Ecuador Country Report

I. Business Law

a. Corporate formation

i. Briefly summarize the process for registering a business entity.*

**Answer:** The process of registering a business entity*, as sourced from the World Bank’s Doing Business site, is as follows:

1. Reserve the company name with the Superintendent of Companies;
2. Hire a lawyer to prepare minutes of incorporation;
3. Notarize the deed of incorporation and bylaws;
4. In the case of general partnerships and limited partnerships, publish an abstract of the deed of incorporation in a daily newspaper that circulates in the area in which the company operates†;
5. Register the company’s deed of incorporation and resolutions, as well as the name of the company’s legal representatives in the Mercantile Registry Office;
6. Register the company’s deed of incorporation with the Superintendence of Companies‡;
7. Obtain the *Registro Único de Contribuyentes (RUC)* with the *Servicio de Rentas Internas (SRI)*;
8. Print invoices and VAT forms at an authorized printing shop;

* Please note that this process applies to corporations (*compañías anónimas*), limited liability companies (*compañías de responsabilidad limitada*), general partnerships (*compañías en nombre colectivo*), limited partnerships (*compañías en compandita simple y por acciones*) and mixed economy companies (*compañías de economía mixta*), which are subject to the Ecuadorian Companies Law.

† See Articles 38 and 61 of the Ecuadorian Companies Law.

‡ Please note that as a result of the reforms introduced to the Ecuadorian Companies Law in 2014, the registration with the Superintendence of Companies is not a separate step. According to Article 136 of the Ecuadorian Companies Law, the Mercantile Registry is required to forward all documents submitted to such registry in connection with the registration of a company and the Superintendence of Companies is required to update the Companies Registry accordingly.
9. Sign up online for Social Security with the Instituto Ecuatoriano de Seguridad Social (IESS) and obtain a password to operate its online system;

10. Register all employee contracts with the Ministry of Labor (Inspectoría de Trabajo);

11. Receive inspection and operations permits from the municipality; and

12. Obtain a “tasa de habilitación” and pay the commercial patent at the appropriate municipality.

In 2014, the Ecuadorian Company Law was amended to permit an expedited electronic process for the incorporation and registration of companies that significantly reduces the time associated with such process. The online incorporation and registration of corporations (compañía anónima), limited liability companies (companías de responsabilidad limitada), general partnerships (companías en nombre colectivo), limited partnerships (companías en compadita simple y por acciones) and mixed economy companies (companías de economía mixta), in accordance with the Superintendency of Companies site and pursuant to the relevant regulation issued by that entity, includes the following steps:

1. Go to http://www.supercias.gob.ec/portalConstitucionElectronica/;

2. Register as a user and log into the online system;

3. Reserve a company name, fill in the form “Request to Incorporate Company,” upload PDFs of documents evidencing who will be the shareholders or partners of the company and select a notary;

4. The Superintendency of Companies will notify the user via email the notary information, the notary and registration fees, the number assigned to the request and bank information for payment of notary and registration fees;

5. Pay notary and registration fees;

6. The notary will validate the information submitted by the user and schedule an appointment for the execution of the deed of incorporation and appointment of managers;

7. Attend the appointment with notary and execute the relevant documentation;

8. The notary will submit the documents duly executed to the Mercantile Registry for their review and registration;
9. The Mercantile Registry will submit all information to the Servicio de Rentas Internas (SRI) to issue the Registro Unico de Contribuyentes (RUC) for the company; and

10. The user is notified by the Superintendency of Companies that the incorporation and registration process has been completed.

The process for forming a single-member limited liability enterprise (empresa unipersonal de responsabilidad limitada) is the following:

1. Hire a lawyer to prepare the deed of incorporation;
2. Notarize the deed of incorporation;
3. A civil judge must approve the deed of incorporation and order its registration with the Mercantile Registry Office;
4. Publish the civil judge’s approval of the deed of incorporation and registration order;
5. Register the company’s deed of incorporation in the Mercantile Registry Office; and
6. Obtain the Registro Unico de Contribuyentes (RUC) with the Servicio de Rentas Internas (SRI).


ii. What types of legal business entities exist in the jurisdiction?

**Answer:** The following types of legal business entities exist in Ecuador:

- Corporation (*compañía anónima* or *sociedad anónima*)
  - Ownership of the corporation is denoted by shares of stock. Those who own stock in the company are described as “shareholders” (*accionistas*) and their liability is limited to the amount of their stock ownership.
• Limited Liability Company (*compañía de responsabilidad limitada*)
  
  o Limited Liability Companies are authorized to engage in all aspects of commerce and industry, with the exception of banking, insurance, and savings. Owners are described as “partners” (*socios*) and their liability is limited to the amount of their quotas or equity interests.

• General Partnership (*compañía en nombre colectivo* or *sociedad colectiva*)
  
  o Association of two or more persons who have executed a written partnership agreement.
  
  o The liability of the partners for the obligations of the partnership is joint and unlimited.

• Limited Partnership (*compañía en comandita simple* or *sociedad en comandita simple*)
  
  o One or more of the general partners has unlimited liability, while the limited partners are liable up to the amount of their capital contributions.

• Joint Venture (*sociedad de riesgo*)
  
  o Ad hoc organizations formed based on contracts that enable two or more parties to share risks and profits.

• Branch of Foreign Corporation (*sucursal*)
  
  o Local branches of corporations that are legally constituted abroad.

• Mixed Economy Company (*compañía de economía mixta*)
  
  o Companies that enable private investors; state, provincial, or municipal governments; and autonomous government agencies to cooperatively contribute capital and partake in management.

• Single-Member Limited Liability Enterprise (*empresa unipersonal de responsabilidad limitada*)
  
  o Limited liability businesses that are set up by a single individual.

(See Pricewaterhouse Coopers, “Doing Business and Investing in Ecuador”, Pg. 88-89)
iii. Can personal liability be limited through the formation of certain business entities?

Answer: Yes, individuals may limit their personal liability by forming corporations, limited liability companies, limited partnerships (excluding the general partner), joint ventures, and single-member limited liability enterprises. Single-member limited liability enterprises are particularly important for supporting female entrepreneurship. (See Pricewaterhouse Coopers, “Doing Business and Investing in Ecuador”, Pg. 96)

iv. Are there any restrictions on forming a business that are specific to either married or unmarried women?

Answer: No, there are no gender-based restrictions placed upon business formation, regardless of marital status. (See Ecuador Commercial Code, Revised Article 11)

v. Are women allowed to own shares in a corporation?

