



# UNPROTECTED IN ECUADOR

VENEZUELAN REFUGEE WOMEN SURVIVORS OF GENDER BASED VIOLENCE

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**Cover photo: Venezuelan woman in Huaquillas, Ecuador, interviewed by Amnesty International on 6 September 2022.**

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# 1. EXECUTIVE SUMMARY

Ecuador is the third host country for Venezuelans in the world, after Colombia and Peru, with 502,214 Venezuelan refugees in its territory. Of these, about half are women. Gender-based violence is a systemic and prevalent problem in Ecuador: two out of three women experience some form of gender-based violence during their lives.<sup>1</sup> In this context, Venezuelan refugee women are at even greater risk of physical, psychological, sexual, patrimonial, gynaecological-obstetric and cyber violence in public and private spaces, both along their migration route and at their destination.

This report documents the response of the Ecuadorian state, including access to justice and protection mechanisms for Venezuelan refugee women survivors of gender-based violence in Ecuador. While an effective judicial response is essential in order to obtain justice and redress for violations of women's right to live a life free from violence, a precondition for this is an effective protection system in other areas.

The gender-based violence faced by Venezuelan women in Ecuador often remains hidden because most survivors do not turn to the state for protection. This research shows that the Ecuadorian state is failing to guarantee the rights of Venezuelan refugee women at different levels. The authorities are failing to provide Venezuelan women with information on the protection mechanisms available and the institutions that provide care pathways for survivors of gender-based violence.

In addition, Amnesty International found that, although some efforts have been initiated, the Ecuadorian state is not ensuring that Venezuelans have effective access to the procedures to determine refugee status and alternative forms of regularization. The failure to disseminate information on the refugee determination procedure is worrying, as is the low level of people recognized as in need of protection, according to the Cartagena Declaration, despite Ecuador's obligations. This research also highlights the practical difficulties Venezuelans face in meeting the requirements of migration regularization programmes. In both cases, Amnesty International noted that the institutions implementing these procedures do not have appropriate standardized protocols that take into account the specific needs of survivors of gender-based violence.

These obstacles, which restrict Venezuelan people's access to regular migration status, also exacerbate the lack of protection for Venezuelan women survivors of gender-based violence. The information gathered shows that their irregular migration status is one of the factors that discourage women from turning to the protection and justice services because they fear being expelled from the country or criminalized.

Amnesty International found that the Ecuadorian authorities do not provide adequate care and support to the few Venezuelan women who, despite the above, do seek the services of frontline institutions dealing with gender-based violence or the system for the administration of justice. Amnesty International identified structural problems in both types of institutions, linked for example to the prevalence among staff of gender stereotypes and discrimination and xenophobia against Venezuelan women, which constitute a further form of violence against women.

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<sup>1</sup> National Institute for Statistics and Censuses (Instituto Nacional de Estadística y Censos, INEC), National Survey of Family Relations and Gender-Based Violence against Women (Encuesta Nacional sobre Relaciones Familiares y Violencia de Género contra las Mujeres, ENVIGMU) November 2019, [www.ecuadorencifras.gob.ec/violencia-de-genero/](http://www.ecuadorencifras.gob.ec/violencia-de-genero/) (Spanish only).

This is compounded by a lack of human and material resources to enable services to function properly, the shortage of shelters and the failure to institutionalize good practices, which, although they affect all women survivors of gender-based violence in the country, have a disproportionate impact on the situation of Venezuelan women due to the particular circumstances they face as refugees, often without access to support networks.

In practice, this combination of obstacles renders access to justice and reparation for Venezuelan women little more than a utopia. Moreover, it violates their right to a life free of violence, which the state has an obligation to guarantee to all women, without discrimination. Amnesty International believes that the failures and shortcomings of the state response to gender-based violence against Venezuelan refugee women in the country constitute a failure by the Ecuadorian authorities to fulfil their duty of due diligence in addressing gender-based violence.



 Venezuelan woman in Machala, 8 September 2022 © Ana María Buitrón / Amnesty International

## KEY RECOMMENDATIONS

Based on the research set out in this report, Amnesty International has formulated a series of general **recommendations for all state institutions responsible for addressing the needs of Venezuelan refugee women in Ecuador:**

- Strengthen and expand the dissemination of information on the rights of people on the move in Ecuador, with a gender perspective, as well as information for women on care pathways for survivors of gender-based violence, with a focus on people on the move, throughout the country, paying particular attention to border areas, far from the capital. This information must be accompanied by strategies and messages aimed at addressing and overcoming the fear of approaching institutions to initiate these procedures because of the risk of detention and deportation to Venezuela.
- Ensure that all institutions that support survivors of gender-based violence have effective protocols for dealing with cases of gender-based violence that address the particular needs of refugee and migrant women survivors of gender-based violence, incorporating intersectionality and the duty of non-discrimination.

- Implement, or strengthen, training programmes for public officials – particularly those working in the police, prosecutors’ offices, migration and health services – on the rights of refugees and migrants, including access to international protection and other forms of migration regularization, from a gender perspective.
- Provide appropriate, systematic, mandatory, initial and ongoing training on the prevention and detection of gender-based violence, gender equality and intersectional discrimination for all staff responsible for responding to the needs of survivors of gender-based violence, such as the police, prosecutors, migration officials and health personnel. In addition to raising awareness about women’s rights, including the rights of transgender women, these programmes should be aimed at actively challenging harmful gender stereotypes and myths about gender-based violence among officials, and should address the particular needs of refugee and migrant women survivors of gender-based violence, from a perspective of intersectionality and the obligation of non-discrimination.

Amnesty International also makes **specific recommendations** for each of the following institutions:

**Ministry of Foreign Affairs and Human Mobility:**

- Ensure effective access to procedures to determine refugee status under the Convention Relating to the Status of Refugees and the Cartagena Declaration for all those in need of international protection.
- Ensure that all Venezuelans are included in alternative regularization processes such as the VIRTE visa and consider extending this visa to all those who entered the country irregularly or after 26 August 2019.

**Human Rights Secretariat:**

- Urgently adopt measures to guarantee effective access for all survivors of gender-based violence who require it to shelters with sufficient capacity, in accordance with international standards.

**To the National Police:**

- Ensure that all departments involved in addressing gender-based violence have sufficient staff and financial resources, at the national and local levels, including the Department on Domestic Violence (Departamento de Violencia Intrafamiliar, DEVIF), so that it can fulfil its functions.
- Develop protocols for emergency responses to cases of gender-based violence for personnel responding to emergency calls (911) and Community Police Units, according to human rights standards and with a gender and human mobility perspective. These should include issues such as not engaging in mediation in cases of gender-based violence, psychological first aid and efficient coordination with other state entities, such as the Public Health Ministry, the Ministry for Economic and Social Inclusion and the Attorney General’s Office.

**Public Health Ministry:**


- Adopt measures to ensure comprehensive healthcare for women survivors of gender-based violence, regardless of their migration status, including timely psychological assistance services.
- Ensure that all institutions in the health system have sufficient staff and financial resources to carry out their functions. In particular, ensure that health personnel issue accurate medical certificates that adequately reflect the violence perpetrated against women survivors of gender-based violence.
- Implement, in accordance with current legislation, initial reception wards in all hospitals and Type B health centres in Ecuador that have adequate staff and resources to respond to emergency cases from the perspectives of forensic medicine, mental health and social work.

