

Comprehensive Reparation for Girls, Boys and Adolescents Victims of Physical and Sexual Abuse in Ecuador

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ABSTRACT

The issue of children's rights has become a key aspect of global legislation, especially in Latin American countries such as Ecuador, where violence against this social group has intensified in recent years. Thus, the main objective of this scientific article was to analyze the relevance of comprehensive reparation for girls, boys, and adolescents who have been victims of physical and sexual abuse in Ecuador. To achieve this objective, a descriptive methodology was applied, following a qualitative and legal-doctrinal approach, using the analytical method and content analysis technique. The results confirmed that although Ecuador's regulatory framework includes special provisions to guarantee the rights of minors, in practice, the implementation of legislative actions is hindered by limited resources, poor coordination among the various institutions involved, and a culture that tends to perpetuate violence against minors. It was concluded that the lack of effective solutions to promote comprehensive reparation for victims and their families remains a major issue in Ecuadorian society. Therefore, reparation should not be limited to financial compensation but must also include actions that promote the physical, emotional, and social recovery of minors who undergo such experiences.

KEYWORDS: Comprehensive reparation, child violence, child abuse, human rights, victim protection, violence prevention

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INTRODUCTION

Historically, children were not considered as rights holders, but rather objects of protection and care under the authority of adults, particularly their parents. This perspective reflects a deeply rooted philosophical and legal conception within patriarchal societal structures, where childhood was viewed more as a transitional phase toward adulthood than as a stage with its own characteristics and rights. From this viewpoint, minors were not regarded as autonomous individuals with inherent rights but were dependent on the will and discretion of those who held authority over them. This approach generated a legal and social asymmetry that, far from fostering effective protection, reinforced their invisibility within the human rights framework.

However, this paradigm began to shift significantly with the ratification of the Convention on the Rights of the Child, which marked a turning point in the conceptualization of children as full subjects of rights both in Ecuador and globally. This international agreement established fundamental principles such as the progressive autonomy of minors and the best interests of the child, requiring signatory States to adapt their legislation and public policies to ensure their comprehensive protection.

Nevertheless, despite this legal and normative progress, in recent decades there has been a worrying increase in cases of physical and sexual abuse against minors in Latin American countries, and Ecuador is no exception. This reality reveals a deep contradiction between legal provisions and their effective application. The normalization of violence within the home, as exposed by Jaramillo and Salazar (2023), has been one of the determining factors in the perpetuation of this phenomenon. The home, traditionally considered a safe and caring space, has in many cases become the setting for aggressions that remain invisible due to power dynamics, fear, and silence. As argued by Marcillo and Oviedo (2020), continuous exposure to violent environments can desensitize victims, normalizing abusive behaviors and perpetuating a cycle of mistreatment that is difficult to break. This context raises serious questions about the effectiveness of existing protection mechanisms and the role played by the State and society in preventing and repairing these acts.

From these perspectives, the 2008 Constitution of Ecuador was designed with a clear orientation towards the comprehensive protection of minors' rights, seeking to consolidate a framework that guarantees the well-being and development of children and adolescents. Articles 44, 45, and 46 of the Constitution establish a categorical mandate for the State, society, and the family to ensure the preferential protection of this vulnerable group (Constitution of the Republic of Ecuador, 2008).

In turn, Article 78 of the same Constitution provides a robust framework aimed at comprehensive reparation, covering not only legal aspects but also emotional, psychological, and security-related dimensions. This holistic approach is particularly relevant for children and adolescents who are victims of abuse, as it recognizes the complexity of the harm suffered and the need for a multidimensional response that enables true reparation and restitution of their rights and dignity. Avilés and Medina (2024) affirm that comprehensive reparation is an essential act of justice, as it not only compensates for damages but also seeks to prevent re-victimization and promote the child's recovery in all aspects of life.

However, despite this legal framework and the constitutional guarantees offered, research by López et al. (2018) reveals that in practice, comprehensive reparation mechanisms are not used properly or, in many cases, are not applied at all. This is due to a set of obstacles faced by victims and their families in seeking justice, such as difficulties in accessing psychological and social support services, limited financial compensation, and insufficient legal assistance. Moreover, the lack of personnel in competent courts, as pointed out by Taba (2021), compromises the system's ability to enforce protection measures and break cycles of violence. The shortage of resources and judicial system overload prevent timely and effective intervention, undermining compliance with the principle of the best interests of the child, which should guide all decisions affecting minors.

Furthermore, the insufficient and untimely reporting remains a challenge. Fear, distrust in the system, and lack of knowledge about protection mechanisms are factors that, according to Salame et al. (2020), contribute to this issue. This situation worsens when the institutional response is slow or inadequate, limiting the ability to implement effective protection and ensure justice for victims (Benavides, 2019).

In this context, the violation of the rights of children and adolescents constitutes not only a blatant breach of constitutional provisions, but also reveals a structural problem in the capacity of the Ecuadorian State to guarantee effective protection. The legal gaps hindering the effective implementation of comprehensive reparation prevent these rights from being fully upheld. Likewise, the absence of precise guidelines creates a gap between theory and practice, resulting in a deficiency in the protection that minors should receive by constitutional mandate.

