

Ecuador in the face of gender based violence: A study on the challenges and advances in the protection of human rights

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ABSTRACT

The purpose of this study is to analyze the impact of gender-based violence in Ecuador, identifying the main obstacles and advances in protecting fundamental rights. The methodology adopted a qualitative approach, using descriptive and analytical research. The hermeneutic method was used to interpret relevant legal texts and regulations, while the analytical-synthetic method was employed to examine current regulations and judicial practices. Data were collected through documentary analysis of regulations, international treaties, and reports from national and international organizations. The results revealed that gender-based violence in Ecuador significantly violates victims' human rights, manifesting in physical, psychological, sexual, economic, and symbolic forms. Regulatory efforts and policies to prevent and address gender-based violence have been implemented; however, limited awareness of protection mechanisms heightens women's vulnerability and perpetuates gender inequality. Furthermore, many victims abandon their legal complaints due to fear, economic dependence, and social pressure, which perpetuates their exposure to violence. In conclusion, despite efforts to improve victim support and establish legal protections, significant barriers, such as cultural resistance and lack of awareness about gender equality, hinder efforts to eliminate gender-based violence.

KEYWORDS: Gender-based violence, human rights, victim protection, violence prevention

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INTRODUCTION

Gender-based violence remains a flagrant violation of human rights, with profound social consequences reflected in alarming global incidence rates. This issue persists despite international instruments and public actions implemented by various states to address it (Pinargote, 2022).

According to the United Nations (UN), gender-based violence refers to "various harmful behaviors directed against individuals or groups based on their gender. This issue arises from gender inequality, abuse of power, and the presence of harmful social norms. The term emphasizes that structural power imbalances linked to gender place women and girls in a vulnerable position, exposing them to various forms of violence. Although the phenomenon primarily affects women and girls, it can also impact other genders" (UN, 2023).

In Latin America, gender-based violence is a complex and deeply rooted problem affecting millions, particularly women and girls, through physical, sexual, psychological, and economic violence. This phenomenon stems from structural gender inequalities, where culturally embedded social norms reinforce traditional behaviors, placing women in subordinate positions and normalizing violence. Impunity surrounding many violent acts further fuels this culture, reinforcing the notion that violence is an acceptable means of conflict resolution.

According to the Gender Equality Observatory (2023), gender-based violence poses significant challenges to human rights, highlighting its complexity and interconnection with other forms of violence. Despite increasing attention, the lack of comprehensive data and effective policies in many countries exacerbates the issue (Pineda et al., 2020). Femicide, one of the most brutal manifestations of gender-based violence, has reached alarming levels in Mexico, El Salvador, Argentina, Brazil, Colombia, and Ecuador, demonstrating states' failure to effectively combat this form of violence.

In Ecuador, gender-based violence is a structural problem rooted in social, cultural, and economic relations, affecting women, girls, and individuals who challenge traditional gender roles. Quintana and Krisel (2024) note that this phenomenon, encompassing physical, psychological, and femicidal violence, routinely violates human rights and reflects deep inequalities. Solano (2023) highlights Ecuador's ongoing crisis of gender-based violence, with aggression toward women pervasive in daily life. According to the Office of the Attorney General, gender-motivated killings exceeded 77 cases in the first half of 2024 (Human Rights Watch, 2023). The 2019 National Survey on Family Relationships and Gender-Based Violence Against Women found that 7 out of 10 women experience gender-based violence, and 2 out of 5 have suffered sexual violence (Mancero et al., 2020).

Ecuador's legal framework has evolved significantly, with the 2018 Comprehensive Organic Law for the Prevention and Eradication of Violence Against Women introducing measures to prevent violence, protect victims, and punish aggressors. However, challenges persist, particularly in communities with entrenched patriarchal norms. Many women remain unaware of available protection mechanisms, exacerbating their vulnerability. Victims often abandon legal complaints due to fear of retaliation, economic dependence, social pressure, or concerns about losing family income



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or paternal figures. This underscores the need for effective law enforcement, institutional strengthening, and cultural transformations to advance gender equality (León, 2022).