- Promote legislative reform aimed at eliminating unnecessary requirements, such as the lodging of official complaints, that restrict the right to abortion in cases of rape for women, in particular Venezuelan women who have experienced sexual violence outside Ecuadorian territory and cannot lodge complaints about events that occurred outside Ecuador.

**To the system for the administration of justice:**

- Conduct thorough, impartial and independent investigations into all acts of violence against women and ensure that investigations have a gender perspective.
- Ensure that all institutions in the justice system, including the Attorney General's Office, have sufficient staff and financial resources to meet their obligations to conduct prompt, independent and effective investigations and thus guarantee the right of survivors of gender-based violence to justice.




 ↑ Mural where the focus group with Venezuelan women was held in Huaquillas, “Speak, Listen, Act, for a life free from violence”, 6 September 2022 © Ana María Buitrón | Amnesty International

## 2. METHODOLOGY

The findings of this report are based on research carried out between June and September 2022. Fieldwork was carried out in the cities of Huaquillas, Machala and Quito in August and September. A total of 99 people participated in various research activities, including 63 women survivors of gender-based violence, 19 representatives of civil society organizations, seven members of international organizations and 10 representatives of government entities.<sup>2</sup> In order to safeguard the safety of the people who participated in the research, pseudonyms are used in the report.



 ↑ Venezuelan women speaking about their experiences in a focus group in Huaquillas, 6 September 2022 © Ana María Buitrón | Amnesty International

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<sup>2</sup> Among the civil society organizations consulted who agreed to be named are: Akuanuna, Diálogo Diverso, Movimiento de Mujeres de El Oro, PLAPLERTS, Quimera and Surkuna; other organizations asked to remain anonymous. Amnesty International interviewed officials from the Public Defender's Office, the Ombudsperson's Office, the International Protection Directorate of the Ministry of Foreign Affairs, the Attorney General's Office, the Municipality of Quito, the National Police, the Prefecture of Pichincha and the Human Rights Secretariat.




Amnesty International made 10 requests for access to public information to Ecuadorian state bodies, including the Ministry of Foreign Affairs, the Attorney General's Office, the Human Rights Secretariat, the Ombudsperson's Office, the Public Defender's Office, the National Council for Gender Equality, the National Council for Equality in Human Mobility, the National Police, and the Ministry of Government. At the time this report was completed, seven institutions had responded to these requests. In addition, a review was carried out of current legislation, public policies, existing literature and press reports on the issue.

The report's conclusions and recommendations are based on an analysis of the state's duty of care regarding gender-based violence, including the obligation to ensure, without discrimination, women's access to justice and protective protection mechanisms. These obligations are reflected both in national legislation and in the various instruments of the universal and the inter-American human rights systems to which Ecuador is a party. In particular, the report refers to the fulfilment of the obligations of the Ecuadorian state towards Venezuelan refugee women survivors of gender-based violence living in its territory.

In accordance with the definition of refugee in the Cartagena Declaration, recognized by the Ecuadorian state in Article 98 of the Organic Law on Human Mobility, Amnesty International considers that Venezuelans who left their country because of massive human rights violations have international protection needs and are refugees. The report therefore refers to Venezuelan refugee women, regardless of their current migration status in the country.

Amnesty International is grateful to all individuals, entities and organizations that participated in the research and in particular to all the Venezuelan women who shared their stories of human rights violations and have given permission for them to be included in this report.



 ↑ The Ecuador-Peru border, 5 September 2022 © Ana María Buitrón | Amnesty International

# 3. VIOLENCE IN MULTIPLE SPACES

The continuing humanitarian crisis and massive human rights violations in Venezuela have led to the forced displacement of 7.1 million Venezuelans<sup>3</sup> who have fled their homes in search of international protection.<sup>4</sup> Ecuador is the third receiving country for Venezuelans globally, after Colombia and Peru, with 502,214 Venezuelan refugees in its territory.<sup>5</sup> According to the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), it is estimated that, by the end of 2022, there will be 803,000 Venezuelans in Ecuador, 551,000 seeking to remain and 252,000 in transit.<sup>6</sup> Women, who make up about half of those arriving from Venezuela, face various kinds of gender-based violence in public spaces and in the family, as well as along their migration route and at their destination.<sup>7</sup>



<sup>3</sup> Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), Refugees and Migrants from Venezuela, 5 September 2022, <https://www.r4v.info/en/refugeeandmigrants>

<sup>4</sup> Amnesty International, "Americas: Urgent measures: Venezuelans need international protection" (AMR 01/9019/2018), 3 September 2018.

<sup>5</sup> Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), Refugees and Migrants from Venezuela, 5 September 2022, <https://www.r4v.info/en/refugeeandmigrants>

<sup>6</sup> Interagency Coordination Platform for Refugees and Migrants of Venezuela (R4V), "Chapter on Ecuador RMRP 2022", 9 December 2021, [https://www.r4v.info/sites/default/files/2021-12/RMRP%202022\\_Final%20Version\\_WEB2.pdf](https://www.r4v.info/sites/default/files/2021-12/RMRP%202022_Final%20Version_WEB2.pdf)

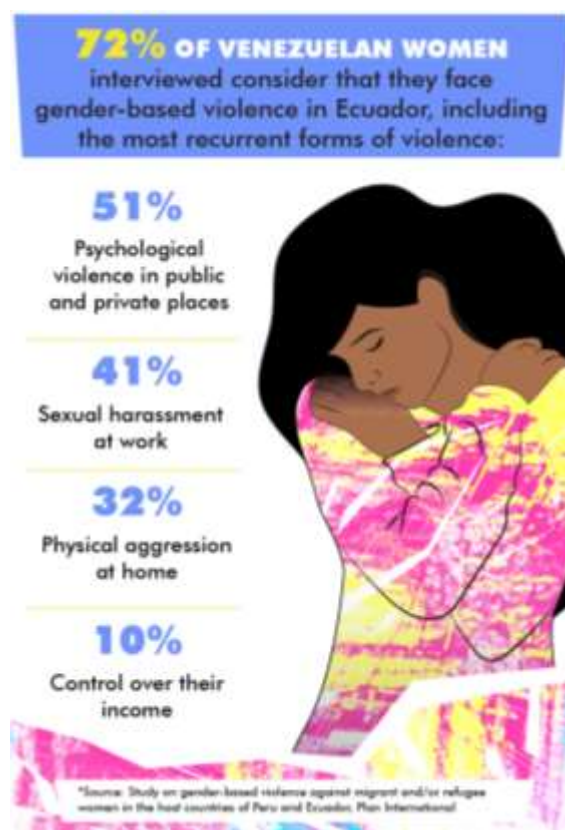
<sup>7</sup> United Nations Development Programme (UNDP), *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela: Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú*, 30 September 2020, [www.undp.org/es/latino-america/publications/reinventarse-sobre-la-marcha-mujeres-migrantes-y-refugiadas-de-venezuela](http://www.undp.org/es/latino-america/publications/reinventarse-sobre-la-marcha-mujeres-migrantes-y-refugiadas-de-venezuela)