Answer: Yes, women may own shares in a corporation or company. Nevertheless, Ecuador has a community property marital regime (régimen de sociedad conyugal) wherein most assets acquired during a marriage are jointly owned by the spouses (subject to certain exceptions, such as real estate acquired prior to the marriage or acquired through a gift or inheritance). (See section III.c below) It is possible to provide for certain assets to be excluded from the community property such that they remain in the sole ownership of each individual spouse. (See Ecuador Commercial Code, Article 3 and Deere, Property Rights and the Gender Distribution of Wealth in Ecuador, Ghana, and India, Pg. 4)

vi. Are women permitted to be sole proprietors?

Answer: Yes, women are permitted to be sole proprietors. Nevertheless, a single-member limited liability enterprise incorporated by a spouse (male or female), will be deemed common property of the marriage. (See Decision of the Court of Constitutional Guarantees, Registro Oficial No. 224 of July 3, 1989, Pricewaterhouse Coopers, “Doing Business and Investing in Ecuador”, Pg. 88-89 and Ley de Empresas Unipersonales de Responsabilidad Limitada)

vii. Are there any restrictions on women (or men and women) forming partnerships?

Answer: No, there are no restrictions on women (or men and women) forming partnerships. (See Ecuador Commercial Code, Revised Article 18; Article 277)
viii. Does the jurisdiction have a mechanism for pledging shares in a company as collateral for a loan?

**Answer:** Yes, shares in a company may be pledged as collateral for a loan. However, there are some restrictions when the shares are deemed to be part of the community property marital regime \((\text{réimen de sociedad conyugal})\). (See clarification included in Question I.b.i. below and Bustamante, “Security Lending - Ecuador,” site: latinlawyer.com/reference/article/40572/secured-lending)

b. Contracts

i. Can women independently enter into contracts?

**Answer:** Yes. However, under the Ecuadorian community property marital regime any agreement for the disposal of (or the creation of any liens or restrictions on) real estate, motor vehicles or equity interests in any company or corporation which are part of the community property must be executed by both spouses or, if executed by one spouse, approved by the other spouse, which approval must be documented by a public deed. This restriction applies to both spouses. (See World Bank. 2015. Women, Business, and the Law 2016: Getting to Equal. Washington, DC: World Bank, Pg. 118, Ecuador Commercial Code, Revised Article 66 and Ecuador Civil Code, Article 181)

ii. Are there any restrictions on a woman’s ability to enter into a contract, including whether she is married or requires a male co-signer?*

**Answer:** No, a woman’s ability to enter into a contract is not impacted by her marital status or by the existence, or lack thereof, of a male co-signer. (See clarification included in Question I.b.i. above and World Bank. 2015. Women, Business, and the Law 2016: Getting to Equal. Washington, DC: World Bank, Pg. 118)

c. Employment Law

i. Can women hire employees?

**Answer:** Yes

1. Please describe any restrictions.

   **Answer:** There are no restrictions preventing women from hiring employees.

2. Are there equal opportunity laws?

   **Answer:** The Ecuadorian Constitution prohibits discrimination based on age, place of birth, gender, language, political affiliation or religion, judicial record, migration status, sexual orientation,
disability or illness, social or economic status, or any other factor. The Ecuadorian Constitution also requires the government to adopt affirmative action measures to promote real equality of the individuals in a situation of inequality.

With respect to employment rights, women are protected from discrimination in pay and there are also protections in cases of pregnancy, childbirth, child care and breastfeeding. For instance, women are entitled to 12 weeks of paid maternity leave and the law prohibits firing pregnant women unless for a cause unrelated to the pregnancy. In addition, their employers cannot permanently replace them while they are on maternity leave.

The Ecuadorian Labor Code also requires employers to hire a minimum percentage of women, which percentage shall be determined by the Ministry of Employment and Labor. However, during the course of our research we could not verify that such percentage had been established.

The law applicable to selection of government employees also requires the government to implement affirmative action policies to promote the equal participation of men and women in public office. The relevant regulations issued by the government in furtherance of this legal mandate provide for a score system that awards extra points to certain categories as a result of affirmative action.

Similar affirmative action mandates can be found in the education and health sectors.

d. **Other – Freedom of Movement/Establishment**

i. Are there any laws restricting women’s mobility or restrictions on areas in which women may reside or establish a business?

ii. **Answer:** No, there exist no laws in Ecuador restricting women’s mobility or limiting the scope of the areas where they may reside or establish businesses. Not only can women travel nationally and internationally without facing additional gender-based restrictions, but they are also unrestricted in their choice of residence location. This standard was established as early as the mid-20th century. Historically, women made up 56% of all rural-to-urban migrants in the 1960s and 50% in the 1970s. During the same time period, Ecuador underwent significant land reforms that fundamentally altered its agrarian structure by promoting greater gender parity in land inheritance and, therefore, land ownership. Notably, women now constitute 51% of the landowner population in Ecuador and own 48% of the total land wealth. (See World Bank. 2015. Women, Business, and the Law 2016: Getting to Equal. Washington, DC: World Bank, Pg. 118, UN Women, “Gender, Remittances, and Asset Accumulation in Ecuador and Ghana”, World Bank. 2000. Ecuador Gender Review: Issues and Recommendations, Pg. 42-44 and Deere, Women’s Land Ownership and Participation in Agricultural Decision-making: Evidence from Ecuador, Ghana, and Karnataka, India”, Pg. 2)

II. **Banking and Regulation**

a. **Loans**

i. Can women independently apply for and borrow money?

