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As Gender Violence Increases, Victims Are Blamed in Ecuador

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The justice system and police investigators in Ecuador are allowing acts of violence against women to go unpunished, and are using stereotypes to justify the violence.

This situation is even more alarming when it involves trans women or women who have had abortions, two groups that are not covered by a new law that seeks to protect women from violence. These women are left with little recourse in the face of a growing wave of sexist and homophobic violence ([NotiSur, April 12, 2013](#)) in the country.

Gender violence on rise

According to the 2010 census, women make up 50.4% of Ecuador's population. The fact that women are in the majority is not reflected in public institutions. In the criminal justice system, female victims are stigmatized during investigations and throughout the judicial processes. Additionally, most judicial processes result in little punishment for the perpetrators or reparations for the victims, because of social pressure to silence reports of gender violence, and because the judicial system manages the evidence poorly, which frequently leads the victims to drop their cases.

Data shows that violence against women is one of the country's most serious structural problems. It has economic, social, political, and cultural repercussions that result in power relationships that subordinate, exclude, and discriminate against women. According to a national survey on gender violence (Encuesta Nacional de Violencia de Género) and to a plan for gender equality in Ecuador known as Agenda Nacional de las Mujeres y la Igualdad de Género, between 2014 and 2017 six out of every 10 women suffered some type of violence, with indigenous women and women of African descent being the most affected. In the first four months of 2017, there were 502 sexual violence complaints, of which only 69 have been resolved with criminal sanctions. Sexual abuse in educational institutions also peaked in 2017.

Stereotypes in justice

It's also striking that women were the victims in 67% of the more than 4,000 cases of reported involuntary disappearances.

When a woman is reported missing, especially if the woman is young, the investigation is usually slow, and authorities tend to blame the missing woman. For example, state agents usually focus their investigation on a victim's lifestyle or her relationships. In the case of Juliana Campoverde, a young woman who disappeared in 2013, the victim's mother had to put up with statements from investigators who implied the woman's lifestyle had led to her disappearance. One of the attorneys said, "Juliana left with her lover, was pregnant, or took off with her friends; she'll be back in about eight months when the baby is born."

Similarly, in the case of Carolina Garzón, a university student who has been missing since 2012, investigating agents told her relatives that she had "a depraved lifestyle full of vices." In addition,

they reprimanded Garzón's mother, saying that she should have paid more attention to her daughter.

Investigators aren't the only ones stigmatizing the victims. Other public servants also are guilty of doing so.

In February 2016, Marina Menegazzo and María José Coni, two young backpackers from Argentina, were murdered on a beach in Ecuador. An undersecretary from the Ministry of Tourism publicly stated that something like this was bound to happen to them "sooner or later," insinuating their fate was one that female backpackers should expect.

A psychologist from the national police attacked the mother of Adrián Romo, a boy who disappeared in a Quito bus station when he was 2 years old, by instructing her to "take better care of her husband and other children." When the woman responded that the boy was her only child, and that she wasn't married, the psychologist recommended she "find a husband."

Misogynist stereotypes even come up in sentencing. For example, the judge in a recent family violence case said that a husband is allowed to "use mild means to correct his wife," and therefore, a punishable act of violence had not been committed.

Court treatment of abortion

The judicial system's aggressive attitude is also evident in the criminalization of women who access health services for abortions, women who are activists for the opposition, female journalists critical of the administration, and women defending their land from the exploitation of natural resource.

According to statistics from the Attorney General's Office, more than 240 women have been charged with abortion since 2009. However, women are sometimes also prosecuted and incarcerated when they have experienced a miscarriage. As of August 2017, 44 women had been tried for criminal abortions, according to the Consejo de la Judicatura (Judiciary Council).

An investigation by the feminist human rights organization SURKUNA showed that women in Quito who arrive at hospitals because of uterine bleeding are reported and prosecuted for abortion, even when there is no evidence there was a voluntary interruption of pregnancy. This is substantiated by police reports and by women who say they have been forced to confess and told they would only receive adequate and timely care on the condition that they admit to having undergone an abortion. SURKUNA has documented cases of women who were detained and prosecuted for a flagrant crime when they went to a health facility days after an abortion. In Ecuador, it is considered a flagrant crime when less than 24 hours have passed between the commission of the act and the arrest. When these women are processed, officials commonly obtain and use their clinical history and the emergency room registration. By law, doctors and health personnel are prohibited from disclosing those documents, which are considered personal and confidential.

Transgender women unprotected

Lesbian women and women who have undergone a sex change are not specifically protected under Ecuadoran law. When a bill against domestic violence and violence in public spaces was under discussion in 2017, several women's and LGBT groups participated in its drafting. They managed to incorporate provisions that would specially protect members of the LGBT community,

including the prevention of patrimonial and psychological violence and the prohibition of efforts to “dehomosexualize” them using clinical treatments that are close to torture. (The existence of pseudo-clinics that offer “dehomosexulization” treatments is well known. These clinics are true torture centers where lesbians—who have been kidnapped, usually with the consent and complicity of their parents—are taken.)

LGBT groups were taken aback when the final law approved by the Asamblea Nacional (National Assembly) eliminated all the special protections for the LGBT community that had been agreed to. The influence of ultra-conservative religious groups contributed to this abrupt change in the legislation. Although the LGBT collectives are not outside the law as they had been before homosexuality was decriminalized in 1997, the new legislation leaves them in limbo, and they can be threatened without significant legal consequences for the aggressor.

Inter-American Commission on Human Rights

The voices of Ecuadoran women were heard on Feb. 28 at a meeting of the Inter-American Commission on Human Rights (IACHR). At that hearing, titled “The Situation of Human Rights for Women in Ecuador,” several victims, along with representatives from SURKUNA, the human rights organization INREDH, and the women’s coalition, the Coalición Nacional de Mujeres del Ecuador, charged that Ecuador violates their rights and does not support the creation of laws that protect highly vulnerable sectors of women, such as those who face trial, go missing, have abortions, or opt for a diverse sexuality.

The government boasts of its achievement in approving a law against domestic violence. However, based on the criteria of the organizations that presented their point of view to the IACHR, this law is merely a reflection of the stereotypes still prevalent in Ecuadoran society.

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