Gender-based violence is a grave violation of women's human rights, as recognized in various instruments of the universal and inter-American human rights systems, to which Ecuador is a state party.<sup>8</sup> Ecuador also has a comprehensive legal framework for the prevention and eradication of gender-based violence, which recognizes women's right to a life free from violence. The Comprehensive Organic Law to Prevent and Eradicate Violence against Women recognizes different forms of gender-based violence: physical, psychological, sexual, economic, patrimonial, symbolic, political, obstetric-gynecological and cyber violence.<sup>9</sup> This law establishes a comprehensive national system for the prevention and eradication of violence against women to guide state institutions in the development of policies for the prevention and eradication of all forms of gender-based violence against women. In addition, the law recognizes women on the move as a group that should receive priority attention because of the particular risks they face.<sup>10</sup>

Despite this normative framework, Amnesty International notes with concern the high levels of gender-based violence against women. According to data from the National Institute for Statistics and Censuses (INEC), 65 out of every 100 women in Ecuador have experienced some type of violence during their lifetime, including psychological, physical, sexual, economic and patrimonial violence, in some aspect of their lives.<sup>11</sup> The most extreme forms of violence against women also prevail. According to data from the Feminist Alliance for the Mapping of Femi(ni)cidios in Ecuador, in 2022, every 28 hours a woman was killed as a result of gender-based violence.<sup>12</sup>

Although Venezuelan women refugees in Ecuador are at greater risk of gender-based violence, this violence is often invisible and is not reflected in the statistics on violence.<sup>13</sup> According to data provided by the Attorney General's Office, between January and August 2022, Ecuador registered 19,359 complaints of violence against women: 2,864 were complaints of physical violence, 16,297 of psychological violence and 198 of sexual violence. Of these, Ecuador registered 64 Venezuelan women victims of physical violence, 521 of psychological violence and four of sexual violence.<sup>14</sup>

This information contrasts with that gathered by civil society organizations. According to a study by Plan International, 72% of Venezuelan women surveyed said that as a group they face some form of gender-based violence in Ecuador. The most common forms of violence identified are: psychological violence in public and private spaces (51%), sexual harassment at work (41%), physical assault within the home (32%) and income control (10%).<sup>15</sup> In addition, international and civil society organizations have expressed concern that femicides of Venezuelan women that have come to their knowledge through their work



<sup>8</sup> See the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1994).

<sup>9</sup> Law No. 175/2018, the Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Arts 9 and 11 [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf) (Spanish only).

<sup>10</sup> Law No. 175/2018, the Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Art. 7, [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf)

<sup>11</sup> National Institute of Statistics and Censuses (INEC), National Survey on Family Relations and Gender-Based Violence against Women (Encuesta Nacional sobre Relaciones Familiares y Violencia de Género contra las Mujeres, ENVIGMU) November 2019. [www.ecuadorencifras.gob.ec/violencia-de-genero/](http://www.ecuadorencifras.gob.ec/violencia-de-genero/) (Spanish only).

<sup>12</sup> Fundación Aldea, "206 femi(ni)cidios en Ecuador ¡Nos declaramos en alerta nacional y vigilia permanente!", 16 September 2022, [www.fundacionaldea.org/noticias-aldea/tercermapa2022](http://www.fundacionaldea.org/noticias-aldea/tercermapa2022)

<sup>13</sup> United Nations Development Programme (UNDP), *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela: Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú*, 30 September 2020, [www.undp.org/es/latino-america/publications/reinventarse-sobre-la-marcha-mujeres-migrantes-y-refugiadas-de-venezuela](http://www.undp.org/es/latino-america/publications/reinventarse-sobre-la-marcha-mujeres-migrantes-y-refugiadas-de-venezuela)

<sup>14</sup> Attorney General's Office, response to public information request, 30 August 2022.

<sup>15</sup> Plan International, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*, August 2021, p. 10, [www.r4v.info/es/document/Plan\\_International\\_Estudio\\_Binacional\\_VBG\\_Feb22](http://www.r4v.info/es/document/Plan_International_Estudio_Binacional_VBG_Feb22)

in the field are not registered in official figures and that impunity for these crimes prevails because the victims do not have relatives to press for the case to be followed up.<sup>16</sup>

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed concern about the intersectional forms of discrimination faced by, among others, migrant women, women seeking asylum and refugee women in Ecuador.<sup>17</sup> Various vulnerability factors, coupled with stereotypes that hypersexualize Venezuelan women, increase their exposure to trafficking, sexual exploitation and other forms of gender-based violence.<sup>18</sup>

## VIOLENCE FACED BY VENEZUELAN WOMEN IN COLOMBIA, ECUADOR AND PERU

### 1 IN PUBLIC SPACES

- a In cities where they live
- b Along migration routes

#### Types of violence:

Harassment, sexual violence, risk of labour and sexual exploitation, trafficking of persons.



### 2 AT HOME BY INTIMATE PARTNER OR EX-PARTNER.

#### Types of violence:

Psychological violence, physical violence, economic violence, and sexual violence.

### 3 AT WORK

Difficulties in accessing decent employment and having to resort to precarious and abusive conditions.

#### Types of violence:

Harassment, physical or sexual violence, labor exploitation, sexual exploitation, trafficking of persons.



<sup>16</sup> Representative of an international organization interviewed on 13 July 2022. Staff of civil society organization in Machala interviewed on 10 August 2022.

<sup>17</sup> Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding observations on the tenth periodic report of Ecuador (CEDAW/C/ECU/CO/10), 24 November 2021, para. 13.

<sup>18</sup> UN Women, *Diagnóstico: Mujeres en Movilidad Humana y Violencia Basada en Género*, October 2020.



During their journey, especially in areas bordering Colombia and Peru, Venezuelan women are at high risk of multiple forms of gender-based violence, including sexual violence and human trafficking for sexual and labour exploitation.<sup>19</sup> The visa requirement for Venezuelans who want to enter Ecuador, in place since August 2019, together with borders closures due to the Covid-19 pandemic between 2020 and 2022, meant that, as they were unable to obtain a visa, Venezuelan people were forced to enter Ecuadorian territory using irregular routes, mostly dominated by criminal gangs that operate with impunity.<sup>20</sup>

International and civil society organizations recorded an increase in violence against women in these spaces: “We saw that many cases of gender-based violence were happening along the trails [irregular border crossings]. Women reported having been [sexually assaulted]. Every woman who reported this to us said that there were eight, 10 more women who went through the same thing but they never came to our offices.”<sup>21</sup> While borders are currently open, the visa requirement, and therefore the use of irregular border crossings by Venezuelans, persist. In recent months alone, the Ecuadorian National Police has identified about 47 active irregular crossings that the state does not have the capacity to control.<sup>22</sup>

Amnesty International has documented how, in Ecuador, as in other countries in the region hosting Venezuelan populations,<sup>23</sup> violence against Venezuelan women in public spaces is common. Most Venezuelan women who participated in the research reported feeling unsafe in public spaces, where they are often psychologically harassed, physically and even sexually assaulted.<sup>24</sup> These forms of violence are closely related to stereotypes faced by Venezuelan women because of their nationality.