**Answer:** Our research did not uncover any law prohibiting women from independently applying for and borrowing money.

Paragraph 2, Article 11 of the Ecuadorian Constitution provides that “[a]ll persons are equal and shall enjoy the same rights, duties and opportunities. No one shall be discriminated against for reasons of ... sex, gender identity... All forms of discrimination are punishable by law.” The broad equality mandate in the Ecuadorian Constitution should protect women from discrimination in the application for and borrowing of money on the same terms as men. In addition, our research indicates that nothing in the Ecuadorian Commercial Code treats men and women differently in any respect. Title XIII of the Commercial Code governs loan transactions and does not specifically distinguish on the basis of sex and gender. Any interpretation inferring such discrimination should be prohibited by the Ecuadorian Constitution.
b. **KYC/National IDs**

i. **What is the process for obtaining a passport or other form of national identification?**

**Answer:** The national identification card in Ecuador is called *cédula*. The requirement for the *cédula* is a $5-15 payment. The applicant must provide documents proving the applicant’s education level and occupation. The government agency responsible for the *cédula* is the Registro Civil. Note: We could not procure a digital version of the application for a *cédula* for domestic applicants. (See [https://www.registrocivil.gob.ec/?p=1654](https://www.registrocivil.gob.ec/?p=1654))

A *cédula* and a voting certificate can be used to apply for a passport. When applying for a passport, proof of age is provided through producing one’s *cédula*. Results of our research did not suggest any additional indication of marital status is required. Ecuadorian government websites only specify an application form is required from minors. An application for foreigners is available through the government website for the Ministry of Foreign Affairs and Human Mobility (*Ministerio de Relaciones Exterior y Movilidad Humana*) (See [http://www.cancilleria.gob.ec/wp-content/uploads/2013/07/formulario-cedula-julio2013.pdf](http://www.cancilleria.gob.ec/wp-content/uploads/2013/07/formulario-cedula-julio2013.pdf)). This form does not require proof of marital status or age. The Ministry’s website does not specify a wait time for processing the application. (See [http://www.cancilleria.gob.ec/requisitos-para-la-emision-del-pasaporte-ecuatoriano-en-el-ecuador/](http://www.cancilleria.gob.ec/requisitos-para-la-emision-del-pasaporte-ecuatoriano-en-el-ecuador/))

ii. **What type of ID is needed to open a bank account? Can women use birth certificates to open a bank account?**

**Answer:** The online forms to apply for savings or checking accounts at Banco Pichincha, the largest private bank in Ecuador, require only the *cédula* number. Nothing in the online form shows that women need different types of ID to open a bank account. (See [https://www.pichincha.com/portal/Formularios/11/5/12/1](https://www.pichincha.com/portal/Formularios/11/5/12/1))

iii. **Which types of forms of identification can women apply for in this jurisdiction?**

**Answer:** Our research suggests that women can apply for the *cédula* and the passport and other IDs available to men. (See answer to II.b.i) Nothing on the governmental website reviewed, including the Ministry of Foreign Affairs and Human Mobility (*Ministerio de Relaciones Exterior y Movilidad Humana*) and the Directorate General for Civil Registry and Identification (*Dirección General de Registro Civil, Identificación, y Cedulación*) suggests the unavailability of any form of civilian ID to women.
iv. Are there any restrictions to obtaining a passport or other form of national ID that are specific to women (either married or unmarried)?

**Answer:** No, see answer to the previous question.

v. Please describe any other Know Your Customer (“KYC”) regulations that women may need to comply with when transacting business with financial institutions (including opening accounts, opening lines of credit, and/or entering into loan agreements).

**Answer:** Our research suggests that other than as explained in this section II.b. there are no other KYC requirements that women would normally need to comply with. Note that according to the U.S. State Department: “There is no reliable way to judge the magnitude of money laundering activity in the country because only major banks have active money laundering controls and a large number of transactions take place through loosely-regulated money exchange and financial cooperatives.” (See http://www.state.gov/j/inl/rls/nrcrpt/2015/supplemental/239187.htm)

Per LatinLawyer.com: “The regulations for anti-money laundering (law for the deterrence of asset laundering) can be found in the criminal law ambit. Nonetheless, that law does not contain specific rules with respect to investments in the securities market. However, the Quito Stock Exchange issued a resolution referring to this matter, providing the guidelines for disclosing the identity of investors and introducing transparency policies, such as ‘know your customer’ procedures.” (See http://latinlawyer.com/reference/article/40423/private-equity/)

c. Bank Accounts

i. Can women open bank accounts in their own name?

**Answer:** Yes, we found no restrictions on women opening bank accounts in their own names. In addition, according to a 2014 New York Times opinion article, women can readily open accounts in their own names and as sole owners of the account. (See http://www.nytimes.com/2014/11/05/opinion/a-boon-for-the-women-of-ecuador.html)

ii. What can be considered collateral and viable assets?

**Answer:** Our research did not uncover any information that specifically addresses what can be considered viable assets. However, according to Latinlawyer.com, individual collateral can take several forms, including mortgages over real property, pledges of stock and assignments of the borrower’s contractual rights. (See http://latinlawyer.com/reference/article/40572/secured-lending/)
iii. Who can be guarantors?

**Answer:** There seems to be no legal requirements on qualifications of guarantors but financial institutions may have their own requirements. *(See [http://latinlawyer.com/reference/article/40572/secured-lending/](http://latinlawyer.com/reference/article/40572/secured-lending/))*

iv. Can women be the sole owner of a bank account?*

**Answer:** Yes. *(See answer to II.c.i above)*

A comparative research paper on savings in Ecuador, Ghana, and India also suggests women can own bank accounts individually and notes that most bank accounts in the country are owned individually rather than jointly. *(See [http://genderassetgap.org/sites/default/files/Savings%20Nov%2022.pdf](http://genderassetgap.org/sites/default/files/Savings%20Nov%2022.pdf))*

d. Credit Reporting

i. Does the jurisdiction, either through the government or through private companies, have a mechanism in place for gathering information and providing credit reports of individuals?

**Answer:** Per a 2012 IFC report on credit reporting standards, six private credit bureaus were originally licensed in the country for credit reporting. However, as of 2011, only one remained. Credit reporting agencies are regulated by the Superintendencia de Bancos y Seguros ("SBS"). Notwithstanding the existence of one credit reporting agency, the 2012 IFC report notes “Ecuador has a fairly advanced, full-file and nonfragmented credit reporting system.” *(See page 88, and footnote 77 on page 37, available at [http://www.ifc.org/wps/wcm/connect/industry_ext_content/ifc_external_corporate_site/industries/financial+markets/publications/toolkits/credit+reporting+knowledge+guide](http://www.ifc.org/wps/wcm/connect/industry_ext_content/ifc_external_corporate_site/industries/financial+markets/publications/toolkits/credit+reporting+knowledge+guide))*

In addition, disclosing the names of debtors to the public constitutes defamation. *(See Penal Code Art. 499-A.)*

ii. Is credit reporting the same for men and women?

**Answer:** There is no indication of any differences in credit reporting between genders.

e. Interest Rates and Usury Laws

i. Are there any caps on interest rates that financial institutions can charge on private loans?

