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04 April 2005

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Ecuador: State protection available to women victims of domestic violence (March 2000 - March 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

General Situation

Several sources stated that violence against women was prevalent in Ecuador (*Country Reports 2004* 28 Feb. 2005, Sec. 5; Xinhua 24 Nov. 2004; CIMAC 25 Nov. 2002; *Diario Hoy* 22 Feb. 2005; *El Universo* 25 Nov. 2004; *La Hora* 25 Nov. 2003; Freedom House 15 Sept. 2004) and was more acute in indigenous areas of the country (ibid.).

Sources reporting on different aspects of domestic violence in Ecuador found different rates of prevalence (Xinhua 24 Nov. 2004; CIMAC 25 Nov. 2002; *La Hora* 25 Nov. 2003; ibid. 25 Nov. 2004; *El Universo* 25 Nov. 2004; *Diario Hoy* 22 Feb. 2005). *Diario Hoy* reported that the "Study on Demography and Mother-Child Health" (Encuesta Demográfica y de Salud Materna Infantil - Endemain) found that approximately 28 per cent of Ecuadorian women had at some point in their lives suffered a form of physical abuse while 25 per cent had been psychologically abused (ibid.). Xinhua quoted former Ecuadorian president Rosalia Arteaga as saying that 22 per cent of Ecuadorian women suffered daily domestic violence and that two thirds of women had been victims of sexual abuse (24 Nov. 2004). The Vice-Mayor of Cuenca stated that 6 out of 10 Ecuadorian women had suffered domestic violence (CIMAC 25 Nov. 2002). The Quito daily *La Hora* and the Guayaquil daily *El Universo* both claimed that 80 per cent of women in Ecuador had been subjected to domestic violence at least once in their lives (*La Hora* 25 Nov. 2003; *El Universo* 25 Nov. 2004)

Country Reports 2004 indicated that at least 10,877 cases of mistreatment of women were reported to the Office of Gender of the Ministry of Government between January and June of 2004 (28 Feb. 2005, Sec. 5).

Legislation

Under the Law Against Violence Affecting Women and Children, anyone found guilty of physical, sexual, and/or psychological spousal abuse may be fined up to US\$25 or imprisoned for up to 7 days (*Country Reports 2004* 28 Feb. 2005, Sec. 5). The Law also provides for family courts and allows for abusive spouses to be removed from the family home (ibid.; *The Willamette World News* 5-12 May 2003). However, *Country Reports 2004* also mentioned that in order to file a complaint against an abusive spouse, one must produce a witness (28 Feb. 2005, Sec. 5).

Judiciary

Country Reports 2004 indicated that rapes often went unreported due to fear of retribution by rapists, who could face up to 25 years in prison if convicted (28 Feb. 2005, Sec. 5). Of the 3,083 rapes reported in 2004, 656 individuals were charged and there were allegedly laid and there were 118 prosecutions (*Country Reports 2004* 28 Feb. 2005, Sec. 5). *La Hora* reported that in 2004, 4.35 per cent of the 4,915 complaints of sexual abuse or domestic violence resulted in a guilty verdict against the accused (25 Nov. 2004). In a previous article, *La Hora* noted that in 2003, only 1.05 per cent of complaints of mistreatment made by women were brought to a "happy conclusion" (*feliz término*) (25 Nov. 2003). The Attorney General (Fiscalía) and the Observatory of the Right of Women and Girls to a Life Without Violence (Observatorio del Derecho de las Mujeres y las Niñas a una Vida sin Violencia - CEPLAES) of Ecuador have apparently expressed disappointment over the lack of sentences against perpetrators of domestic violence (*La Hora* 24 Nov. 2004).

An article in *La Hora* reported that victims of domestic violence who file complaints usually abandon their cases; according to CEPLAES, the complaints mechanism through the Office of the Public Prosecutor (Ministerio Público) as well as the judiciary is fraught with obstacles, making it very difficult for victims to follow through with their initial complaint (24 Nov. 2004).