**SAMIRA**

**VENEZUELAN WOMAN INTERVIEWED IN HUAQUILLAS<sup>25</sup>**

*“When I lived in Quito, I couldn’t even go to the supermarket in peace. There was always an Ecuadorian man there who would come up to me at the door and want me to have sex with him. He always made me feel humiliated when he told me that all us Venezuelan women are like that. When I said no, he would insult me even more. I had to go there with my older siblings and without my baby so he would leave me alone.”*



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<sup>19</sup> UNFPA, “Violencia basada en género en las fronteras: un problema ahondado por la pandemia”, 24 March 2021,

<https://ecuador.unfpa.org/es/news/violencia-basada-en-g%C3%A9nero-en-las-fronteras-un-problema-ahondado-por-la-pandemia>

<sup>20</sup> To enter Ecuador using regular routes, Venezuelans must apply for a visa at the Ecuadorian Consulate in Venezuela. All visas require, among other things, depending on the visa, a valid passport, valid for at least six months. This is something which a large part of the Venezuelan population cannot access. See Insight Crime, “Ecuador Smuggling Rings See Windfall in Migrants”, 19 November 2021, <https://insightcrime.org/news/ecuador-smuggling-rings-profit-off-migrant-windfall/>

<sup>21</sup> Representative of an international organization interviewed on 25 July 2022.

<sup>22</sup> Interview with the National Police of Ecuador, 14 September 2022.

<sup>23</sup> See Amnesty International, *Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/> and Amnesty International, “Peru is failing in its care of Venezuelan women who survive gender-based violence”, 25 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/peru-failing-care-venezuelan-women-survive-gender-based-violence/>

<sup>24</sup> Women’s Focus Group in Quito, 4 August 2022; LBT Women’s Focus Group in Quito, 8 August 2022; Women’s Focus Group 1 in Huaquillas, 6 September 2022 and Women’s Focus Group 2 in Machala, 8 September 2022.

<sup>25</sup> Samira, Venezuelan woman in Huaquillas interviewed on 6 September 2022.



**VENEZUELAN WOMAN  
FOCUS GROUP PARTICIPANT IN QUITO<sup>26</sup>**

*“They tell Venezuelan women, using crude language, to ‘get out, go back to your country’. [My partner and I] had a food cart, and there was always an Ecuadorian man on the street who insulted us while we were working.”*

Venezuelan women are at risk of sexist and xenophobic violence when working, looking for work, doing business, socializing or crossing through public spaces. Given the lack of job opportunities and the discrimination on the basis of their gender and nationality that they experience in accessing employment, many Venezuelan women are forced to perform unpaid domestic work in their families, reproducing inequalities in access to a livelihood.<sup>27</sup> Other women, including lesbian and transgender women, have opted for sex work.<sup>28</sup>



**SAMANTHA  
VENEZUELAN WOMAN INTERVIEWED IN MACHALA<sup>29</sup>**

*“In Machala, I started working on the streets, with my body. I wanted to get one of those jobs that you can do in a store... but there was a lot of discrimination... It turned into something that at times would make my tears flow because you were doing something you didn’t want to do for a few pennies, in order to not spend a night without eating.”*



 Samantha, Venezuelan woman interviewed in Machala, 8 September 2022 © Ana María Buitrón / Amnesty International

<sup>26</sup> LBT Women’s Focus Group in Quito, 8 August 2022.

<sup>27</sup> Women’s Focus Group in Quito, 4 August 2022; LBT Women’s Focus Group in Quito, 8 August 2022; Women’s Focus Group 1 in Machala, 8 September 2022; and Women’s Focus Group 2 in Machala, 8 September 2022. According to the CEDAW Committee, 75% of unpaid care work is performed by women and the unemployment rate for women is 1.5 times higher than for men (Concluding observations on the tenth periodic report of Ecuador, 24 November 2021, para. 13),

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FEQU%2FCO%2F10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FEQU%2FCO%2F10&Lang=en)

<sup>28</sup> Care, *Análisis rápido de género en Ecuador*, November 2019, [www.care.org.ec/wp-content/uploads/2020/06/CARE-Analisis-Rapido-Genero-Ecuador-Nov20192.pdf](http://www.care.org.ec/wp-content/uploads/2020/06/CARE-Analisis-Rapido-Genero-Ecuador-Nov20192.pdf)

<sup>29</sup> Samantha, a Venezuelan woman in Machala, interviewed on 8 September 2022.

The home is also not a safe space for Venezuelan women in Ecuador. Amnesty International found that factors such as the lack of support networks, irregular migration status, economic dependence on their partners and the state's failure to ensure access to information and services contribute to increasing the risk that Venezuelan women will experience gender-based violence in the families.<sup>30</sup>



**SILVIA**

**VENEZUELAN WOMAN INTERVIEWED IN MACHALA<sup>31</sup>**

*“After a year of being together, my husband began to get very agitated, verbally abusive and pushing me about. During the pregnancy, he shoved me so hard that I thought I'd lost my baby. We separated several times, but I went back out of [economic] necessity.”*

In its Constitution, Ecuador recognizes that everyone has the right to access to justice and to effective, impartial and prompt protection of their rights and interests, without discrimination based on sex/gender, gender identity, sexual orientation, socio-economic status or migration status, among others.<sup>32</sup> However, Amnesty International has identified significant barriers to access to protection services for Venezuelan refugee women and these are closely linked to the lack of effective access to the refugee determination procedure or other form of migration regularization.

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<sup>30</sup> Women's Focus Group in Quito, 4 August 2022; LBT Women's Focus Group in Quito, 8 August 2022; Women's Focus Group 1 in Machala, 8 September 2022; and Women's Focus Group 2 in Machala, 8 September 2022.

<sup>31</sup> Silvia, a Venezuelan woman in Machala, interviewed on 9 September 2022.

<sup>32</sup> Constitution of the Republic of Ecuador, 20 October 2008, Art. 11 and Art. 75. [www.oas.org/juridico/pdfs/mesicic4\\_ecu\\_const.pdf](http://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf) (Spanish only). See also Art. 25 of the American Convention on Human Rights.

# 4. LACK OF ACCESS TO MIGRATION DOCUMENTATION

The majority of Venezuelan women in Ecuador have irregular migration status. Of an estimated 502,214 Venezuelans in Ecuador, only 13.37% (67,185 people) have regular migration status with a valid visa.<sup>33</sup> Venezuelans' limited access to international protection and alternative forms of migration regularization increases the vulnerability of Venezuelan women survivors of gender-based violence.

## 4.1. DIFFICULTIES IN OBTAINING RECOGNITION OF REFUGEE STATUS

In Ecuador, the process for determining refugee status is regulated by the Organic Law on Human Mobility and its associated regulations.<sup>34</sup> In accordance with its commitments as a state party to the 1951 Convention relating to the Status of Refugees and as a signatory to the 1984 Cartagena Declaration, Ecuador recognizes as a refugee any person who:

1. Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
2. Have fled or are unable to return to their country because their lives, safety or freedom has been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order and cannot avail themselves of the protection of the country of their nationality or habitual residence.<sup>35</sup>

An application for recognition of refugee status may be submitted up to 30 days after entering Ecuadorian territory, regardless of whether the person has entered the country regularly or irregularly. If the time limit has expired, individuals may submit a justification in order to access the process. Once they have accessed

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<sup>33</sup> Ministry of Foreign Affairs and Human Mobility, 29 August 2022, information provided in response to a public information request made by Amnesty International.