Therefore, the importance of effectively applying measures for comprehensive reparation is indisputable. As Miranda (2023) states, these measures not only compensate for the harm caused, but also serve as a mean to restore the victims' dignity and reestablish social balance. The State must take greater responsibility in protection efforts and strengthen its actions in justice, reparation, and prevention, so that the rights of children and adolescents are no longer violated and become a tangible reality in Ecuador.

Seeking a solution to this issue, the following question arises: How are comprehensive reparation mechanisms being implemented for children and adolescents who are victims of physical and sexual abuse in Ecuador, and what are the main shortcomings in the adequate protection of their rights? The central argument to be defended is that emphasizing the importance of comprehensive reparation mechanisms for children and adolescents who are victims of physical and sexual abuse helps to identify, through bibliographic analysis, the parameters necessary for the proper application of constitutional provisions and comprehensive reparation policies for such victims in Ecuador.

Thus, the main objective of this research is to analyze the effectiveness of the comprehensive reparation mechanisms established in the Ecuadorian constitutional framework for children and adolescents who are victims of physical and sexual abuse. The purpose is to systematize theoretical and doctrinal foundations on comprehensive reparation in these cases, examine the legal and administrative procedures for implementing such measures, and propose theoretical and legal guidelines that guarantee more effective protection of the principle of the best interests of the child and adolescent.

MATERIALS AND METHODS

The scope of the research is descriptive, as it focused on outlining the characteristics of the mechanisms for comprehensive reparation for children and adolescents who are victims of physical and sexual abuse. Through this analysis, it aimed to offer a deep understanding of the topic, providing a basis for future proposals and actions in favor of children's rights.

Given that this research falls within the legal field, a legal-doctrinal approach was chosen. This type of research enabled an in-depth analysis of the theoretical and normative frameworks that support comprehensive reparation for minors who are victims of physical and sexual abuse in the Ecuadorian context.

It is also framed within a qualitative research paradigm, which involves an exhaustive textual analysis of a diverse set of sources, both legal and doctrinal. This approach allows for capturing the richness of the information contained in regulations and specialized literature, facilitating a critical interpretation that considers the practical implications of these provisions.

The analytical method was used to break down and examine the elements that make up the legal and doctrinal framework on comprehensive reparation for minors. Through the analysis of each relevant provision and theory, their scope, limitations, and applications in practice can be identified, providing a detailed view of the components of current regulations.

The population and sample are exclusively limited to laws, regulations, and academic research documents relevant to the topic. This focus concentrates efforts on analyzing the most relevant sources, ensuring that the research remains focused and coherent.

The content analysis technique was used to identify patterns, trends, and contradictions in normative and theoretical frameworks. This analysis not only focused on evaluating the effectiveness of comprehensive reparation mechanisms but also on proposing recommendations that contribute to their improvement and the effective protection of the rights of children and adolescents in Ecuador.

RESULTS

1. Physical and Sexual Violence Against Children and Adolescents: Between Law and Reality

In recent years, there has been a notable shift in how states approach the issue of physical and sexual abuse of minors. This matter has gained increasing relevance on political agendas, driven by both non-governmental organizations and governmental initiatives.

This type of violence constitutes an alarming and growing crime on a global scale, with notably high incidence in Latin America and the Caribbean. According to a recent study conducted by UNICEF (2022), approximately two out of three minors will experience some form of violence before reaching

adulthood, with an annual increase of 1%. Both boys and girls are susceptible to this violence, which may occur in domestic settings as well as external environments.

Currently, as Rosas (2017) points out, there is greater clarity in recognizing that physical and sexual violence against children and adolescents constitutes a flagrant violation of their human rights. Moreover, it has been established that the care and protection of victims are considered matters of public interest, for which the State holds responsibility. As a result, state actions in this area are conceived as binding legal obligations, requiring the adoption of effective measures to prevent, punish, and remedy this form of violence directed against minors.

According to the United Nations Secretary-General's Study on Violence Against Children, child violence is a highly complex issue that demands a comprehensive response. This analysis has been approached from a multidisciplinary perspective, integrating human rights and child protection approaches. It also includes contributions from experts across various disciplines, supported by an extensive compilation of scientific research. These studies have thoroughly examined the causes, consequences, and possible prevention strategies for violence directed at children (United Nations, 2006).

For this reason, human rights, including those of children and adolescents, are protected by international mechanisms. First, the United Nations Universal System is responsible for guaranteeing the protection of human rights on a global scale. The Universal Declaration of Human Rights, along with various international treaties and conventions—such as the Convention on the Rights of the Child—constitutes a set of essential instruments that enshrine fundamental rights and guarantees applicable to all individuals, with special attention to minors (Rúa, 2021).

In addition to the Universal System, there are specific regional mechanisms for the protection of human rights, such as the Inter-American System of the Organization of American States (OAS). Within this framework, both the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) play a fundamental role in promoting and protecting human rights across the Americas (Rúa, 2021).

The Inter-American System has issued various resolutions and rulings that address issues related to the rights of children and adolescents, aiming to guarantee their comprehensive protection. In particular, the American Convention on Human Rights—known as the Pact of San José—contains specific provisions that safeguard the rights of minors.