Gender-based violence in Ecuador systematically violates fundamental rights recognized by domestic law and international treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Terranova et al., 2024). It infringes on rights to life, physical and psychological integrity, liberty, and equality before the law.

This research highlights gender-based violence as a serious human rights violation in Ecuador, documenting its scale, consequences, and structural causes. It proposes evidence-based solutions to promote equality, justice, and effective protection for women, contributing to academic and social efforts to eradicate this issue.

The study's general objective is to examine the impact of gender-based violence in Ecuador, identifying key obstacles and advances in protecting fundamental rights. Specific objectives include:

- Identifying the main forms of gender-based violence in Ecuador and their effects on human rights.
- Evaluating the effectiveness of the legal framework for preventing, punishing, and eradicating gender-based violence.
- Proposing recommendations to enhance the protection of women's human rights.

The thesis posits that, despite legislative advances and institutional efforts, deficiencies in implementation and sociocultural barriers perpetuate gender inequality and hinder effective protection of victims' rights.

MATERIALS AND METHODS

This study adopted a legal methodology with a qualitative approach, using a descriptive research design. The qualitative approach not only allowed for the analysis of gender-based violence and human rights at the legal level but also at the social level, providing relevant insights within the Ecuadorian context, both normatively and institutionally.

The descriptive research design contributed to obtaining a comprehensive view of the current state of regulations and their implementation, while the analytical design made it possible to assess the extent to which the laws intervene in providing a solution to the problem.

Likewise, the study focused on the application of the hermeneutic method, which centered on the interpretation of texts used at both legislative and doctrinal levels, to then analyze and interpret the rules governing gender-based violence and human rights. The analysis was carried out through hermeneutics, involving laws, international treaties, case law, and other legal documents applicable to the topic, assessing their consistency in application as well as the limitations that may exist within the Ecuadorian context.



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The study population consisted of a documentary corpus that included national regulations, ratified international treaties, reports from national and international agencies, and relevant case law. The analysis of these documents allowed for the identification of current practices and the challenges involved in the application of legislation.

For data collection, documentary analysis was conducted on the reviewed and selected sources, allowing for the identification of patterns, regulatory gaps, contradictions, and the evolution of legislation and its implementation within the Ecuadorian context, selecting those documents that provided relevant data for this study.

RESULTS AND DISCUSSION

1. Main Forms of Gender-Based Violence in Ecuador and Their Effects on Human Rights

Gender-based violence in Ecuador has intensified in multiple ways, each with devastating effects on the lives and human rights of women and girls. This phenomenon encompasses physical, psychological, sexual, economic, and symbolic violence—each interrelated and with profound consequences for the full exercise of human rights. According to Vacacela & Mideros (2022), despite the country's efforts to implement a regulatory framework that addresses and penalizes such acts, current statistics show that the presence of gender-based violence remains alarming, exposing the limitations of state policies and the urgent need for a comprehensive approach.

Physical violence stands out as one of the most evident and concerning manifestations. This form of aggression is expressed through direct attacks on the body, ranging from beatings to threats with weapons. As Moreira (2023) points out, this type of violence not only clearly violates the right to life and physical integrity but also creates an atmosphere of persistent fear that restricts women's participation in social life. The resulting insecurity affects not only the immediate victims but also their communities, contributing to the normalization of violence (Chávez & Méndez, 2016).

On the other hand, psychological violence, as noted by Salazar & Jaramillo (2022), is exercised through acts of control, intimidation, and humiliation aimed at undermining the victim's self-esteem and emotional well-being. This type of violence can be as damaging as physical violence, impacting the right to human dignity and compromising women's mental health. This is consistent with the Ecuadorian context, where psychological violence occurs in both domestic and workplace environments, perpetuating a cycle of abuse that affects not only women but also has an intergenerational impact on families and society. The spread of abusive patterns in a family setting can contribute to the normalization of violence and the perpetuation of dysfunctional gender roles.