<sup>34</sup> See Organic Law on Human Mobility, 2017, [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_org%C3%A1nica\\_de\\_movilidad\\_humana.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_org%C3%A1nica_de_movilidad_humana.pdf) and Regulations to the Organic Law on Human Mobility, 2022, [www.cancilleria.gob.ec/wp-content/uploads/2017/08/decreto\\_111.pdf](http://www.cancilleria.gob.ec/wp-content/uploads/2017/08/decreto_111.pdf) (Spanish only).

<sup>35</sup> Organic Law on Human Mobility, 2017, Art. 98. [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_org%C3%A1nica\\_de\\_movilidad\\_humana.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_org%C3%A1nica_de_movilidad_humana.pdf) (Spanish only).



the procedure, people have access to a temporary humanitarian visa for six months, renewable for the duration of the administrative process, and, if recognized, to a refugee visa for two years that can be renewed indefinitely.<sup>36</sup>

Unlike equivalent visas in the international protection systems of Colombia and Peru, the humanitarian visa allows people to work legally in Ecuador. Furthermore, according to the authorities, the Ministry of Foreign Affairs and Human Mobility grants permits for refugees and asylum seekers to return to their countries for a certain period of time in the event of an emergency.<sup>37</sup>

Between 2018 and 2022, a total of 27,889 Venezuelans applied for refugee status in Ecuador. In that time, only 1,100 Venezuelans, among them 555 women, were recognized as refugees; 18,934 applications were rejected and 7,855 are still being processed. Of the 1,100 recognized refugees, 1,006 have been recognized under the definition of the 1951 Convention, 60 under the Cartagena Declaration and in 34 cases this was not unspecified.<sup>38</sup> These figures indicate a limited application of the Cartagena Declaration definition of refugee, given that massive human rights violations in Venezuela would justify people forced to flee the country having unrestricted access to international protection systems.<sup>39</sup>

However, Amnesty International has received reports that Venezuelans were discouraged from applying for refugee status by officials of the International Protection Directorate. Civil society organizations explained that “[they] have had cases of officials telling people to forget about this, that [Venezuelan people] are never going to be recognized as refugees.”<sup>40</sup> Former International Protection Directorate officials corroborated these allegations, indicating that previous authorities maintained that Art. 98.2 of the Organic Law on Human Mobility, that is, the definition of a refugee according to the Cartagena Declaration, does not apply to the situation of Venezuelans.<sup>41</sup>

As noted above, Amnesty International considers that denying international protection to Venezuelan individuals despite the expanded definition of the Cartagena Declaration constitutes a breach by states of their human rights obligations which seriously endangers the lives and physical integrity of Venezuelans.<sup>42</sup>

At present, the International Protection Directorate maintains that the assessment of refugee applications is carried out on an individual basis and that the institution’s officials have received training on the applicability of the definition of a refugee.<sup>43</sup> International organizations indicate that the number of Venezuelans recognized as refugees has increased in the last six months, since the change in authorities.<sup>44</sup>

Considering that Ecuador hosts 502,214 Venezuelans in its territory, the number of Venezuelans who decide to apply for recognition of their refugee status is markedly low.<sup>45</sup> This is partly due to the lack of information on procedures. Many women interviewed said they did not know about the possibility of seeking refugee status.<sup>46</sup> Among those who knew about the process, most decided not to file an application because “they told me that it does not apply to Venezuelans”, or because they had heard of cases of Venezuelans whose applications have been denied.<sup>47</sup>

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<sup>36</sup> Organic Law on Human Mobility, 2017, [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_org%C3%A1nica\\_de\\_movilidad\\_humana.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_org%C3%A1nica_de_movilidad_humana.pdf). (Spanish only).

<sup>37</sup> Ministry of Foreign Affairs, Directorate of International Protection, 8 August 2022, information provided in response to a public information request made by Amnesty International.

<sup>38</sup> Ministry of Foreign Affairs, Directorate of International Protection, 8 August 2022, information provided in response to a public information request made by Amnesty International.

<sup>39</sup> Amnesty International, “Americas: Urgent measures: Venezuelans need international protection” (AMR 01/9019/2018), 3 September 2018, <https://www.amnesty.org/en/documents/amr01/9019/2018/en/>

<sup>40</sup> Representative of an international organization interviewed on 19 July 2022. Staff of civil society organization in Huaquillas interviewed on 29 July 2022.

<sup>41</sup> Former official at the International Protection Directorate of the Ministry of Foreign Affairs and Human Mobility interviewed on 4 August 2022.

<sup>42</sup> Amnesty International has also documented this situation in Peru. See Amnesty International, *In search of safety: Peru turns its back on people fleeing Venezuela*, 4 February 2020, <https://www.amnesty.org/en/documents/amr46/1675/2020/en/>

<sup>43</sup> International Protection Directorate of the Ministry of Foreign Affairs and Human Mobility interviewed on 15 September 2022.

<sup>44</sup> About six months ago in reality the recognition of the Venezuelan population as refugees in the country was very limited. Recently, however, it has been observed that many of the applications of people in a situation of mobility, particularly Venezuelans, are admitted for processing, that is to say, that they are asylum seekers and beyond this, many of the cases are being recognized as refugees. There is a fairly significant and positive opening for the recognition of refugee status for people in a situation of mobility, particularly Venezuelans.” Representative of an international organization interviewed on 19 July 2022.


<sup>45</sup> Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), *Refugees and Migrants from Venezuela*, 5 August 2022, <https://www.r4v.info/en/refugeeandmigrants>

<sup>46</sup> Women’s Focus Group in Machala, 8 September 2022.

<sup>47</sup> Women’s Focus Group in Quito, 4 August 2022.

Another important factor with respect to the low level of refugee applications in Ecuador is the need to travel to carry out the administrative procedure. Although the first stage of the process can be carried out online, people need to go to the offices of the International Protection Directorate for their interview. People in rural localities, or even medium-sized cities, have to go to major cities. In the case of Huaquillas and Machala, people have to go to the Guayaquil office, which is approximately four hours away.



 Venezuelan woman in Machala on 9 September 2022 shared her experience of being denied refugee status and the obstacles faced by those who have to go to Guayaquil © Ana María Buitrón / Amnesty International

Regarding women survivors of gender-based violence seeking access to this process, the CEDAW Committee recommended that the Ecuadorian state: “Ensure that the process of determining refugee status is gender-responsive and that the specific needs of asylum-seeking and refugee women and girls are addressed as a matter of priority throughout the asylum process, in particular their protection needs upon arriving in the State party”.<sup>48</sup>

While the International Protection Directorate recognizes women survivors of gender-based violence as a priority group, there is no established protocol to provide them with care and support in practice.<sup>49</sup> Organizations consulted said that this has been an advocacy priority since 2021, but changes of authorities have hindered progress.<sup>50</sup> At the same time, although the International Protection Directorate collects data on specific protection needs on the digital platform ProGres, only 100 Venezuelan women, including those whose applications have received a negative response, have been identified as women at risk.<sup>51</sup> Considering that about 72% of Venezuelan women experience gender-based violence,<sup>52</sup> the low figures show that many women survivors of gender-based violence are not identified as such when they go to the International Protection Directorate.