Undoubtedly, nations have made multiple and ongoing efforts to eradicate sexual violence against children; however, the reality remains alarming. As Louise Arbour, former United Nations High Commissioner for Human Rights, stated: “Violence against children constitutes a grave violation of their human rights and reflects deep-rooted problems in our societies. It is never justifiable—whether for disciplinary reasons or cultural customs. No degree of violence affecting childhood can be tolerated, as all forms of abuse undermine their well-being and development.” Violence legitimized

in any given context risks generating widespread tolerance toward violence against children (Pan American Health Organization / World Health Organization, 2002).

It must be acknowledged that recent legislative trends have focused on harmonizing national legislation with international human rights treaties, which have been incorporated into constitutional texts. These efforts include the implementation of specialized protocols for the prevention and care of sexual violence affecting children, as well as the strengthening of sanctioning frameworks for such offenses. Although considerable progress has been made, Fernández (2021) notes that, despite the classification of physical and sexual violence against minors as serious crimes, the current constitutional legislation still exhibits shortcomings in terms of specificity and effectiveness in adequately addressing these types of offenses.

2. Comprehensive Reparation for Children and Adolescents in Cases of Physical and Sexual Violence

Comprehensive reparation for crimes committed against minors represents a significant legal and social challenge. Violence against children, in any of its forms, is a devastating phenomenon that transcends national, cultural, and socioeconomic boundaries, seriously affecting both the victims and their communities. Legally, comprehensive reparation consists of a set of actions that go far beyond mere financial compensation for the harm suffered. The concept encompasses a series of measures aimed at restoring the victims' violated rights, promoting their physical, emotional, and social recovery, while also ensuring the non-recurrence of violence.

This comprehensive approach to reparation has been developed over recent decades, particularly within the framework of international human rights law. The Convention on the Rights of the Child (CRC, UNICEF, 2006) is a key instrument that establishes the fundamental rights of minors and the obligation of States to protect them from such violence. Article 19 of the CRC states that States must implement all necessary measures to protect children from physical or mental abuse, neglect, maltreatment, or exploitation, including sexual abuse. Likewise, Article 39 underscores the responsibility of States to ensure that victims of abuse receive the necessary support for their physical and psychological recovery, as well as their social reintegration. Through these provisions, the Convention establishes a clear foundation for the concept of comprehensive reparation in cases of violence against minors.

From this perspective, comprehensive reparation is not simply a punitive or compensatory response to a rights violation. It is an approach that seeks to restore the balance disrupted by the harm suffered, ensuring that the victim can recover not only their physical and mental health, but also their dignity and capacity to fully participate in society. In cases of physical and sexual violence against minors, comprehensive reparation is especially significant due to the severity of the harm inflicted. Sexual violence is one of the most heinous violations of human rights, leaving deep and lasting consequences on the emotional and psychological development of minors. These effects may manifest as disorders such as anxiety, depression, post-traumatic stress disorder, and difficulties in forming healthy interpersonal relationships throughout life.

It is important to note that the harm suffered by minors is not limited to immediate physical and psychological damage, but also affects other fundamental rights, such as the right to education, the right to family life, and the right to a life free from violence and discrimination (Loor, 2019). Therefore, any process of comprehensive reparation must address all these dimensions of harm, seeking the effective restitution of violated rights.

The framework of comprehensive reparation has been largely developed and refined through the jurisprudence of the Inter-American Court of Human Rights, which has set important precedents on how adequate reparation should be structured in cases of serious human rights violations. The Court has established that reparation must be adequate, effective, and proportional to both the severity of the violation and the harm suffered. In this context, reparation is not limited to financial compensation for material and immaterial damages, but must also include additional measures such as rehabilitation for the victim, acts of satisfaction that acknowledge the harm caused, and guarantees of non-repetition, thereby strengthening justice and respect for human rights (Inter-American Court of Human Rights, 2021).

Rehabilitation refers to all necessary measures to restore the victim's physical and psychological health. In the case of minors who are victims of physical or sexual violence, this implies access to specialized medical and psychological services that allow them to recover from the trauma experienced. Rehabilitation may also include access to psychosocial and educational support programs that facilitate the reintegration of victims into their family, school, and social environments.

Compensation refers to restitution for the damages suffered, both material (such as medical expenses or loss of educational opportunities) and immaterial (emotional suffering and psychological harm) (Loor, 2019). However, it is essential to note that financial compensation, although necessary, cannot by itself ensure adequate reparation in cases of sexual violence against minors, where emotional and psychological trauma is profound and long-lasting. In fact, limiting reparation to financial compensation would ignore the multidimensional nature of the harm caused to victims.

Satisfaction includes non-monetary measures aimed at restoring the victim's dignity and ensuring that their suffering is recognized and acknowledged. These measures may include public apologies, official acknowledgment of responsibility by the State or perpetrator, and other forms of symbolic justice that enable victims and their communities to process the harm suffered and move toward healing (Inter-American Court of Human Rights, 2021).