**Answer:** Yes for loans with a business purpose. Article 560 of the Commercial Code states that “[t]he conventional income that merchants establish in their loans, may not exceed the maximum rate established for
conventional interest according to the Law.” Article 553 defines a mercantile loan as a loan that is “contracted in the concept and with expression that the items furnished are intended to be used in commercial acts, even if the parties are not merchants.” Private loans made for business purposes would be subject to conventional interest rate caps.

The conventional interest rate cap is set by the Central Bank of Ecuador. (See Civil Code Art. 2115.) As of July 2016, it was 9.33%.

ii. Does the jurisdiction have laws or regulations in place to prevent usury? If so, do the usury laws extend to private transactions between individuals?

**Answer:** Violation of the usury limit is a crime that would result in 6 months to 2 years in prison and a fine ranging from $16 to $311 USD. Masking the usurious nature of a loan is a crime resulting in 2 to 4 years in prison and a fine of $1,000. (See Penal Code Arts. 583 et seq.) These laws extend to “persons” generally.

According FXSTREET, the Ecuadorian government passed a banking law reform “that aimed at setting maximum interests… [f]rom this time on, maximum passive and active interest rates have been determined by the Central Bank of Ecuador. Active interest rate caps are calculated as a weighted average by segment and multiplied by a credit risk factor, because Ecuador’s economy is dollarized and its basic interest rate is strongly linked to the United States’ monetary-policy interest rate set by the Federal Reserve. They are reviewed regularly. As a result, these interest rates have diminished, but illegal lending has flourished and needs to be prevented through more supervision and control.”

Based on the above observations, it appears that while Ecuadorian law governing interest rates has developed, this has created an opening for an underground market in lending. The Ecuadorian government may not be effectively policing this illegal lending, so laws designed to curtail interest rates may not greatly expand access to credit with lower interest rates. (See http://www.fxstreet.com/analysis/emerging-marketsbbva/2012/01/25)

f. **Micro Lending**

i. Is micro lending permitted in the jurisdiction?

**Answer:** Yes. The Ecuador Superintendency of Banks has a Microfinance Division. In accordance with banking norms established in conjunction with the Superintendency of Banks, “A micro loan is defined as a loan that finances a micro enterprise whose source of repayments are sales from production, commerce or service activities. The maximum size for a micro loan is $20,000. (See page 2, Supervision and Regulation of Microfinance Industry in Ecuador-USAID/SALTO Project, available at http://www.microfinancegateway.org/sites/default/files/mfg-en-case-
ii. What, if any, regulations exist in respect of micro lending programs?

**Answer:** Since December 2002, the Superintendency of Banks began to apply a set of prudential norms (approved by the *Junta Bancaria* of Ecuador) to microfinance in Ecuador, which include:

- Loan provisioning, or the practice of accounting for a defaulted loan as an expense, is mandatory after five days of arrears.

- The micro finance institutions have the liberty to establish the loan size above which guarantees would be required. For loans below this amount, all that is needed is a personal guarantor or a document signed by the borrower stating the personal assets that can be seized in case of loan default.

- Financial institutions can voluntarily provision above the specific loan provisioning requirements set by the Superintendency.


### III. Property Rights and Access to Collateral

a. **Property Law**

i. Can women independently apply for a home / property title?

**Answer:** Yes.

ii. Can women independently maintain a home / property title? Are there limits to women using / leasing land versus owning?

**Answer:** Yes, women can independently maintain a home/property title. There are not any limits to women using/leasing land versus owning.

iii. Can women independently lease and use property for business purposes?

**Answer:** Yes.

iv. Can women independently own real property?

**Answer:** Yes.
v. Is there a registry of real property ownership? If so, can women register their ownership of real property?

**Answer:** Yes, there is a real estate public registry where all notarized public deeds for real property are registered. (See Supreme Decree 1405). Women can register their ownership of real property.

vi. Can women independently own movable property?

**Answer:** Yes.

vii. Are there any laws that prohibit women from using real property as collateral for a loan?

**Answer:** No, except for certain ancestral/communal land that is subject to certain restrictions that apply equally to men and women and certain rules requiring property-related contracts for marital property to be signed by both spouses. (See Art. 1700 of the Civil Code)

viii. Are there any laws that prohibit women from using moveable assets as collateral for a loan?

**Answer:** No, other than the rules requiring property-related contracts for marital property to be signed by both spouses. (See Art. 1700 of the Civil Code)

ix. Are there any laws or government programs that encourage, promote or subsidize land and property ownership and/or equitable distribution of property rights?

**Answer:** Article 66(26) of the Ecuadorian Constitution enshrines a right to property in all its forms. Article 324 guarantees equal rights and equal opportunity to men and women in access to property and decision-making in the management of their marital community property. There are laws protecting the rights of married women who do not manage their marital estate, including the “double signature” rule, which requires the signature of both spouses to complete the sale of real estate and certain other types of community property. This rule also applies to loans obtained by one of the spouses because both spouses will be responsible for the payment of the debt unless other, specific arrangements are made.

The Government of Ecuador also has programs to encourage property ownership, including by providing subsidies and bank credit, but none of those programs is directed toward women specifically (See [http://www.habitatyvivienda.gob.ec/bonos-de-vivienda/]).

b. Inheritance Law*

i. Under the inheritance laws of the jurisdiction, to whom does property of the deceased pass?
**Answer:** Intestate succession governs the distribution of property of a deceased person if the deceased died without a will. Intestate successors in Ecuador include the children, parents, grandparents, siblings and the surviving spouse.

In Ecuador, intestate succession occurs by personal right and by right of representation. Representation is a legal fiction that a person has the degree of kinship and inheritance rights that their father or mother would have, if the father or mother is not available to inherit. Inheritance by representation occurs per stirpes, meaning that the number of children who represent the parent take equal portions of the share that would have corresponded to the represented parent.

Children inherit to the exclusion of other heirs, after the spouse receives his or her portion, which is 1/4 of the assets of the deceased spouse. If the deceased left more than one child, the estate will be divided among them equally. If the deceased did not leave any posterity, the estate will pass to the deceased’s ancestors of the nearest degree and the surviving spouse. The estate will be divided into two parts – one for the ancestors and one for the spouse. If there are no surviving parents or grandparents, all of the estate will pass to the spouse. If there are two or more ancestors of the nearest degree, they split their allotted inheritance equally. If the deceased does not have any of the heirs described above, their siblings will inherit the estate. The state will take if there are no other successors. (*See Articles 1023-1025, 1028-1031, 1033 and 1201 of the Ecuadorian Civil Code.*)

ii. Can women inherit property as a matter of law?