Likewise, sexual violence emerges as one of the most serious and widespread forms of gender-based violence in Ecuador, deeply affecting women's human rights to physical integrity, privacy, and self-determination (Romero et al., 2022). Crimes such as abuse, rape, and sexual harassment remain persistent issues in both public and private spaces. Sexual violence not only



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violates women's right to control over their own bodies but also results in devastating physical and emotional consequences.

Economic violence, though less visible, is a form of control that deprives victims of the resources necessary for their autonomy and well-being. In Ecuador, economic violence may manifest in limitations on access to financial resources, prohibition from engaging in employment, control over the victim's income, and failure to fulfill economic responsibilities, such as child support (Jacome & Desfrancois, 2021). This type of violence restricts women's ability to achieve economic development, undermining their right to equal opportunities and affecting their ability to live independently and with dignity.

Finally, symbolic violence plays a significant role in sustaining the structures of domination and subordination that underlie gender-based violence in Ecuador. Symbolic violence is expressed through stereotypes, cultural representations, and discourses that devalue women and portray them in subordinate or inferior roles. This form of violence reinforces gender inequality and affects women's rights to equality and non-discrimination. By perpetuating gender stereotypes, it limits women's access to leadership roles and positions across various sectors of society. Symbolic violence also contributes to the normalization of other forms of violence by reproducing the idea that women are inferior—an idea that contradicts the principles of equality and respect inherent in human rights (León, 2022).

Thus, this type of rights violation is not an isolated issue in Ecuador, but a complex phenomenon that intertwines various forms of violence with deep implications for women's human rights. Overcoming this problem requires a comprehensive approach that addresses not only the strengthening of a robust legal framework but also a cultural shift that challenges the social structures perpetuating inequality and violence. The urgency of adopting effective measures to protect and promote women's rights is essential for building a more just and equitable society in which safety and dignity are guaranteed for all.

2. Effectiveness of the Legal Framework in the Protection of Rights

Ecuador has established a set of regulations that includes various laws, constitutional provisions, and international treaties aimed at safeguarding women's rights and eliminating gender-based violence. In this context, the Constitution of Ecuador, the Comprehensive Organic Law for the Prevention and Eradication of Violence Against Women, and several ratified international treaties—such as the Belém do Pará Convention—form the fundamental basis of this protection.

At the international level, Ecuador has ratified several treaties on human rights and gender-based violence, most notably the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, also known as the Belém do Pará Convention. This treaty, adopted in 1994, obliges states to adopt concrete measures to prevent and sanction violence against women, recognizing it as a violation of human rights and an obstacle to the development of a just society (Sisson & Quiroz, 2023).



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Article 7 of the Belém do Pará Convention establishes that the States Parties, including Ecuador, must implement policies to prevent, punish, and eradicate violence, as well as promote education and awareness within society to eliminate discriminatory and patriarchal attitudes. Despite the ratification of this instrument and its influence on Ecuadorian legislation, results show that in many cases, the measures set forth in the convention are not fully enforced, and the lack of resources and political will remains a barrier to fulfilling these international commitments.

Similarly, the Constitution of the Republic of Ecuador states in Article 11, paragraph 2, that no citizen shall be discriminated against on the basis of gender. Furthermore, Article 66, paragraph 3, establishes "the right of individuals to a life free from violence." This article guarantees the physical, psychological, and sexual integrity of individuals, emphasizing the protection of women and the eradication of any form of violence against them. Additionally, Article 35 provides for priority protection measures in situations of vulnerability due to gender. This implies that the State must adopt effective and specific policies to ensure care and protection for this group. These articles place the Ecuadorian State as the main entity responsible for protecting women, imposing upon it the duty to guarantee a life free from violence and to ensure justice and reparation in the event of a rights violation (Constitution of the Republic of Ecuador, 2008).