Finally, guarantees of non-repetition are perhaps one of the most crucial components of comprehensive reparation in cases of violence against minors. These guarantees encompass all structural measures that the State must adopt to ensure that such violence does not recur. In this regard, it is essential that States strengthen their child protection systems, implement effective public policies to prevent violence against minors, and ensure that reports of abuse are investigated in a prompt, thorough, and impartial manner (Inter-American Court of Human Rights, 2021). In addition, justice systems must be equipped to provide a victim-centered response, protecting victims' integrity and avoiding revictimization during legal proceedings.

According to Ávila (2021), one of the greatest obstacles to comprehensive reparation in many countries is the lack of resources and institutional capacity. Child protection systems often lack the necessary means to provide the psychological, medical, and social support that victims require. This is further compounded by the slow pace of judicial proceedings, which often prolong victims' suffering and hinder their recovery. Furthermore, in some societies, social and cultural stigmas persist that silence victims of sexual abuse and perpetuate impunity. Victims and their families often face pressure not to report abuse, which contributes to these crimes going unpunished and to the continued cycle of violence.

The lack of awareness and training among justice system actors is another major obstacle. In many cases, child victims are subjected to judicial proceedings that are not adapted to their needs and can be highly traumatic. Revictimization—that is, the additional harm suffered by victims when faced with a justice system that fails to protect them adequately—is a recurring problem in many countries (Ávila, 2021). To prevent this, it is essential for justice systems to adopt a child-centered approach, ensuring that decisions are made in the best interests of the child and that their rights are respected throughout the entire process.

3. Relevance of Sociology and Psychology in the Comprehensive Reparation of Children and Adolescents Who Have Suffered Physical and Sexual Violence

The social implications of the right to comprehensive reparation for children and adolescents affected by physical and sexual violence are both multisectoral and multidimensional. These implications relate not only to the material reparation of the acts themselves, but also to the restoration of social and psychological well-being and the rebuilding of social cohesion. Reparation in such cases must be addressed not only from a legal and material standpoint, but also through the provision of treatment and support systems that mitigate the consequences of violence and promote social reintegration.

From a sociological perspective, comprehensive reparation also impacts family dynamics and interpersonal relationships. Although the child is the primary victim, the effects of abuse extend to the suffering of the family unit and the broader community. Abused children may face stigmatization, rejection, or challenges in rebuilding family bonds. In such cases, factors beyond medical treatment may hinder their recovery. Therefore, comprehensive reparation must be understood as a process that also involves and supports the families of abused children.

Regarding supportive behavior, parents must be equipped with the necessary tools to understand and accompany the child's healing process. The restoration of the family unit varies depending on the level of abuse suffered and must be based on emotional support, care, and affection. The child must also be supported in restoring their identity. Rebuilding self-confidence and self-esteem are critical for the child or adolescent to reestablish healthy relationships with family and peers.

In this context, Marcillo and Oviedo (2020) emphasize the need to create a safe, inclusive, and supportive environment that encompasses all aspects of the child's development, enabling healing and growth. This includes areas such as education, mental health, and psychosocial support. For this reason, psychology and sociology contribute to a more holistic understanding of the issues affecting victims and their families. These disciplines consider the emotional, social, and familial impacts of

reparation, with a strong emphasis on the victim's emotional well-being. Psychology, in particular, helps address the psychological trauma caused by violence by providing specialized therapy and professional support. Such interventions allow children to process their emotions and rebuild self-esteem, with psychology offering personalized assessments of the victim's recovery and well-being.

4. Legislative Mechanisms for the Comprehensive Reparation of Children and Adolescents Who Have Suffered Physical and Sexual Violence in Ecuador

In addressing the Ecuadorian context, a legal issue of profound social and constitutional relevance becomes apparent. In a democratic society, the protection of children's rights—understood as subjects of special legal protection—is not only an ethical imperative but also a legal mandate enshrined in the Constitution. From this perspective, Ecuadorian constitutional law establishes a series of principles and guarantees aimed at safeguarding the rights of minors, with particular emphasis on those in vulnerable situations, such as victims of physical and sexual violence.

According to Ortega and Peraza (2021), the concept of comprehensive reparation—rooted in international human rights treaties and constitutional jurisprudence—is central to this debate. It is not limited to financial compensation or the mere restitution of material damages; rather, it is a multidimensional approach encompassing the full restoration of violated rights, the reestablishment of personal dignity, and the implementation of effective guarantees of non-repetition. This approach, grounded in the principles of restorative justice, recognizes that physical and sexual violence leaves deep and lasting impacts on victims, and that the State's response must be comprehensive, inclusive, and sensitive to the specific circumstances of each case.

The 2008 Constitution represents a significant advance in the recognition of children and adolescents as full rights holders. As previously mentioned, Article 44 of the Constitution categorically states that the State, society, and the family are obliged to guarantee the comprehensive development of minors and protect them from all forms of violence. This principle is reinforced by Article 45, which guarantees children and adolescents the enjoyment of all human rights recognized by the Constitution and international treaties (Constitution of the Republic of Ecuador, 2008). What emerges from these provisions is an imperative constitutional obligation for the State to adopt effective measures for protection, prevention, and reparation.