**Answer:** The section on intestate succession in the Ecuadorian Civil Code is written in gender-neutral language, indicating that women can inherit property. (*See Articles 1023-1036 of the Ecuadorian Civil Code*)

iii. Can women inherit property or as set forth in a will?

**Answer:** The section on wills in the Ecuadorian Civil Code is written in gender-neutral language, indicating that women can inherit property through wills. (*See Articles 1037-1048 of the Ecuadorian Civil Code*)

iv. Can married and unmarried women write wills?

**Answer:** There is no distinction based on marital status in the section on wills in the Ecuadorian Civil Code. (*See Articles 1043-1048 of the Ecuadorian Civil Code*)
c. **Marriage and Divorce Law***

i. Please describe how ownership of property is allocated in a marriage.

1. What happens to property that the individuals owned before they were married?

   **Answer:** It remains the individual property of the spouse that owned it prior to the marriage, although income generated from the private property of each spouse during a marriage becomes shared community property. Neither spouse needs the authorization of the other to dispose of their individual property. Individual spouses may decide to contribute their respective pre-marriage property to the “community property”, which is property that is jointly owned by both spouses. The spouses may enter into a prenuptial agreement, designating which pre-marriage property (if any) should be brought into the marriage as community property. If there is no written prenuptial agreement, the community property shall be administered in accordance with Title V of the Ecuadorian Civil Code. There is no presumption that individual property owned by each spouse before marriage becomes community property upon marriage. *(See Deere and Díaz, Women’s Property Rights: What We Need to Know, FLACSO, Ecuador, 2011, p. 6, available at [http://genderassetgap.org/sites/default/files/Ecuador%20Pop%20Edu%20Pamphlet_Translation_Final.pdf](http://genderassetgap.org/sites/default/files/Ecuador%20Pop%20Edu%20Pamphlet_Translation_Final.pdf) and Articles 141, 150-152, 153 and 157 of the Ecuadorian Civil Code)*

2. Is marital property jointly owned or does the husband (or wife) become the sole owner of all property?

   **Answer:** It is jointly owned as community property. By prior agreement, either spouse can be the administrator of the community property, giving such spouse control over the disposition of the community property. In the absence of a prior agreement, it is presumed that the administrator is the husband. The administrator spouse needs the express authorization of the other spouse in order to take certain acts, including sales of significant property and encumbrance of real estate and motor vehicles.

   Marital community property includes:

   - Salary and work income, accrued during the marriage.
   - All of the income generated from the individual property of each spouse, accrued during the marriage.
- Money that either of the spouses brings to the marriage and decides to contribute to the community property or that they acquire during the marriage.

- All movable property that either spouse brings to the marriage and decides to contribute to the community property.

- Assets that either spouse acquired during the marriage, for consideration.

Some property is excluded from community property:

- Real property that has been duly subrogated to the individual real property of the other spouse. In order for real property (“Property 1”) to be subrogated to other real property (“Property 2”), it is necessary that Property 2 has been exchanged (“permutado”) for Property 1, or that that if Property 2 has been sold during the marriage, Property 1 is purchased with the proceeds of Property 2, and that the intention to subrogate is expressed in the deeds of sale and purchase.

- Things purchased with money owned individually by a spouse, things that were designated to an individual spouse in a prenuptial agreement and gifts because of marriage.

- Any material increases that accumulate to the private property of an individual spouse that become part of that individual property.

Acquisitions by either spouse by way of donation, inheritance, etc. are added to the individual property of such spouse, rather than adding to the community property. Property gained during the marriage does not pertain to community property if the cause or title of the acquisition preceded the marriage. (See Articles 139, 140, 157-159, 164-165, 167 and 180-181 of the Ecuadorian Civil Code)

3. Do the individuals retain ownership of their pre-marital property?

   **Answer:** Yes. (See item III.c.i.1 above)

ii. What happens to property that is acquired during the marriage?

   **Answer:** It generally becomes community property, unless it is excluded in the Ecuadorian Civil Code. (See item III.c.i.2 above)
iii. Do women get credit for their contributions to the family, whether such contributions include caring for children and the household or working outside of the home?

**Answer:** Under the Ecuadorian Civil Code, both spouses should contribute, according to their respective faculties, to the maintenance of the home. Generally, the Ecuadorian Civil Code is written in a gender neutral way, indicating that each spouse gets credit for their contributions to the family. However, there are no specific provisions regarding credit for contributions for caring for children or the household. *(See Article 138 of the Ecuadorian Civil Code)*

iv. Is divorce legal and are women able to initiate divorce?

**Answer:** Divorce is legal under the Ecuadorian Civil Code. The Ecuadorian Civil Code lists the valid causes for divorce under the law, which are written in a gender neutral way, indicating that women are able to initiate divorce. *(See Articles 105 and 110 of the Ecuadorian Civil Code)*

v. If divorce is legal, how is marital property split in the event of a divorce?

**Answer:** In all divorces, the spouse that lacks the necessities for his or her support is entitled to receive 1/5th of the individual property of the other spouse, unless the cause of the divorce is attributed to such spouse. The spouse initiating a divorce will maintain the right to receive this 1/5th portion, as long as they were not the cause of the divorce, through adultery, etc. If such spouse has some individual, but not as much as 1/5th of those of the other spouse, they are only entitled to the amount necessary to provide them with 1/5th of the assets of the other spouse. The value of their community property earned during the marriage will be included in this determination. Either spouse is entitled to request in the judgement of divorce that the community property be liquidated and that the amount required to be delivered be posted. If the marriage is dissolved on the grounds of separation with the breakdown of marital relations, for purposes of the liquidation of the community property, the goods acquired by the aggrieved spouse by their exclusive work will not be included in the community property.

Community property is dissolved by divorce. Upon the dissolution of the marriage, an inventory and appraisal of the community property shall be conducted. If either of the spouses attempts to hide some part of the community property, they shall lose their right to that property. Subject to certain deductions, community property shall be split evenly between the spouses. Upon dissolution of the community property, a spouse may renounce his or her right to receive their half.
All property in the possession of each spouse at the time of divorce shall be presumed to pertain to that spouse unless it is proven otherwise. If there is only one house in the community property, the spouse who is entrusted with the care of minor/disabled children shall have the right of use and habitation of the house during the time of incapacity of the children. The other spouse shall not continue to cohabit in that house.