The information gathered highlights some of the ad hoc practices adopted to prioritize survivors. In Quito, for example, civil society organizations explained that, when a situation of gender-based violence is identified, they can contact the International Protection Directorate to ask for family separation in the database and request different interview dates for people.<sup>53</sup> However, these individual solutions are informal and so are not

<sup>48</sup> CEDAW Committee, Concluding observations on the tenth periodic report of Ecuador, CEDAW/C/ECU/CO/10, 24 November 2021, para. 48a.

<sup>49</sup> Ministry of Foreign Affairs, Directorate of International Protection, 8 August 2022, information provided in response to a public information request made by Amnesty International.

<sup>50</sup> Representative of an international organization interviewed on 13 July 2022.

<sup>51</sup> Representative of an international organization interviewed on 13 July 2022.

<sup>52</sup> Plan Internacional, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*, August 2021, p. 10, [www.r4v.info/es/document/Plan\\_Internacional\\_Estudio\\_Binacional\\_VBG\\_Feb22](http://www.r4v.info/es/document/Plan_Internacional_Estudio_Binacional_VBG_Feb22)

<sup>53</sup> Representative of an international organization interviewed on 19 July 2022.

implemented in all locations. In addition, they are not available to survivors who do not have the support of civil society organizations.

## 4.2. OBSTACLES TO REGULARIZATION OF MIGRATION STATUS

Prior to 2019, Venezuelans could enter Ecuador regularly as tourists, without the need for a visa, simply by presenting any valid identity document, such as identity card or passport. This migration status lasted 90 days and did not give Venezuelans the right to work in the country.

In August 2019, Ecuador introduced a visa requirement for Venezuelans and put in place the option of obtaining an exceptional temporary residence visa for humanitarian reasons, also known as VERHU, lasting two years and renewable once, in order to regularize the status of Venezuelans already in the country and who met two conditions: 1) that they had entered Ecuadorian territory regularly and 2) that their irregular migratory situation was due to their having exceeded the duration of their visa.<sup>54</sup> In practice, these requirements exclude Venezuelans who entered Ecuador after August 2019, that is, approximately 130,301 people.<sup>55</sup>

From 26 August 2019 to 27 July 2022, Ecuador granted a total of 58,425 VERHU visas to Venezuelans, 29,867 to women and 28,558 to men.<sup>56</sup> Amnesty International believes that the difficulties in complying with the requirements put in place could be one of the factors that explain why few Venezuelans accessed this visa compared to the number in the country.

While civil society organizations often provide support to cover the cost of USD 50 to obtain the VERHU, the other requirements, such as having a passport (valid or expired for up to five years) and a certificate of their criminal record from the country of origin officially stamped by the Venezuela authorities, were impossible for most Venezuelan people to comply with.<sup>57</sup> These requirements are especially inaccessible for women survivors of gender-based violence, since at the time of leaving the cycle of violence “their former cohabitants have thrown out the documents or burned them. An so they are left completely without documentation, given that it is very difficult for Venezuelans to access identity documents.”<sup>58</sup>

Between 2021 and 2022, a large percentage of the visas issued as part of the VERHU regularization process expired, leaving thousands of Venezuelans in an irregular migration situation.<sup>59</sup> It is important to note that in this regularization process, the Ecuadorian state did not make provision to prioritize people in vulnerable situations or to the specific needs of survivors of gender-based violence, such as the loss of documents at the hands of their abusers.<sup>60</sup>

In June 2022, the government announced a new regularization process for Venezuelans, through the granting of the Exceptional Temporary Residence Visa for Venezuelan Citizens (Visa de Residencia Temporal de Excepción para Ciudadanos Venezolanos, VIRTE).<sup>61</sup> A VIRTE is available to people who entered Ecuador before 26 August 2019, on presentation of an identity card and payment of USD 50.<sup>62</sup>

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<sup>54</sup> Executive Decree No. 826 of 25 July 2019 [www.cancilleria.gob.ec/wp-content/uploads/2019/09/acuerdo\\_ministerial\\_103\\_medidas\\_migratorias\\_a\\_favor\\_de\\_ciudadanos\\_venezolanos0169571001567716139.pdf](http://www.cancilleria.gob.ec/wp-content/uploads/2019/09/acuerdo_ministerial_103_medidas_migratorias_a_favor_de_ciudadanos_venezolanos0169571001567716139.pdf) (Spanish only).

<sup>55</sup> In October 2019, Ecuador registered 371,913 Venezuelans in its territory. Today, the number is 502,214.

<sup>56</sup> Ministry of Foreign Affairs and Human Mobility, 29 August 2022. Information provided in response to a public information request made by Amnesty International.

<sup>57</sup> BBC Mundo, “Por qué es tan difícil conseguir un pasaporte para salir de Venezuela”, 29 August 2018. [www.bbc.com/mundo/noticias-america-latina-45292923](http://www.bbc.com/mundo/noticias-america-latina-45292923) National civil society organization staff interviewed on 2 August 2022.

<sup>58</sup> Staff of civil society organization in Huaquillas interviewed on 29 July 2022.

<sup>59</sup> Staff of a community organization in Quito, interviewed on 5 August 2022.

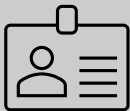
<sup>60</sup> Staff of civil society organization in Huaquillas interviewed on 29 July 2022.

<sup>61</sup> Executive Decree No. 436, 1 June 2022, [https://www.venezuelaenecuador.com/sitio/wp-content/uploads/2022/06/Decreto\\_Ejecutivo\\_No.\\_436\\_20220503163733\\_20220503163738-VIRTE-REGULARIZACION.pdf](https://www.venezuelaenecuador.com/sitio/wp-content/uploads/2022/06/Decreto_Ejecutivo_No._436_20220503163733_20220503163738-VIRTE-REGULARIZACION.pdf) (Spanish only). According to the authorities, the immigration registration process to obtain the visa began in September 2022 and the process to issue visas began on 1 October 2022. Ministry of Foreign Affairs and Human Mobility, 29 August 2022. Information provided in response to a public information request made by Amnesty International.

<sup>62</sup> Ministry of Foreign Affairs and Human Mobility, 29 August 2022. Information provided in response to a public information request made by Amnesty International.

Accepting an identity card as an alternative to a passport represents an improvement in accessibility. However, it is important to note that many Venezuelans in Ecuador do not have any documentation and the economic barrier of having to pay USD 50 remains.<sup>63</sup> At the same time, Amnesty International notes with concern that this process again excludes Venezuelan people who entered irregularly after 26 August 2019, a restriction that ignores the continuing humanitarian crisis experienced by Venezuelan people on the move, which to date has not abated. The requirement of regular entry represents an additional barrier for Venezuelans in accessing regularization through the mechanisms put in place by Ecuador which, in practice, exclude all Venezuelans who have arrived in the country in the last three years.