According to Madrid and Reyes (2019), physical and sexual violence, by its very nature, constitutes a serious and systematic violation of the fundamental rights of minors. These acts not only harm their physical integrity but also deeply affect their dignity, emotional and psychological well-being, and their ability to develop fully as individuals. In this sense, comprehensive reparation is configured as a necessary and proportional response to the magnitude of the harm suffered. From a legal standpoint, comprehensive reparation must be understood as a process that not only seeks to restore victims, as far as possible, to their pre-violation condition, but also addresses the structural and systemic consequences that perpetuate violence and impunity (López et al., 2018).

It is in this framework that constitutional law and transitional justice principles gain relevance. Ortega and Peraza (2021) argue that comprehensive reparation cannot be reduced to a general formula applicable to all human rights violations. The specificity of sexual violence, which often involves elements of power, control, and humiliation, requires that reparation be tailored to the particular needs of each victim, implemented with sensitivity, respect, and confidentiality. This implies the need to ensure access to specialized medical and psychological services that can address both the physical and emotional consequences of the violence. Furthermore, in many cases, victims may require ongoing protection measures to guarantee their safety and well-being, especially when the perpetrator continues to pose a threat.

The Ecuadorian Constitution, by adopting a human rights-based approach, acknowledges the importance of these measures. International treaties ratified by Ecuador—such as the Convention on the Rights of the Child—reinforce this perspective, emphasizing the State's obligation to adopt all necessary measures to protect minors from all forms of violence. Judicial and administrative authorities are therefore required to ensure that victims of sexual violence receive not only justice in terms of punishment for perpetrators but also the necessary reparative measures. These include the provision of free legal assistance, the creation of safe spaces for reporting, and the implementation of long-term protection mechanisms.

The principle of the best interests of the child, a fundamental pillar of both constitutional and international child law, must guide all decisions related to reparation in cases of physical and sexual violence. This principle, widely interpreted by constitutional jurisprudence and international human rights bodies, demands that all measures in such cases prioritize the child's welfare above all other considerations. Legally, it reinforces the idea that comprehensive reparation must be a dynamic and flexible process, tailored to the evolving circumstances of victims and their families, and include both short- and long-term measures.

A central aspect of comprehensive reparation is the guarantee of non-repetition. According to López et al. (2018), in cases of sexual violence against minors, these guarantees are particularly significant. They aim not only to prevent further harm to victims but also to transform the social, institutional, and normative structures that allow violence to persist. Both Ecuadorian constitutional law and international treaties impose a duty on the State to adopt structural measures to prevent future violations. These include mandatory training for public officials and justice system personnel on gender-based violence and children's rights; the Obligation "es más formal y técnico en este contexto gender equality and human rights; and the creation of effective reporting and protection mechanisms.

Nonetheless, the effective implementation of these guarantees of non-repetition faces many challenges. In practice, institutions tasked with enforcement often lack the human and financial resources necessary to do so effectively. This is further exacerbated by the lack of interinstitutional coordination, leading to fragmented and uncoordinated responses in cases of sexual violence. Thus, comprehensive reparation requires not only a sound legal framework but also strong political will and sufficient investment to ensure its execution.

For these reasons, and in addition to the provisions, Ecuador has implemented a series of mechanisms to complement those established in the National Constitution:

The Organic Law on Jurisdictional Guarantees and Constitutional Control (LOGJCC, 2009) expands the right to comprehensive reparation, establishing detailed mechanisms in Article 18 to restore victims' rights and prevent future abuses. Restitution restores the victim's full enjoyment of their rights; rehabilitation ensures access to physical, psychological, and social health services; and compensation provides indemnities in proportion to the harm suffered. The law also includes symbolic satisfaction measures, such as public apologies, and guarantees of non-repetition designed to prevent future violations.

The Comprehensive Organic Criminal Code (COIP) defines in Articles 77, 78, and 79 the obligation for comprehensive reparation in abuse cases, assigning responsibility to both the State and the perpetrator. Victims—especially minors—are entitled to psychological treatment, health services, and monetary compensation for damages (COIP, 2023).

The Code of Children and Adolescents comprehensively protects the rights of minors by offering free legal assistance, psychosocial support, and the necessary resources for recovery. Juvenile court judges may issue precautionary measures such as restraining the aggressor and ensuring the victim's protection (2017).

The Ecuadorian State, in coordination with specialized justice systems, has also worked to ensure access to effective and respectful justice that preserves the dignity and privacy of victims. This includes free legal representation and support throughout the judicial process. Non-repetition guarantees are also reinforced through educational policies and abuse prevention programs, which train personnel across various sectors and raise societal awareness regarding children's rights.

For this reason, the response to such cases is based on interinstitutional cooperation, in which state entities such as the Ministry of Health, MIES, and the Attorney General's Office collaborate to guarantee victim protection, share information, and develop public policies that address sexual violence in a comprehensive manner.