The Comprehensive Organic Law for the Prevention and Eradication of Violence Against Women, enacted in 2018, is the most specific Ecuadorian regulation on gender-based violence. This law defines various types of violence—physical, psychological, sexual, and patrimonial, among others—and establishes procedures and protection measures for victims. Article 2 of the law states its central objective: "to prevent, eradicate, and sanction all forms of violence against women in both public and private spheres, promoting access to effective and timely justice" (Comprehensive Organic Law..., 2018, p. 8).

Among its most relevant provisions, Article 16 refers to the State's obligation to create and implement public policies to prevent violence and provide comprehensive assistance to victims. Similarly, Article 25 states that a care system must be guaranteed, including temporary shelters, psychological support, and free legal assistance for victims. Despite these mandates, in practice, public institutions do not always have the necessary resources to comply with the provisions of this law (Comprehensive Organic Law..., 2018, p. 8).

Article 27 of the same law establishes the figure of protection actions, allowing victims to request the application of protective measures by the competent authority, such as restraining orders. However, one of the shortcomings identified in the application of these measures is the lack of follow-up, which results in many victims remaining at risk without adequate protection.

Despite the strong legal content and international commitments that require Ecuador to protect and guarantee a life free from gender-based violence, the practical reality of the country reveals multiple challenges in implementing these policies. The most significant discrepancy lies in the gap between the existence of legal norms and the prevailing social culture experienced by many women. According to recent studies such as Peñaranda and Cárdenas (2023), this remains an alarming problem that has not been adequately addressed in the country.



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The causes of this gap are multiple and complex. First, the insufficient financial resources allocated to the prevention and care of violence cases represent a critical obstacle. Institutions in charge of managing these cases often lack the funding necessary to carry out effective prevention and support programs, limiting their capacity to adequately meet victims' needs. Without adequate investment, policies aimed at eradicating gender-based violence are compromised from the outset (Peñaranda & Cárdenas, 2023).

Another factor contributing to this gap is the persistence of traditional expectations regarding gender roles and the subordination of women to men, which perpetuate a culture of subordination where women are seen as inferior or as property. This facilitates their victimization, especially in rural or low-income communities where women face significant socio-cultural barriers to reporting violence. Social stigma, fear of retaliation by perpetrators, and the perception of domestic violence as a private matter often make it difficult for victims to seek help.

In this context, evaluating these elements suggests that, for the legal framework in Ecuador to be truly effective, it is not enough to merely have laws and treaties in place. It is essential to increase investment in resources to strengthen prevention and control programs and to promote greater social awareness of the importance of gender equity and the eradication of violence.

3. Public Policies and Prevention Programs for Gender-Based Violence

The prevention of gender-based violence has become a cross-cutting issue in Ecuadorian public policy, ranging from the enactment of laws to the formulation of programs and strategies aimed at generating profound societal change. These initiatives generally respond to the State's obligation to protect and guarantee human rights, particularly the life, safety, and integrity of women. However, a detailed analysis of the consulted doctrine and other documentary sources reveals that in Ecuador there are persistent barriers regarding the coverage, sustainability, and effectiveness of public policies, which prevent the preventive framework from reaching its full potential to eliminate gender-based violence.

One of the fundamental pillars of prevention has been the implementation of educational programs and awareness campaigns aimed at breaking the sociocultural patterns that reproduce gender-based violence. Initiatives have been proposed to drive structural change in the country through laws, public policies, and strategies targeting various sectors of the population. The educational sector, in particular, has been prioritized in Ecuadorian legislation.

In this regard, the Ministry of Education and the Ministry of Health have led initiatives that incorporate gender equality and human rights into the school curriculum. As can be inferred from this approach, the aim is to instill values from the earliest stages of education, fostering relationships rooted in respect and equity. To this end, educational materials for students, pedagogical guides, and teacher training have been developed to promote a culture of nonviolence for future generations (Moreira & Aniyar, 2022).



