes but processes of information of ideas that help in turn the other process.

b. Norms adaptation process in Ecuador

Subsequently, it is then crucial to analyze in general terms these processes under which the CEDAW norms have been implemented or partly implemented in the formal and informal aspects of the country. Meaning that, these norms adaptation in-

cludes not only formal evidence of implementation in legislation or state programs but on informal evidence in the way women organizations proliferate or use this instrument as an important base for their claims, the way discourses are shaped surrounding the Convention and in general the different social patterns under which processes of interaction and socialization of norms are being diffused. For that, it is important to describe each of these processes of norms adaptation in Ecuador as they advance in different rhythms in regards of state actions, local perceptions of rights and claims by different local organizations.

In this sense, in the previous section the advances in regards of state actions were analyzed thorough the Shadow Report and the CEDAW Committee final observations, which evidenced important elements in matters of implementation of CEDAW that the country has to do in order to improve the conditions on women. Legislative questions and improvements in the different programs and councils for gender equality are needed to achieve real advances in the country. Furthermore, sociocultural patterns are particularly important in this case as many of the perceptions of rights and attitudes towards women are based on tradition and conservative values which make it difficult for NGOs to advocate for rights that people do not necessarily notice as important.

Consequently, there are different perceptions of human rights in general within the population of the country. Many do not even realize the importance of the concept and in a general way people living in poor conditions are not aware of what rights can be for them as citizens, as their main concern might be living each day with the just means to eat. In this sense, we cannot expect that the whole population of Ecuador to be aware of rights and advocate for them when daily problems need to be solved first.

For example, “in urban areas, where 60 per cent of the population lives, poor families face overcrowded neighborhoods, crime and unemployment. In rural areas, the major problems center on unmet basic needs. One third of rural households, for example, do not have access to safe water or electricity.” (UNFPA, 2008) In this many of the concerns would be basic needs for most of the people and more specific rights such as women rights might not be a concern yet.

In contrast, the discourse of the state is a bit different. On the one hand, the government acknowledges that there is still a lot to do in matters of rights in the country, but plays the proud discourse that many important actions have been taken in order to improve human rights conditions and that success in their policies has transform many paradigms of the country. In gender based arguments, the government faces important contradictions as it has carried the discourse of rights all along but is clearly setting regressions in the same matters is promoting its advances. “The country’s Constitution states that it is one of the State’s main obligations to “assure the existence of human rights and the fundamental freedoms of men and women””. (UNFPA, 2008) And states a general plan of action that promotes gender equality and women’s rights. However, it is important to note than more than symbolic actions and establishment of new institutions that do not have any accountability, the government has actually moved backwards in matters of promotion of rights.

In this context, the transformation of CONAMU (National Council of Women) into Consejos para la Igualdad (Councils for Equality) has just brought up a reduction of effectiveness in the mainstreaming of gender approaches and took away the possibility of influence in public policy from women organizations as just the state has now the ability to create public policy. And so all the previous work that was achieved

with the CONAMU was eliminated as these Councils are created and sold as a greater improvement of rights. Moreover, important legislations such as Free Maternity Law are no longer part of the context for rights and important backlashes in terms of sexual and reproductive rights have taken place such as Plan Familia and criminalization of abortion. In this sense, the actual improvements of the country are little and the regressions are more crucial as they affect important segments of the society and are more significant for women's rights advocates.

Furthermore, it is important to analyze the cultural and social bases under which this processes of norms take place in Ecuador. Important contradictions between the rural and urban spheres of the country are crucial as they usually represent contradictions between the indigenous that are concentrated in rural areas. And most importantly there are certain conceptions and paradigms in regards of women's role in society that fit with patriarchal and conservative religious values. Some of these paradigms put women in a lower scale, assume that men should be the providers of a house hold and assign women to care activities and domestic aspects of the home. In that way, violent practices from partners seems the most common aspect of physical violence against women and the fact that is seen as a normal pattern is important as well. "Diverse historic investigations have evidenced that violence against women by their partners has been an extended practice in Ecuadorian society, at least from the colonial period. Nowadays, even if some violence manifestations have changed and has advanced to consider it an prejudicial to the rights of women and a punished crime, this mechanism of domination is still valid, as an unequal distribution of power between men and women persists, and the roots of certain roles and traditional conceptions of gender." (Violencia de género Nacional, 2014)