Under the concept of comprehensive reparation, the obligation to provide such reparation lies with the convicted perpetrator, as it is a legal consequence of the crime and the harm caused. This obligation is in addition to the criminal sentence and requires the offender to pay an indemnity set by the judge and to carry out specific actions to repair the damage. Financial compensation to the victim can be secured or enforced under Article 519 of the Comprehensive Organic Criminal Code (COIP), in accordance with the relevant legal provisions (COIP, 2023).

However, when the convicted person is unable to fulfill their reparation duty, it creates a situation of vulnerability for the victim and infringes their constitutional right. To prevent this, the State has the responsibility to ensure comprehensive reparation, in line with its mission and constitutional duties. This does not mean the State assumes direct financial liability, but rather that it must establish specialized institutions to provide physical and psychological care for sexual violence victims, ensuring adequate support.

According to Huilcapi (2017), these services must always be offered by the State, and their costs may later be recovered from the convicted individual. This is consistent with constitutional provisions found in Article 3, numeral 1, and Article 11, numeral 9, and aligns with Article 78: “A system of protection and assistance shall be established for victims, witnesses, and procedural participants” (Constitution of the Republic of Ecuador, 2008).

From a critical perspective, despite the mechanisms designed to ensure comprehensive reparation for victims of this type of violence, significant legislative and institutional challenges persist that affect their effectiveness and implementation:

Existing legislation often lacks a comprehensive approach that includes not only economic compensation but also access to health services, psychological care, and social support. Although the importance of a holistic response is acknowledged, fragmented legislation and public policies hinder adequate and coordinated attention, leaving gaps that negatively impact victims’ recovery.

Institutions responsible for enforcing laws often lack the necessary resources, specialized training, or political will to ensure that comprehensive reparation becomes a reality. This results in inadequate enforcement and limited access to justice and reparative mechanisms for victims.

A critical issue is the lack of sufficient financial resources allocated to institutions that implement reparation policies. Without adequate funding, it is difficult to ensure the availability of victim support services, compliance with compensation orders, and access to rehabilitation programs. The lack of resources also limits staff training, reducing their effectiveness in handling cases.

Institutional fragmentation hinders coordination between the judiciary, healthcare, education, and social welfare systems—which is crucial for implementing comprehensive reparation. Victims may receive fragmented responses and be forced to navigate multiple institutions without sufficient support.

Structural barriers to accessing justice persist, especially for victims in rural or economically vulnerable areas. Inadequate infrastructure and distance from judicial institutions significantly limit their ability to seek justice.

Clear and specific protocols for guiding institutions in handling these cases are not sufficiently developed. The absence of defined procedures results in inconsistent approaches and a lack of effective protection for victims. Protocols are essential to ensure coordinated action and victim-centered responses.

Socioeconomic inequality also affects access to justice and reparation. Marginalized communities may not receive the same level of support or resources as those in more privileged contexts, perpetuating cycles of injustice and inadequate victim care.

Finally, the prevailing culture of impunity in the country—where perpetrators often face inadequate or no sanctions—undermines victims’ trust in the justice system. This perception may discourage

victims from reporting abuses, thus limiting the State's capacity to implement effective reparation mechanisms and to raise awareness about violence against minors.

According to research by Avilés and Medina (2024), between 2022 and 2024, more than 7,643 reports of physical violence against minors were filed in Ecuador, yet only 0.87% of the reported cases resulted in convictions. These figures highlight the inefficiency of failed reparation processes associated with such complaints and contribute to a culture of impunity, in which many offenders are not held accountable before the justice system.

Avilés and Medina (2024) also refer to emblematic cases of child sexual abuse—such as Guzmán Albarracín et al v. Ecuador and the AAMPETRA case—whose legislative and social handling “reveals the weaknesses of the country's legal, educational, and child protection systems, which translate into systematic and widespread violations of children's rights” (p. 573).

They affirm:

The high rate of impunity in rape cases in Ecuador demonstrates a serious failure in the country's criminal justice system. Comprehensive reparation cannot be achieved without due diligence in investigating and prosecuting these crimes. The cases analyzed show the need to implement preventive measures to avoid sexual violence in educational institutions. This is another crucial aspect of comprehensive reparation that has been widely overlooked in Ecuador. Above all, comprehensive reparation in cases of sexual violence must include access to mental health and psychosocial support services. (Avilés & Medina, 2024, p. 574)

Therefore, it is important to note that comprehensive reparation in cases of physical and sexual violence against minors cannot be limited to an individual dimension. It must also address the collective and structural dynamics that perpetuate violence and impunity. This includes, for example, the implementation of public policies aimed at reducing poverty, promoting gender equality, and developing support programs for families and communities affected by violence.

DISCUSSION

Physical and sexual violence against children and adolescents remains a problem that, despite legislative progress, continues to reveal a contradiction between what the law establishes and the prevailing social reality. The first finding on this issue reflects this duality and highlights how the existing regulations, although robust in some respects, do not fully succeed in protecting minors. This type of violence is not an isolated phenomenon but a persistent reality that transcends borders and cultural systems, particularly in Latin America and the Caribbean. In these regions, although the law provides clear safeguards and protection mechanisms, in practice there is a tendency toward non-compliance or inadequate enforcement of these standards.