While there are other types of visas, such as work permits and amparo visas,<sup>64</sup> high costs and migration requirements, such as having a valid passport, and, if people entered irregularly, the payment of a fine of USD 800,<sup>65</sup> limit access for most Venezuelans in a precarious economic situation linked to the grave human rights crisis in Venezuela. This is reflected in the numbers of visas granted to date: only 38,933 Venezuelans have obtained permanent visas or other migratory categories (beyond the VERHU and humanitarian or refugee visas).<sup>66</sup>



### TRANS WOMEN: DIFFICULTIES IN OBTAINING NATIONAL IDENTITY DOCUMENTS

According to information received by Amnesty International, Venezuelan trans women pursuing the regularization process on grounds of gender expression experience discrimination from Civil Registry staff on the basis of gender and, on certain occasions, of nationality. Antonella described how the official she dealt with to process her identity card forced her to change her appearance:

**“When I went to get my ID [after getting my visa], they sent me to take off the shirt [that I was wearing]. In fact, that shirt I have [in the ID photo] belongs to an office employee. I was forced to take off my blouse, all my makeup, they almost made me tie my hair up. I was discriminated against there. I complained, but I was told you’ll lose your turn and we’ll give you an appointment in a year. And the language was xenophobic: ‘you cannot come demanding things in a foreign country’. We all have rights, I have a visa, regardless of whether or not it is permanent, and I contribute to the GDP, I also pay taxes, and I am a consumer.”<sup>67</sup>**

Antonella, Venezuelan trans woman interviewed in Quito.

Despite the fact that the law allows trans people to request an identity document according to their gender identity,<sup>68</sup> in practice Venezuelan trans women are unable to exercise their right to change their name and gender in their identity documents. The organization Diálogo Diverso explains that this process, by requiring trans women to prove their gender identity through a series of documents, is more accessible to Ecuadorian people, but not to Venezuelan refugees in the country. “For people who come from Venezuela, the process is inaccessible since that country has a very high degree of deinstitutionalization whereby countless documents have been lost and others are very difficult to obtain, starting with birth certificates. So, the chance of this happening is one in a million, at best.”<sup>69</sup>

<sup>63</sup> Staff of civil society organization in Huaquillas interviewed on 29 July 2022.

<sup>64</sup> The amparo visa is a temporary authorization to remain granted by the Ecuadorian state to foreign nationals, children, spouses or common-law partners, legally recognized, who intend to reside in the country under the protection of the holder of a migration category provided for in article 60 of the Organic Law on Human Mobility. Since 2021, the Ecuadorian government has stopped processing UNASUR visa applications, due to Ecuador’s decision to leave this organization.

<sup>65</sup> Staff of civil society organization in Huaquillas interviewed on 29 July 2022.

<sup>66</sup> Ministry of Foreign Affairs and Human Mobility, 29 August 2022. Information provided in response to a public information request made by Amnesty International.

<sup>67</sup> Antonella, Venezuelan trans woman in Quito, interviewed on 16 September 2022.

<sup>68</sup> The legal recognition of gender identity, which governs the change from the field of “sex” to that of “gender” on the Identity Card, is recognized for the first time in Ecuador’s legislative history in the Organic Law on Identity Management and Civil Data. See Organic Law on Identity Management and Civil Data, Art. 94. [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_organica\\_de\\_gestion\\_de\\_la\\_identidad\\_y\\_datos\\_civiles.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_organica_de_gestion_de_la_identidad_y_datos_civiles.pdf) (Spanish only).

<sup>69</sup> Staff of civil society organization in Quito interviewed on 12 September 2022.

# 5. OBSTACLES TO VENEZUELAN WOMEN'S ACCESS TO PROTECTION MECHANISMS

Despite the high levels of gender-based violence faced by Venezuelan women in Ecuador, in response to a request for information the Attorney General's Office reported only 64 cases of physical violence, 521 of psychological violence and four of sexual violence against Venezuelan women between January 2018 and July 2022. For Amnesty International, the low number of cases brought to the attention of the authorities suggests an even greater degree of under-reporting than is usually observed in cases of gender-based violence against Ecuadorian women. The organization has identified that Venezuelan women refugees in Ecuador, as well as those in Colombia and Peru,<sup>70</sup> do not usually turn to the authorities due to a number of additional obstacles. Not only do they lack information on care pathways available in a country other than their own, but they fear approaching the authorities because of their irregular migration status. These obstacles in turn mean that they experience greater lack of protection.

## 5.1. "WE DON'T EVEN KNOW WHERE TO GO"<sup>71</sup>

One of the main obstacles that the women interviewed identified when approaching state institutions when they have experienced gender-based violence is the lack of information on existing complaints and protection mechanisms.<sup>72</sup>

Ecuador has made institutional efforts to disseminate information about care pathways for women, such as training in community assemblies by the National Police and sharing care pathways on the websites of institutions such as Cantonal Rights Councils.<sup>73</sup> Amnesty International notes, however, that these initiatives do not focus specifically on refugee women and that there are no mass information campaigns directed at Venezuelan women by state institutions.

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<sup>70</sup> See Amnesty International, *Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru*, 12 July 2022. <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

<sup>71</sup> Women's Focus Group in Machala, 8 September 2022.

<sup>72</sup> Plan Internacional, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*, August 2021, p. 11. [www.r4v.info/es/document/Plan\\_Internacional\\_Estudio\\_Binacional\\_VBG\\_Feb22](http://www.r4v.info/es/document/Plan_Internacional_Estudio_Binacional_VBG_Feb22)

<sup>73</sup> For example, the National Police Department on Domestic Violence (Departamento de Violencia Intrafamiliar, DEVIF) conducts training in community assemblies for the prevention of gender-based violence. Public official in Machala, interviewed on 7 September 2022. See also Ministry of Government, "DEVIF avanza en la prevención de violencia intrafamiliar dentro y fuera de la Policía Nacional", 2022, [www.ministeriodegobierno.gob.ec/devif-avanza-en-la-prevencion-de-violencia-intrafamiliar-dentro-y-fuera-de-la-policia-nacional/](http://www.ministeriodegobierno.gob.ec/devif-avanza-en-la-prevencion-de-violencia-intrafamiliar-dentro-y-fuera-de-la-policia-nacional/) and Consejo de Protección de Derechos Quito, *Violencia/Ruta de atención, protección y restitución de derechos de mujeres en situación de violencia en el marco del sistema de protección integral*, 2017. [www.proteccionderechosquito.gob.ec/adjuntos/rutas/RUTA\\_VIF\\_2017.pdf](http://www.proteccionderechosquito.gob.ec/adjuntos/rutas/RUTA_VIF_2017.pdf)



 ↑ Focus Group in Machala, 8 September 2022 © Ana María Buitrón | Amnesty International

The lack of knowledge about care pathways is especially noticeable in places where state institutions with a mandate to deal with cases of gender-based violence, such as the Human Rights Secretariat, the Ombudsperson's Office, the Public Defender's Office and the National Police, among others, have a lesser presence, such as the southern border of the country. In Huaquillas, for example, the Domestic Violence Department (DEVIF) of the National Police has only two civil servants covering several cantons, the Ombudsperson's Office does not have permanent staff in the territory and the Public Defender's Office does not have staff specialized in gender-based violence.<sup>74</sup> The situation is even more critical in rural areas where the state has no presence at all: "In the upper part of the province of El Oro, there is a shortage of police personnel, resulting in violence becoming more commonplace. There is not even a phone signal to call the police, women don't file reports, they have to travel for 40 minutes by [horse, mule] or on foot to access a Community Police Unit."<sup>75</sup>

Many women, particularly in localities such as Huaquillas and Machala, pointed out that they were unaware of the role of state institutions such as the Human Rights Secretariat, the Public Defender's Office, the Ombudsperson's Office, the Cantonal Councils for the Protection of Rights and other key institutions in dealing with cases of gender-based violence in Ecuador.<sup>76</sup>

In practice, it is civil society organizations and international cooperation that are trying to fill this gap in support and information left by the Ecuadorian state, through community protection initiatives and by training women leaders, as well as mass information campaigns specifically aimed at Venezuelan refugee women. The Office of the United Nations High Commissioner for Refugees (UNHCR), for example, has a website and communication modalities through WhatsApp aimed at providing information to refugees in Ecuador on rights and obligations in the country and access to services, among other issues.<sup>77</sup>

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<sup>74</sup> Public official in Huaquillas, interviewed on 7 September 2022. Public official in Huaquillas, interviewed on 7 September 2022. Public official in Huaquillas, interviewed on 7 September 2022.