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The National Plan for the Eradication of Gender-Based Violence Against Children, Adolescents, and Women is one of the state's main programs related to this area (Montenegro, 2022). In addition to responding to constitutional mandates that guarantee a life free from violence, this plan aligns with international commitments such as the Belém do Pará Convention and the United Nations Sustainable Development Goals (SDGs). The entire plan is based on three main pillars:

Prevention: Develops educational strategies, awareness campaigns, and community programs aimed at eradicating gender stereotypes and other cultural patterns that promote violence. It seeks to impact the social perception of gender-based violence by promoting relationships based on equity and respect.

Protection: Provides direct resources for the care and protection of victims, strengthening the capacity of institutions to respond effectively to complaints and ensuring adequate security measures.

Care: Establishes specialized services to offer psychological, legal, and social support to victims, ensuring equitable access to such services across the national territory.

Coordination among different institutions has been crucial in the implementation of these strategies. These efforts include promoting educational and community spaces to develop nonviolent attitudes and gender equality in all spheres. Such initiatives are carried out in spaces where individuals with and without disabilities can collaborate and engage with the land and their environment. Key organizations involved include the Ministry of Economic and Social Inclusion, the Ecuadorian Red Cross, Visión Ecuador, among others.

However, despite the ambitious design, these prevention policies face significant obstacles, particularly in terms of reaching rural and isolated communities, where violent practices are more deeply entrenched. This aligns with the findings of Alvarado (2022), who highlights, from a legal perspective, the challenges related to the effective safeguarding of fundamental rights.

Another critical issue highlighted by Lucas (2022) concerns the sustainability and continuity of prevention policies. Dependence on annual budgets and the lack of long-term planning generate structural vulnerability in the prevention of gender-based violence. Since these programs rely on budget availability and administrative stability, they are subject to modification or suspension—especially when government changes occur. Legally, this situation presents a problem in terms of the State's effective compliance with its obligations, as the inconsistency in policy implementation undermines their long-term impact.

The continuity of these programs should be guaranteed regardless of changes in administration by establishing State policies rather than government policies. This is essential, as the fight against gender-based violence requires long-term cultural change that cannot be achieved through temporary or intermittent measures.

4. Role of Institutions and the Judicial System in the Protection of Victims



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The role of institutions and the judicial system in protecting victims of gender-based violence in Ecuador has been essential and has significantly improved in recent years. The judicial system has played a crucial part in ensuring the enforcement of the law and the protection of victims' rights, creating an environment in which women can access justice. However, factors such as institutional commitment and the implementation of effective strategies are key to providing the necessary support to victims (Zambrano Noles, 2016).

This system has made progress in establishing legal mechanisms and specific procedures to address gender-based violence, focusing on the protection of women and the punishment of perpetrators. Collaboration between the judicial system, law enforcement agencies, and other entities has created a more favorable environment for victims, offering not only protection but also access to services such as legal counseling.

In addition, specialized protocols have been implemented to provide more sensitive care, including the training and specialization of judges and prosecutors. This has improved the quality of judicial decisions and ensured that victims receive appropriate treatment. The creation of specialized judicial units for gender-based violence has been essential in reducing the risk of revictimization and in facilitating more informed decision-making.

Overall, the work of these institutions continues to advance toward greater justice for victims of gender-based violence. Their efforts are grounded in a comprehensive approach that promotes inter-institutional coordination, investment in resources, and the strengthening of the judicial response to these cases. Although the process is still ongoing, these advances demonstrate the Ecuadorian judicial system's commitment to fighting gender-based violence and to ensuring that women live free from violence and discrimination.

Nevertheless, various studies—such as the one conducted by Romero et al. (2022)—highlight the need to strengthen policies focused on the social dimension, providing society with more tools for information and awareness. These tools are essential to enable women to understand their rights, their worth, and their role.

5. Actions to Improve the Protection of Human Rights of Victims of Gender-Based Violence

Through the analysis conducted, it has become clear that addressing gender-based violence requires a comprehensive approach that involves not only the enactment of laws but also the effective implementation of social and legal programs to guarantee the protection and rights of women. Despite legislative advances in Ecuador, significant challenges remain regarding the implementation of prevention policies and the enforcement of existing regulations. In this context, it is essential to propose solutions from both legal and social perspectives to strengthen protective measures and promote cultural changes that sustainably and effectively eradicate gender-based violence.