Examining this result from a reflective perspective, it is essential to recognize that the law, in its aspiration to eradicate child violence, faces challenges both in implementation and in the capacity of the judicial and administrative systems to act with the necessary speed and decisiveness. The Convention on the Rights of the Child and other international frameworks governing the protection of minors provide a solid normative foundation. However, as Rosas (2017) rightly points out, physical

and sexual violence against children and adolescents constitutes a serious human rights violation that demands not only punitive sanctions but also effective mechanisms for prevention and care.

The fact that legislation aligns with international human rights treaties does not in itself guarantee the eradication of the problem. It is evident that, although legal frameworks exist, the reality in which they operate is far from ideal. This suggests a disconnection between normative discourse and institutional capacity to make it effective, which may be related to a lack of resources, inadequate infrastructure, or, in many cases, a social culture that still tends to minimize violence against minors. The United Nations report on child violence highlights this complexity, noting that physical and sexual violence against minors is a problem that requires responses beyond criminal policies, including societal awareness-raising, education, and early intervention in affected families and communities (United Nations, 2006). It is crucial to understand that any level of child violence, legitimized by cultural or disciplinary reasons, opens the door to a broader tolerance of violence. In this sense, the challenge is not only to strengthen penalties or sanctions against offenders but to transform the social attitudes that tolerate or justify such violence.

On the other hand, it is evident that although significant steps have been taken to create a legal framework for child protection, gaps remain in the legislation that make real justice difficult. Fernández (2021) highlights that despite progress, the classification of sexual violence against minors remains inadequate in terms of specificity and effectiveness. This reflects the need for ongoing and adaptive legislative review, not only to align with international conventions but also to respond effectively to the contextual particularities of each country, especially in regions where access to justice remains limited.

Regarding comprehensive reparation in cases of physical and sexual violence against children and adolescents, it is understood as a broad approach that goes beyond financial compensation. It includes measures aimed at restoring the victims' physical, emotional, and social health, while also guaranteeing non-repetition of violence. This aligns with the standards of the Inter-American Court of Human Rights, which states that reparation must be adequate, effective, and proportionate to the severity of the harm, and should include elements such as rehabilitation, satisfaction, and guarantees of non-repetition.

Nonetheless, authors such as Ávila (2021) agree that limited resources and the re-victimization of survivors during judicial processes are major obstacles to the effective implementation of comprehensive reparation. Additionally, Loor (2019) emphasizes that reparation must address multiple dimensions of harm, including rights such as education and family life, pointing out that restricting reparation to financial compensation overlooks the complex nature of the harm experienced by victims of sexual violence.

Regarding this legal concept in the Ecuadorian context, it is evident that in cases of physical and sexual violence against children and adolescents, there are important points of convergence between legislation and doctrinal approaches, although significant tensions and challenges are also present in practical application.

First, there is fundamental agreement on recognizing the right to comprehensive reparation. Both legal doctrines, as presented by Ortega and Peraza (2021)—and the Ecuadorian constitutional framework recognize the need for a multidimensional reparation that includes not only financial compensation but also rehabilitation measures, restitution of rights, and guarantees of non-repetition.

Moreover, Ecuadorian legislation grants special constitutional protection to minors and reinforces this principle through criminal and jurisdictional guarantee provisions. This legal framework is consistent with doctrinal approaches that emphasize the importance of a state response that prioritizes minors as subjects of special protection. Both in law and doctrine, it is recognized that minors must be protected not only from direct violence but also from the structural conditions that perpetuate it, in alignment with restorative justice frameworks and the non-repetition measures set forth in the COIP (2023).

However, despite these normative agreements, significant contradictions arise in practice. While the legal framework establishes a comprehensive approach to victim reparation, the effective implementation of these measures faces serious challenges. Ortega and Peraza (2021) note that although the State has a legal mandate to provide full reparation, insufficient resources and weak inter-institutional coordination hinder the effectiveness of these provisions. This is one of the key contrasts between theory and practice: although Ecuadorian laws recognize the need for comprehensive reparation, the challenges in implementing them efficiently reflect a significant gap between normative ideals and the lived reality of victims.

Another point of tension is the standardized approach often applied in practice, which contrasts with the individualized response emphasized in legal doctrine. While scholars underscore the importance of tailoring reparations to each victim's specific needs, in practice, the system tends to apply uniform solutions, which may be inadequate to fully repair the harm suffered by victims of physical and sexual violence. This mismatch highlights the complexity of implementing a truly multidimensional and personalized approach in a system constrained by limited resources and often prioritizing efficiency over personalized care.

Finally, although the principle of the best interests of the child is enshrined in both the Ecuadorian Constitution and international instruments, its effective application within the reparation process also faces limitations. Doctrine emphasizes that reparation should be a dynamic process, adapted to the changing circumstances of the victims—especially minors. However, in practice, decisions and administrative procedures for enforcing reparation do not always effectively safeguard children's rights, raising concerns about the capacity of the legal system to ensure true recovery for the most vulnerable victims.

As evidenced by the study conducted by Avilés and Medina (2024), in Ecuadorian practice, children and adolescents do not always receive the appropriate support needed to overcome the trauma caused by violence or abuse. In many cases, reparation becomes a mere formality, failing to facilitate genuine recovery. Overcoming these obstacles requires implementing more dynamic and sensitive reparation procedures, applying a child rights-focused approach supported by interdisciplinary teams that provide psychosocial care and continuous accompaniment.