Police

According to *Country Reports 2004*, some police stations were staffed with social workers who assisted victims of violence (28 Feb. 2005, Sec. 5). Family Health International (FHI) stated that there are women's police stations to deal with violence against women (2002); for instance, *El Universo* mentions the opening of a fourth

women's police station in Guayaquil staffed by six employees who would help deal with the 60 complaints of domestic violence allegedly reported every day in the city (2 Feb. 2005). A researcher studying the implementation of domestic violence efforts in the Ecuadorian state of Orellana told FHI that police and local government demonstrated a "lack of sensitivity" on the issue of domestic violence (FHI 2002).

Government

Country Reports 2004 stated that while some communities had established their own centres to offer counselling and legal support to abused women, the government's National Commission on Women (CONAMU), which also provides legal and psychological assistance, received abuse complaints before referring them to the prosecutor's office (28 Feb. 2005, Sec. 5). FHI indicated that despite initiatives led by the government to combat domestic violence, such as the Ministry of Health's guidelines to assist health facilities in their identification and management of domestic violence, research conducted in the province of Orellana in 2000 found that many policies were not adequately implemented (2002). For instance, a researcher found that health services in Orellana "neither give out the necessary certificates of evidence of violence (a requirement for legal action) nor are sensitive to these problems" (FHI 2002).

Non-Governmental Organizations (NGOs)

According to *The Willamette World News*, over 320 women's organizations are in existence in Ecuador to encourage social, economic, and cultural change favouring women (5-12 May 2003). In Quito, "Las Tres Manueles" is a one-stop women's centre run jointly by the municipality of Quito and local NGOs and institutions; it assists poor women who are victims of domestic violence (United Cities and Local Governments n.d.). The centre offers special police services, legal aid for those who cannot afford a lawyer, medical care, counselling against drug and alcohol addictions, and psychological help (ibid.). The United Cities and Local Governments Website indicated that the centre has succeeded in helping many women (n.d.). The "Women's Identity and Gender Foundation" (Fundación Mujer Identidad y Género), which dealt with 720 cases of domestic violence in October of 2002 alone, organizes monthly training workshops in urban and rural areas (*La Hora* 23 Dec. 2002).

La Hora reported that the Ecuadorian Centre for Women's Action and Promotion (Centro Ecuatoriano para la Promoción y Acción de la Mujer, CEPAM) as well as the Office for the Defence of Women's Rights (Oficina de Defensa de los Derechos de la Mujer, ODMU) had resolved more than 2,000 cases of violence against women; the article did not, however, specify when these cases were processed (25 Nov. 2003). Other organizations, such as the Awareness and Prevention Network (Red de Atención y Prevención) and La Casa Matilde in Quito have helped resolve family problems and deal with 60 to 80 cases daily (*La Hora* 25 Nov. 2003).

According to Isis Internacional, several NGOs devoted to fighting violence against women operated in Ecuador (n.d.). Among them were: the Action Centre of Women (Centro de Acción de las Mujeres, CAM), the Centre of Multidisciplinary Studies and Research of Ecuador (Centro de Estudios e Investigaciones Multidisciplinarias del Ecuador, CEIME) found at <<http://www.ceime.org>>, the Political Coordinator of Ecuadorian Women (Coordinadora Política de Mujeres Ecuatorianas) found at <<http://www.cpmre.org.ec>>, the Woman to Woman Corporation (Corporación Mujer a Mujer), the Maria Guare Foundation (Fundación Maria Guare), the "We with Equality" Foundation (Fundación Nosotras con Equidad), and Services for an Alternative Development of the South (Servicios para un Desarrollo Alternativo del Sur, SENDAS) found at <<http://www.sendas.org.ec>> (Isis n.d.).

Society

The Coordinator of the Women's Movement of Guayas (Movimiento de Mujeres del Guayas) indicated that cultural conceptions held by Ecuadorian men and women that are partly to blame for the persistence of domestic violence in Ecuador (*El Univers* o 25 Nov. 2004). Another source indicated in November of 2002 that Ecuadorian society did not perceive domestic violence as an important problem (25 Nov. 2002), although this could not be corroborated among the other sources consulted.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Amnesty International (AI) Ecuador and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) did not respond to requests for information within time constraints.

Internet sites, including: Amnesty International (AI), European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), Peacewomen.org, United Nations Development Fund for Women (UNIFEM), World News Connection (WNC).

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