Court costs, expenses, etc. are to be paid out of the community property. (See Articles 112-113, 116, 170, 176, 189, 190, 191, 193, 198, 203 of the Ecuadorian Civil Code)

d. Bankruptcy Law

i. Does the jurisdiction have a bankruptcy code?

**Answer:** Yes. Section IX of the Commercial Code titled “Liquidation of the Company” is the bankruptcy code in Ecuador.

1. If yes, can men and women access the bankruptcy system in the same way?

**Answer:** There is no different treatment of men and women in Section IX of the Commercial Code.

ii. Are there criminal sanctions for defaulting on debt?

iii. **Answer:** We did not see any criminal sanction for defaulting on debt in the Commercial or Penal Codes.

e. Intellectual Property Law

i. Does the jurisdiction have a formal procedure for creating intellectual property rights, including trademarks, copyrights and/or patents? If yes, please briefly describe the process to obtain such intellectual property rights.

**Answer:** Yes, Ecuador has a formal procedure for creating intellectual property rights. (See Article 322 of the Ecuadorian Constitution and Law No. 2006-13)

No formalities are required to obtain copyright protection (such rights derive from the sole fact of creation) (See Article 8 of law 2006-13) or to protect trade names (such rights derive from the public and continuous use in good faith for at least 6 months) (See Article 230 of law 2006-13). Trade names may be registered according to the same procedure set forth below for trademarks.

The patent application process is set forth in Articles 131-147 of Law 2006-13, which requires an inventor to file an application with the National Directorate of Industrial Property accompanied by the name and
description of the invention, an abstract, and the necessary plans and drawings described in the regulations. The inventor is also required to pay and provide proof that she has paid the fee established in the regulations and provide a copy of any applications filed in a foreign country for a patent of the same invention. After the application is filed (and the inventor has made any clarifications requested by the authority), an extract of the application is published in the Intellectual Property Gazette to trigger a 30-day period during which anyone with a legitimate interest may file objections to nullify the patentability or ownership of the invention. The National Directorate of Industrial Property will then have 60 days to either grant or deny the patent. If granted, a patent remains in effect for 20 years from the date the application is filed. The same process applies to the registration of industrial designs (See Article 167 of Law 2006-13).

The trademark registration procedure is set forth in Articles 201-215 of Law 2006-13, which provides that an application must be filed with the National Directorate of Industrial Property, accompanied by (i) proof of payment of the fee established by the regulations, (ii) a copy of any trademark applications filed in any other countries, and (iii) if requesting a collective trademark (i.e., a trademark held by more than one individual), (A) a copy of the articles of incorporation or other organizational document of the group of individuals or entity applying for the trademark, (B) a copy of the rules for the exercise of control over goods or services used by the applicant, and (C) a statement of the conditions for use of the collective mark and the form in which it is to be used. After the application is filed (and the applicant has made any clarifications requested by the National Directorate of Industrial Property), the application is published in the Intellectual Property Gazette to trigger a 30-day objection period. At the end of the 30-day period, the National Directorate of Industrial Property will consider the application and issue a decision either granting or denying the application (the National Directorate of Industrial Property does not have to issue a decision within a given period of time). Trademarks are registered for a period of 10 years from the date on which it is granted and may be renewed for successive 10-year periods. Applications for the renewal of a trademark must be filed during the 6-month period prior to the expiration of the trademark.

The government also issues breeder’s certificates to protect new plant varieties (See Articles 259-268 of law 2006-13). The breeder must file an application with an exhaustive description of the breeding process, a statement of where live samples can be found, and pay a fee. After making any changes requested by the National Directorate of Plant Varieties, the application is published in the Intellectual Property Gazette to trigger a 30-day objection period after which the National Directorate of Plant Varieties will either grant or deny the application. Breeder’s
certificates are valid for 25 years for vines, forest trees, and fruit trees, and 20 years for other species.

The governmental authority in charge of IP matters (Instituto Ecuatoriano de la Propiedad Intelectual) publishes guides for how to request different IP protections on its website (See http://www.propiedadintelectual.gob.ec/formularios-2/).

ii. Can women independently create and own intellectual property rights?

**Answer:** Yes. Copyrights do not form part of marital community property and may be administered freely by the spouse who is the author or the author’s successor in title; but the economic benefits of the copyright are part of the marital estate (See Section II, Article 14 of Law 2006-13). Similar provisions are not included in the IP law (law 2006-13) for other types of intellectual property. Article 66(26) of the Ecuadorian Constitution enshrines a right to property in all its forms and Article 324 guarantees equal rights and equal opportunity to men and women in access to property and decision-making in the management of their community property.

iii. Are there any restrictions on women (or men) filing for intellectual property rights protection in respect of trademarks, copyrights and/or patents?

**Answer:** No.

IV. Access to Justice

a. Disputes

i. Briefly summarize the remedies for a breach of contract.

**Answer:** When there is a contractual breach, Ecuador’s Civil Code states that the affected party may seek (A) a judgment for damages or (B) performance of the contract.

Under the Organic Law of the National Public Procurement System, parties to a dispute involving a public entity may seek to resolve their differences through mediation or arbitration first. (See Article 1505 of the Ecuadorian Civil Code and Article 104 of the Constitutional Law on the National Procurement System)

ii. Do women and men have access to the same remedies for breach of contract claims?

**Answer:** Yes, the law makes no distinction between women and men with respect to remedies for breach of contract claims.
iii. Do women have the same rights as men to bring contract disputes and other disputes before a court of law or tribunal?

Answer: Yes, the law makes no distinction between women and men with respect to the right to bring contract disputes and other disputes before a court of law or tribunal. However, although Article 11 of the Ecuadorian Constitution states that “[A]ll people are equal and enjoy the same rights, duties and opportunities,” it appears that in practice this is not the case for many Ecuadorian women, particularly for indigenous women. (See Article 11 of the Constitution of Ecuador and Manuela L. Picq, *Between the Dock and a Hard Place: Hazards and Opportunities of Legal Pluralism for Indigenous Women in Ecuador*, 54 Lat. Am. Pol. & Soc’y (2012))

iv. In what venue are contract disputes heard?