According to the aforementioned authors, it is necessary to train justice system actors on children's rights and foster greater collaboration among child protection institutions. It would also be useful to establish monitoring mechanisms to ensure that reparation is not merely an administrative act but a process that supports the child's full well-being. Creating a flexible, child-centered, and expeditious judicial system is crucial to ensuring that the best interests of the child are not just a theoretical concept (Avilés & Medina, 2024).

To ensure more effective protection of the best interests of children and adolescents in Ecuador, it is essential to strengthen the legal framework by reviewing and updating existing laws to clearly reflect this principle in all relevant provisions and to incorporate international standards. It is also vital to implement training strategies for professionals working with minors and to launch public awareness campaigns promoting a cultural shift toward respect and care.

In this context, effective comprehensive reparation must be a central component, ensuring that victims receive appropriate medical and psychological care, as well as financial compensation that addresses both material harm and emotional dignity. Creating specific indicators will allow for measurement of how well the best interests principle is upheld and how effective the reparations are, while accountability mechanisms will ensure institutional responsibility. Promoting active participation of children and adolescents in decisions affecting them is also essential, recognizing them as agents in defending their rights.

Therefore, it is crucial to strengthen the implementation of policies and programs with an integral and multidisciplinary focus, considering the various dimensions of minors' development. This requires collaboration among different sectors to address children's needs coherently and ensure their overall well-being in a safe and healthy environment.

From these perspectives, it can be affirmed that the theoretical foundations and legal framework have supported the objectives and findings of this study. Specific theoretical frameworks—such as the Convention on the Rights of the Child, restorative justice approaches, and the principles of comprehensive reparation, provide context for establishing norms and proposals within international and regional standards. These frameworks reinforce the premise of multidimensional reparation, which includes not only economic compensation, but also psychosocial, educational, and non-repetition measures. At the same time, the study's findings validate these theories by showing how the practical application of international treaties faces challenges such as resource scarcity, poor coordination between agencies, and general societal normalization of child violence. This research confirms the gap between social reality and legal norms, underscoring the need for adaptive legal measures for child reparation and compliance monitoring.

Thus, in light of the analyzed issue, it is essential to improve resource allocation, professional training, and other previously proven strategies. In terms of resources, priority should be given to sectors directly involved in victim care, such as health, education, and psychological support. Ensuring adequate and properly allocated resources is key. At the same time, a continuous evaluation system should be implemented to measure policy and program impact, allowing for immediate adjustments to maximize effectiveness.

Regarding professional training, it is critical to ensure that social workers, psychologists, doctors, and other key professionals receive proper training to handle child abuse cases effectively. This includes

education on psychological and emotional impacts, as well as legal and procedural knowledge about child protection. Continuous education programs, seminars, and workshops should be established to keep professionals up to date with best practices and comprehensive reparation approaches.

In terms of implementing comprehensive measures, addressing this issue requires a multidisciplinary approach—combining medical, psychological, and legal care. In this context, the justice system must be prepared to respond promptly and with high quality. Victims must receive not only financial compensation but also comprehensive support for psychological and social rehabilitation. This can be achieved through government efforts and by providing free therapy and social support services. Public policy should be designed to effectively protect victims' integrity and prevent revictimization during the justice process. To achieve this, governments must establish protocols ensuring confidentiality and coordinated action among health, justice, prosecution, civil society, and other key entities.

CONCLUSIONS

This research highlights the critical importance of comprehensive reparation mechanisms for girls, boys, and adolescents who are victims of physical and sexual abuse in Ecuador, underscoring the need for the effective application of constitutional provisions and protection policies. Despite normative progress, the duality between legal frameworks and social reality persists, revealing that while robust legal structures exist, their implementation faces serious challenges that limit the effective protection of minors.

The exhaustive analysis of theoretical and doctrinal foundations on comprehensive reparation indicates that it must be multidimensional, encompassing not only financial compensation, but also rehabilitation measures, restitution of rights, and guarantees of non-repetition. The lack of resources and the revictimization of victims in judicial proceedings are significant obstacles to the effective application of these mechanisms, reinforcing the need for a constant and adaptable review of legal standards.

Although Ecuadorian law and international frameworks such as the Convention on the Rights of the Child establish clear safeguards, practice shows a concerning disconnect between normative discourse and institutional capacity to enforce the principle of the best interests of the child. To bridge this gap, it is imperative to strengthen the legal framework, update laws, and ensure the incorporation of international standards, as well as to implement awareness campaigns that promote a cultural shift toward the protection of children's rights.

This perspective suggests that effective comprehensive reparation must address both material and emotional damage while also promoting a safe and healthy environment that guarantees the well-being of victims and prevents future violence. Therefore, an integrated and multidisciplinary approach is essential, involving the coordination of multiple institutions and sectors to ensure a coherent and effective response to violence against children in Ecuador.

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CONFLICTS OF INTEREST

The authors report no conflicts of interest.