At the legislative level, the following is proposed:



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Review and update the legal framework related to gender-based violence. Efforts should focus
on harmonizing national laws with international standards to ensure that women's rights are
fully and effectively protected. Additionally, the laws should be clearer regarding sanctions
for aggressors, ensuring the existence of oversight mechanisms and accountability structures
that prevent impunity.

• Promote legislative reform for comprehensive protection, particularly within the Comprehensive Organic Law for the Prevention and Eradication of Violence Against Women, ensuring its legal guidelines are fully aligned with the principles and provisions established in the National Constitution. In addition to existing laws, reforms should be advanced to strengthen the protection of women in areas that remain insufficiently addressed, such as emerging forms of digital violence, workplace harassment, and economic violence. These reforms should also include preventive measures in technological and labor contexts.

From a public policy perspective, and based on Article 16 of the Comprehensive Organic Law for the Prevention and Eradication of Violence Against Women—which outlines the State's obligation to create and implement public policies to prevent violence and provide comprehensive assistance to victims—it is necessary to:

- Incorporate new strategies on gender-based violence into the national public policy agenda:
 - Various efforts at national, provincial, and local levels must be integrated into a
 unified system—one that encompasses not only justice, but also health, education, and
 social assistance—and must establish a specific national budget allocation for the
 prevention, care, and protection of victims, as well as conduct periodic audits of its
 implementation.

At the social level, it is recommended to:

- Strengthen efforts to inform women about existing protection laws, such as the Comprehensive Organic Law for the Prevention and Eradication of Gender-Based Violence, the judicial protection mechanisms available (such as restraining orders and police protection), and the institutions to which they can turn (such as the Ministry of Economic and Social Inclusion, the Attorney General's Office, the National Police, among others), in line with Article 28 of the aforementioned law (2018).
- It is crucial to promote awareness campaigns across all areas of society, especially in rural
 and marginalized communities. These campaigns should aim to transform behaviors and
 beliefs that support gender-based violence. Implementation may include mass media
 outreach, community workshops, and school-based activities to raise awareness about
 equality, mutual respect, and human rights.
- Encourage the participation of civil society as a key component in the fight against gender-based violence. Civil organizations—particularly those led by women—must be involved in the design, implementation, and monitoring of public policies. Moreover, raising awareness among men and youth is essential to eliminate sexist practices and promote non-violent



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models of masculinity. Gender policies should be understood as a collective responsibility in which all sectors of society play an active role.

CONCLUSION

This study has explored in depth the issue of gender-based violence in Ecuador, highlighting the existence of institutional recognition, the development of public actions, and normative changes aimed at protecting the human rights of victims.

It has been demonstrated that Ecuador has made important strides in the fight against this social phenomenon, such as the creation of laws and regulations, the implementation of educational campaigns, and the development of protective measures. Nevertheless, some fundamental barriers persist—specifically cultural resistance, inadequate legal responses, and the lack of support services in rural areas and for vulnerable groups.

Thus, gender-based violence remains a problem of structural domination that perpetuates power disparities and is used as a tool to silence those who may challenge the criminalization of women.

Therefore, it is essential to establish an integrated and sustainable response, where the State not only strengthens the enforcement of the law but also invests in education, improved access to justice, economic empowerment for victims, and adequate funding for protection policies.

Ultimately, in order to truly eradicate gender-based violence, it is crucial that the State, the judicial system, and civil society work together toward the common goal of ensuring that all women live free from violence. This challenge cannot be addressed by applying generalized assumptions to diverse needs; rather, it requires a consolidated state policy approach based on human rights, sustainability, and ongoing institutional responsibility to redefine the social reproduction landscape around national and international human rights commitments.



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CONFLICTS OF INTEREST

The authors report no conflicts of interest.