Answer: Contractual disputes can be heard in district tribunals or in provincial courts. The National Justice Court has national jurisdiction, each province has a provincial court, and districts have tribunals of first impression. Contractual disputes between the government or public entities and individuals are heard in the District Courts of Administrative Litigation, applying the Law of Administrative Litigation Jurisdiction. (See Description and Explanation of the Ecuadorian Judicial System, Organization of American States, http://www.oas.org/juridico/mla/sp/ecu/sp_ecu-int-description.pdf and Article 185 of the Judicial Function Constitutional Code)

1. Do men and women have access to the same venue for resolving disputes?

Answer: Yes, the law makes no distinction between women and men with respect to access to venue for resolving disputes. There is no written law that limits a woman’s access to such venues. However, easy access to the ordinary justice system may be a challenge for some women in Ecuador, particularly those who experience domestic violence in rural areas. (See Manuela L. Picq, *Between the Dock and a Hard Place: Hazards and Opportunities of Legal Pluralism for Indigenous Women in Ecuador*, 54 Lat. Am. Pol. & Soc’y (2012))

b. Corruption

i. Are there laws in place that prohibit bribery, either of public officials or private persons?

Answer: Article 3 of the Constitution of Ecuador guarantees a society “free of corruption.” Members of the National Assembly are prohibited from participating in other professional or commercial activities while in office. The 2010 Public Service Organic Law establishes administrative
sanctions against public officials who accept bribes, and such sanctions are separate and independent from criminal liabilities. A government official’s acceptance of any gift or hospitality of any value is an administratively punishable act, though not necessarily a criminal act. The person who provides the gift or hospitality is not subject to punishment unless the gift was intended for a corrupt purpose because of the official’s position. Anyone who accepts, promises or a bribe, a gift or hospitality for a corrupt purpose, by or to a public official, may be criminally liable and imprisoned from one to three years. Extortion by a public official is also penalized.

Moreover, the Civic Control of Corruption Law, adopted in 2001, establishes the Commission for Civic Control of Corruption (CCCC), a juridical entity which receives, processes, and investigates claims regarding acts of corruption, including bribery, committed by public officials.

There are no laws that specifically prohibit the bribery of foreign public officials.
Works Cited

ANNEX I

Question I.a.i:
World Bank’s *Women, Business, and the Law* 2016 report asks:

“17a. Can an unmarried woman register a business in the same way as an unmarried man?

- The answer is “Yes” if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on an unmarried woman registering a business
- The answer is “No” if
  - an unmarried woman has limited legal capacity to register a business; this would include situations in which a woman may not bind herself to a legal document, or
  - the registration process requires additional information or documentation for unmarried women not required of unmarried men.

17b. Can a married woman register a business in the same way as a married man?

- The answer is “Yes” if full legal capacity is obtained upon the age of majority and there are no restrictions on a married woman registering a business.
- The answer is “No” if a married woman
  - has limited legal capacity to register a business, as when she may not legally bind herself to a contract, or
  - needs her husband’s permission, signature or consent to register a business, or
  - must provide information or documentation at any stage of the registration process, and the requirement does not apply to a married man.” (49)

Question I.b.ii:
World Bank’s *Women, Business, and the Law* 2016 report asks:

“16a. Can an unmarried woman sign a contract in the same way as an unmarried man?

- The answer is “Yes” if full legal capacity is obtained upon the age of majority and there are no restrictions on an unmarried woman signing legally binding contracts
- The answer is “No” if an unmarried woman has limited legal capacity to sign a binding contract.

16b. Can a married woman sign a contract in the same way as a married man?

- The answer is “Yes” if full legal capacity is obtained upon the age of majority and there are no restrictions on a married woman signing legally binding contracts.
• The answer is “No” if a married woman has limited legal capacity to enter into contracts or needs the signature, consent or permission of her husband to legally bind herself.

This question does not concern restrictions on married women signing contracts specifically related to marital property governed by the default marital property regime; these are covered under the using property indicator.” (49)

**Question II.b.ii:**

**World Bank’s *Women, Business, and the Law* 2016 report asks:**

- “11a “Can an unmarried woman apply for a passport in the same way as an unmarried man?”
  - “The answer is ‘Yes’ if, upon reaching the legal age of majority, all civil acts can be completed and there are no differences in the way an unmarried woman or man obtains a passport.”
  - “The answer is ‘No’ if:
    - “an adult unmarried woman needs the permission or signature of a guardian to apply for a passport, or”
    - “the passport application of an adult unmarried woman requires a reference to her father’s name or any other male relative or guardian.”

- 11b “Can a married woman apply for a passport in the same way as a married man?”
  - “The answer is ‘Yes’ if, upon reaching the legal age of majority, all civil acts can be completed and there are no differences in the way an unmarried woman or man obtains a passport.”
  - “The answer is ‘No’ if:
    - “an adult married woman needs the permission or signature of her husband in order to apply for a passport, or”
    - “documentation is required from a married woman that is not required from a married man, e.g. a marriage certificate, or a married woman’s application requires reference to her husband’s name.”

- 12a “Can an unmarried woman obtain a national ID card in the same way as an unmarried man?”
  - “The answer is “Yes” if there are no inequalities in the process of obtaining a national identity card.”
  - “The answer is “No” if:
    - “an unmarried woman requires additional signatures, such as those of her father or guardian, which are not required from an unmarried man, or”
“an unmarried woman must indicate the name of her father or guardian, but an unmarried man is not required to do so, or

“identity cards are optional for a woman but required for a man”

- 12b “Can a married woman obtain a national ID card in the same way as a married man?”
  - “The answer is “Yes” if there are no inequalities in the process for obtaining a national identity card. If married men must provide a marriage certificate or birth certificate as proof of name, whereas married women must provide a marriage certificate, the answer is still “Yes”
  - “The answer is “No” if:
    - “a married woman must provide a marriage certificate, but a married man need not, or
    - “a married woman, but not a married man, must provide additional signatures, such as those of the husband, father or guardian, or
    - “a married woman must indicate the name of her spouse, but a married man is not so required, or
    - “identity cards are optional for women, but required for men, or “the identity card of a married woman displays the name of her spouse, but the identity card of a married man does not.” (47-48)

**Question II.c:**

**World Bank’s Women, Business, and the Law 2016 report asks:**

“18a Can an unmarried woman open a bank account in the same way as an unmarried man?

- The answer is “Yes” if there are no restrictions on an unmarried woman opening a bank account. Only provisions from the body of family law are systematically reviewed; any that exist in other types of law, such as banking regulations, are not included here.

- The answer is “No” if specific provisions limit the ability of an unmarried woman to open a bank account, such as required permissions or additional documentation

18b. Can a married woman open a bank account in the same way as a married man?