These types of stereotypes and paradigms are present in everyday life in the country and are evidenced in matters of economy, politics and social considerations. On the latest report of the Committee of social, economic and cultural rights on the status of Ecuador. “The Committee is concerned by the existence of gender stereotypes that cast women as being of an inferior status within the family and in society at large and that are preventing women from exercising all their rights on an equal footing with men.” (Committee on Economic, Social and Cultural Rights, 2012) Most importantly these stereotypes are deeply rooted in all different practices in Ecuador which end up in discrimination such as violence, inequality in political and economic life and undermine women’s empowerment in the family and society. And as a contrast, “campaigns to combat discriminatory stereotypes have focused exclusively on violence against women and lack actions aimed at enforcing the principle of equality between women and men in several areas of public and private life.” (CEDAW, 2015)

As stated in the interviews made to several scholars, everyone agreed on the fact that the implementation of women’s rights in Ecuador is a difficult task. People in general, that would be the beneficiaries of the achievement of rights are not aware of the importance of these rights and do not have access to the information that would allow them to make decisions in regards of those matters. Moreover, people in general see discrimination against women as a normal practice in the context of machismo and do not put in consideration that these practices do not only affect women but affect their society. Empowerment of women is not always seen as a crucial matter and even from public policy perspectives, little advancements have been made in terms on changing these deeply entrenched social practices. The road is long and difficult for the implementation of women’s rights in this context, but it is important to pay attention to the

actions taken by women and women organizations, these generate awareness and diffusion of information which needs to be intensified in order to see important changes.

Additionally, in this sense norms adaptation and norms diffusion theory helps us explain the way the processes described throughout this study work in terms of implementing CEDAW. In this study, the main argument lies on the role of NGOs and in general advocacy networks in the way they generate important channels of diffusion of ideas and the way they portray these ideas allow people to question their current situation and realize of the importance of these 'other rights' such as women's rights in their day to day conditions. As a study made by Nona Shawki, she argues that "translators play a key role in the process of "active appropriation and interpretation" of global norms 'within various national and sub-national contexts all over the world' (Zwingel 2005: 402). This process results in 'contextualized interpretations and practices that make norms legitimate' (Zwingel 2005: 415)." (Shawki, 2011). In the same way, I argue that advocacy networks or any kind of social movement in the fight for women's rights play a key role in processes of diffusion, socialization and appropriation of norms. And in the specific case of CEDAW in Ecuador, the Shadow Report represents an important evidence of how these processes work.

Conclusion

In order to implement CEDAW in Ecuador, conditions of norms socialization and the diffusion of ideas are key. These processes under which ideas are diffused, socialized and appropriated are evidenced throughout the different phases where CEDAW is implemented in Ecuador. The implementation of these norms have to pass not only the signature of a leader, but many aspects of the social configuration of the country. The

case of Ecuador is not an outlier in human rights issues but it is clearly an important case to analyze whether or not the effect of diffusion of ideas or a boomerang effect actually happen when the context is adverse for implementation and the power of NGOs is contested by the policies of the government in place and the same population they fight for.

In this sense, the process of diffusion of ideas that will turn into mobilization towards the advocacy of rights that emerge in changes of state behavior and implementation of rights is a complex matter that cannot be applied in exact forms in every country or society all around the world. However, even if every case has its specifics and peculiarities, the concepts of diffusion can be applied to the case. As stated through this and previous chapters the processes of diffusion are present on the situation of women rights in Ecuador and evidenced throughout the processes of the Shadow Report as well. This report represents the ability for advocacy of rights from women's organizations and the type of actions they can take in the context in which they function. It represents a historical moment for women's movements, women's rights and the importance of implementing CEDAW norms.

Conclusions

The localizing processes of women's rights in the case of Ecuador are a complex situation that needs multilevel descriptions as its implementation depends on specific conditions of the cultural, political and socio-economic aspects of this society. Ecuador represents a complex case of evidence of the challenges for human rights advocacy in general and most specifically for women's rights as it has always been a society characterized for following a patriarchal model of organization and many cultural aspects put women in vulnerable positions and with gender specific roles based on religious matters and inherent traditional practices. In this study, I argue that advocacy networks or any kind of social movement in the fight for women's rights play a key role in processes of diffusion, socialization and appropriation of norms. And in the specific case of CEDAW in Ecuador, the Shadow Report represents an important evidence of how these processes work.

Human rights and particularly women's rights always have to face important challenges in order to be implemented and do not apply directly in the same way in all contexts. The advocacy of women's rights has been characterized by activism and generation of mobilization; without social pressure is most likely that most of the improvements of women's conditions would not have happened. In this sense, the processes of implementation of CEDAW in Ecuador are well evidenced throughout the analysis of the Shadow Report to the CEDAW Committee 2014. This report, its results and the events surrounding it portray the general situation of women's rights in the country and evidenced the importance of diffusion of ideas and information for the advocacy of rights. Throughout the application of interviews and research on the con-

text in which women's rights are advocated in Ecuador. It is crucial to mention that channels for diffusion of information, socialization of ideas and appropriation are the key in improvement of people's lives.