- The answer is “Yes” if
  - there are no restrictions on a married woman opening a bank account—only provisions from the body of family law are systematically reviewed, or
  - the law explicitly states that a married woman may open a bank account, or that both spouses may open bank accounts in their own names.
The answer is “No” if

- specific legal provisions limit the ability of a married woman to open a bank account, such as those stating that a married woman who is separately employed from her husband may open a bank account in her own name, because that implies that a woman without a separate income stream may not do so, or

specific provisions limit the capacity of a married woman and prevent her from opening a bank account in her own name, such as required permissions or additional documentation.” (50)

**Question III.a:**

**World Bank’s Women, Business, and the Law 2016 report asks:**

**Property rights** This subtopic deals with the following two legal transactions:

30a. Do unmarried men and unmarried women have equal ownership rights to property?

Ownership rights as used here covers the ability to manage, control, administer, access, encumber, receive, dispose of and transfer property.

The answer is “Yes” when there is no specific legal restriction related to property applied to single women or men based on gender.

The answer is “No” when legal restrictions on property ownership are applied to single women or men, based on gender.

30b. Do married men and married women have equal ownership rights to property?

Ownership rights as used here covers the ability to manage, control, administer, access, encumber, receive, dispose of and transfer property. The answer to this question is based on whether husbands and wives married under the default property regime have equal ownership rights over property.

The answer is “Yes” when there is no specific restriction or difference in legal treatment applied to married women or men based on gender.

The answer is “No” when there are gender differences in the legal treatment of spousal property, for example, if husbands are granted administrative control over marital property.” (52-54)

**Question III.b:**

**World Bank’s Women, Business, and the Law 2016 report asks:**

“**Inheritance rights**

This subtopic focuses on the law that applies where there is no will. In economies where codified law applies only to individuals who have affirmatively renounced customary law, the presumption is that an affirmative renunciation has been made.
31. Do sons and daughters have equal rights to inherit assets from their parents?

This question examines whether there are gender-based differences in the rules of intestate succession (there is no will) for transfer of property from parents to children.  
The answer is “Yes” when the law recognizes children as heirs to property without any restrictions based on gender.  
The answer is “No” when there are gender-based differences in the recognition of children as heirs to property.  

32. Do female and male surviving spouses have equal rights to inherit assets?  

For purposes of this question, it is assumed that the deceased spouse left no children or any heirs other than the surviving spouse.  

This question examines whether both spouses have equal rank and rights to inherit assets when there is no will.  
The answer is “Yes” when surviving spouses of either gender have the same legal rights.  
The answer is “No” where there are gender-based differences in inheritance.” (54)

**Question III.c:**


**“Marital property regime**

The main areas of differentiation between women and men in exercising property rights lie in the rights granted under various marital property regimes: Some of these grant spouses equal treatment in property ownership. Other regimes grant husbands administrative control over jointly owned marital property. Still others grant husbands administrative control over their wives’ property. The marital property regime also determines property ownership and administrative rights when a marriage is dissolved.  

Women, Business and the Law identifies the main characteristics of the default marital property regime by asking two questions:

**25. What is the default marital property regime?**

The default marital property regime is the set of rules that apply to the ownership and management of property within marriage and when the marriage ends, when there is no prenuptial agreement. Default marital property regimes are classified as follows:

**Separation of property:** All assets and income acquired by the spouses both before they marry and during the marriage remain the separate property of the acquiring spouse. At the time of divorce or the death of one of the spouses, each spouse retains ownership of all assets and income brought to the marriage or acquired during marriage by that person and any value that has accrued to that property.
Partial community of property: Assets acquired before marriage are regarded as the separate property of the acquiring spouse, and assets and income acquired after marriage, with a few exceptions specified by law, are regarded as joint property of the couple. This regime also applies to cases where assets acquired before marriage and assets acquired during marriage are regarded as the separate property of the acquiring spouse but the accrued value of the property acquired by any of the spouses is considered joint property. At the time of dissolution of the marriage by divorce or death, the joint property or its accrued value is divided equally between the spouses.

Full community of property: All assets and income whether brought into the marriage and acquired during the marriage, with a few exceptions specified by law, become the joint property of the couple. If the marriage is dissolved, all joint property is divided equally between the spouses.

Deferred full or partial community of property: The rules of full or partial community of property apply at the time the marriage is dissolved; until then, separation of property applies.

Other: This occurs in economies where the default property regime does not fit any of the four descriptions above. **There is no default marital property regime:** This alternative applies in economies where the law requires the spouses to opt into the marital property regime of their choice—with legal alternatives provided—before or at the time of marriage. In economies where there is no default marital property regime, the most common regime is used instead.

26. Who legally administers marital property? The answer to this question assumes that the default marital property regime applies and is classified as follows:

**Original owner:** Each spouse retains administrative power over the assets he or she brings into or acquires during the marriage and their accrued value. No consent is needed from the other spouse for transactions in separate property. This administrative scheme is usually found in separation of property regimes and can also be found in deferred full or partial community regimes. It does not cover special provisions concerning the marital home.

**Separate with spousal consent:** Each spouse administers his or her separate property but for major transactions needs spousal consent. This administrative scheme is mostly found in separation of property regimes but can also be found in deferred full or partial community and in partial community regimes.

**Both must agree:** Both spouses have equal rights in administration and transaction of joint property; they perform all acts of administration together and, if one of the spouses has been delegated administrative rights by the other, spousal consent is implied. This administrative scheme is mostly seen in full and partial community property regimes. **Husband:** The husband has administrative rights over all property, including any separate property of the wife. This scheme is found only in partial community regimes.

**Other:** This alternative applies wherever the administrative scheme does not fit into any of the previous categories. It includes, for example, cases in which in principle the law provides for both spouses to administer marital property but if they disagree, either the husband is given the power to ultimately decide, or other members of the family have a say in how the property is
administered. Where there is disagreement on how to administer marital property, a court may decide.

**Protecting a wife’s interests**

This subtopic focuses on two areas: (1) legal provisions that limit transactions concerning major assets; and (2) legal recognition of married women’s nonremunerated contributions. The related questions are:

27. If the husband administers property, is spousal consent required for major transactions?

This question is designed to measure whether the law sets limits to the administrative rights granted to the husband over property to prevent deterioration that may be detrimental to the wife.

The answer is “Yes” where the law requires the wife to give consent to any major transaction in property the husband administers, such as selling or pledging the property as collateral.