In the case of Ecuador with the diffusion of this report more people started to know about the CEDAW and its review on Ecuador, people started questioning some specific policies in the country such as criminalization of abortion, abstinence as the key for family planning programs, the role of women and the importance of empowering them for better conditions of the whole society. Nonetheless, it is clear that this information does not reach everyone and that the majority of people are not aware of the necessity of these rights. In this matter, clearly the majority of Ecuadorian society advocates first for its basic needs such as making a living every day, feeding their children, finding a job and in short, survive. For that reason, more specific rights such as women's rights are matters that in the majority of the cases are not on top of the list of things to advocate for and in many cases does not appear as a necessity yet. Here is where advocacy networks have a crucial role; they give information to people for them to acquire knowledge about other dynamics that might be affecting them. Their role is not to impose ideas in people, but give them information so that they can take informed decisions and choose whether or not they accept their current conditions or fight for a change.

The processes under which women's rights ideas are implemented happen in continuously changing contexts, which is why these processes might be constantly evolving along the way. In the current situation of Ecuador and at the time of this research, 2015, advocacy for women's rights has had an important impact in society mobiliza-

tion and the diffusion on the information on those matters has brought important consequences to the local panorama. Some of the main aspects that have achieved visibility due to the women's movement and Shadow Report are: criminalization of abortion, economic inequality, free maternity for women, the controversial national plan for family planning that includes abstinence as a preventive method and most importantly gender violence. All these aspects have become crucial in the national debate and have generated reactions from within that in one way or another will generate state actions in some point as topics become a matter of interests.

In this sense, the fact that due to the media campaign and visibility efforts of women organizations, advocacy networks, information in this matters starts to take precedence and debate and questioning starts happening in society. People start knowing about this matters and start questioning their current conditions and the policies from the state. Much discontent has been seen in different protests and mobilizations. Nevertheless, it is important to note that this mobilization and constant debate has not been only due to the actions of women's organizations and the Shadow Report. This mobilizations are the result of different local situations such as polarization of supporters and non-supporters of the regime, controversial public declarations of the role of women by functionaries of the government, people's rejection to family planning program and the political discourse of compliance with different international instruments and contradictions with the reality.

For that reason, this study evidences the way the processes of diffusion of ideas such as the Shadow Report influence the mobilization of people towards the advocacy of rights. Even if these processes are not alone making a direct impact in policy making or solely people's appropriation of an idea; these processes support greatly the crea-

tion of a general awareness of an important specific situation, generate demands from within the same context, and provide legitimacy and strengthens the international instrument that is advocating for the same ideals at the international level. Is a multi-level process and is just like Keck and Sikkink explain in their spiral model of diffusion of ideas, where ideas do not float freely but travel within a series of networks that generate senses of socialization when they talk about the ideas, a sense of appropriation when people take them as necessities of their own and of advocacy when they fight for those ideas. All this steps and conditions happen always in different ways and with different rights, however, they shape a specific model that ends of mobilization of rights and in turn in changes on state behavior.

Under that description of the processes of diffusion of ideas, women's rights in Ecuador is set in the middle of this spiral model. It is still engaged in an intense process of diffusion of ideas; many people still have to generate awareness of the different situations of their lives that can be affected or improved with the implementation of better conditions for women. Nevertheless, an intense movement for advocacy for women's rights is returning as a consolidated machinery of important activists and groups that are bringing back to the main panorama the fight for women's rights. There are still many things to do in order to improve women's conditions in Ecuador and important flaws and necessities of the different programs and policies of the government were evidence through the Shadow Report and the recommendations made from the CEDAW Committee.

An adverse context for the advocacy of women's rights is present in Ecuador and intense advocacy is needed for women's rights to be improved, but as stated above, political, cultural and socio-economic conditions set out specific necessities for people,

making women's rights a secondary controversial topic. The government is set on a position where everything seems to have improved in that matter, but as evidenced in the Shadow Report and the latest observations made by CEDAW, Ecuador has had important drawbacks and needs to make adjustments on its policies. And so, information like this has been crucial to be diffused as it challenges the discourse of the state and people start to be aware of certain aspects that go beyond symbolic improvements.

Finally, the concluding remarks of this case study of the specifics of implementation of CEDAW in Ecuador are that it is clearly evident that diffusion, socialization and appropriation of ideas are key stages that a society or a state needs to go through in order to achieve local implementation of internationally drafted norms. The general challenges for implementation of human rights norms lie generally on the difficulty of setting to the local what was formulated at the international level. However, as this study shows, advocacy networks are key in order to generate channels of diffusion that will in turn generate a spiral model that will end up in implementation of these norms through a change on state behavior or better enforcement from it.

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