<sup>75</sup> Official of a public body in Machala, interviewed on 9 September 2022.

<sup>76</sup> Women's Focus Group in Huaquillas, 6 September 2022 and Women's Focus Group in Machala, 8 September 2022.

<sup>77</sup> United Nations High Commissioner for Refugees, "CNUR abre nuevo canal de comunicación con las personas refugiadas en Ecuador a través de WhatsApp", 6 November 2020, [www.acnur.org/noticias/press/2020/11/5fa58b274/acnur-abre-nuevo-canal-de-comunicacion-con-las-personas-refugiadas-en-ecuador.html](http://www.acnur.org/noticias/press/2020/11/5fa58b274/acnur-abre-nuevo-canal-de-comunicacion-con-las-personas-refugiadas-en-ecuador.html)

See also: Other civil society organizations, at the national and local levels, make efforts to reach the community through fairs and have telephone lines where people can communicate for information.

The Venezuelan women interviewed agreed that, when faced with a situation of violence, they have gone or would go first to international and civil society organizations to seek help. Most of the Venezuelan women interviewed who indicated that they knew where to turn in cases of gender-based violence had obtained this information through the services of international or civil society organizations<sup>78</sup> or digital media.

## 5.2. FEAR AND DISTRUST OF THE AUTHORITIES

As noted above, due to Venezuelans' limited access to international protection and alternative forms of migration regularization, the majority of Venezuelan women in Ecuador are in an irregular migratory situation. For women survivors of gender-based violence, the lack of regular migration status is also a significant obstacle in seeking protection from the authorities.

In its concluding observations on Ecuador's most recent report of November 2021, the CEDAW Committee noted with concern that women asylum seekers and migrants, in particular those in an irregular situation, who suffer gender-based violence, including domestic violence and rape, refrain from accessing victim support services out of fear of the immigration authorities.<sup>79</sup>

The Venezuelan women, in an irregular migratory situation, interviewed for this research nine months later also reported being afraid to approach state institutions to ask for help or report acts of violence for fear that they will be given economic fines that they cannot pay or even be expelled from the country.<sup>80</sup>

Although one of the grounds for deportation established in law is entering Ecuadorian territory through an unauthorized crossing, this in principle is not applicable to people subject to international protection, such as Venezuelans.<sup>81</sup> Ecuadorian legislation guarantees the non-refoulement of individuals to countries where their lives or those of their relatives are at risk and prohibits the expulsion of groups of foreign nationals.<sup>82</sup> Despite this, in 2019, for example, the Ecuadorian authorities carried out mass expulsions of Venezuelans to Colombia. The Constitutional Court noted that these practices violate the rights to migrate, to freedom of movement and to due process as well as the prohibition of collective expulsion.<sup>83</sup>

However, since they had not received information about their rights, many Venezuelan women were unaware that Ecuadorian law allowed them to seek protection or lodge a complaint with the Attorney General's Office, even if they did not have an identity document. Amnesty International believes it is essential that the Ecuadorian authorities take prompt measures to strengthen the dissemination of information to refugees and migrants on the response to gender-based violence, ensuring that dissemination strategies address people's fear of going to institutions because they do not have regular migration status.

Amnesty International noted that the fear of going to the authorities is compounded by other factors, such as widespread perceptions of impunity and the ineffectiveness of the justice system, which discourage women, both local and foreign, from reporting this violence.<sup>84</sup>

**“We often meet women who tell us ‘I’m not going to report’, because they’ve lost confidence in the state, because they’re not sure that their situation will be examined and their rights restored. They are afraid, on the contrary, that this system will end up persecuting them, criminalizing**

<sup>78</sup> Women's Focus Group in Quito, 4 August 2022.

<sup>79</sup> CEDAW Committee, Concluding observations on the tenth periodic report of Ecuador, CEDAW/C/ECU/CO/10, November 2021, para. 47a.

<sup>80</sup> Cis Women's Focus Group in Quito, 4 August 2022. See also: Inter-American Court of Human Rights, *Migraciones irregulares y derecho internacional: Gestión de los flujos migratorios, devolución de extranjeros en situación administrativa irregular y Derecho Internacional de los Derechos Humanos*, 2012 <https://www.corteidh.or.cr/tablas/r31009.pdf>

<sup>81</sup> Organic Law on Human Mobility, Art. 143, 2017. [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_org%C3%A1nica\\_de\\_movilidad\\_humana.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_org%C3%A1nica_de_movilidad_humana.pdf) (Spanish only)..

<sup>82</sup> Constitution of the Republic of Ecuador, 20 October 2008, Art. 66, [www.oas.org/juridico/pdfs/mesicic4\\_ecu\\_const.pdf](http://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf) and Organic Law on Human Mobility, Art. 2, 2017. [www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley\\_org%C3%A1nica\\_de\\_movilidad\\_humana.pdf](http://www.registrocivil.gob.ec/wp-content/uploads/downloads/2018/03/ley_org%C3%A1nica_de_movilidad_humana.pdf) (Spanish only)..

<sup>83</sup> Constitutional Court of Ecuador, Judgment: No. 639-19-JP/20, 2020 [<http://portal.corteconstitucional.gob.ec:8494/FichaRelatoria.aspx?numdocumento=639-19-JP/20> Spanish only].

<sup>84</sup> Cis Women's Focus Group in Quito, 4 August 2022 and Cis Women's Focus Group 1 in Machala, 8 September 2022. International organization official interviewed on 13 July 2022.

**them and returning them to their country and putting their lives and security at risk.”<sup>85</sup>**

Representative of an international organization

This perception is shared by several civil society organizations.<sup>86</sup>

**“After filing a complaint, it comes to nothing. I don’t know of a single case where there’s been any action other than just the report. There is never any follow-up by the justice system. At the shelter, we always persuade women that it is best to file a complaint, but the reality is that it is not the best thing. Those processes crush their self-esteem and are a thorn in their sides when they want to move on.”<sup>87</sup>**

Shelter staff member

According to Plan International, 71% of Venezuelan women in Ecuador believe that cases of violence against women are not usually reported, compared to 29% who said they are. And 27% mentioned mistrust of public institutions as the main reasons for not reporting.<sup>88</sup>

It should be noted that many Venezuelan refugee women who experience violence come from previous contexts of violence, both in their country of origin and along the migration route. In the case of Ecuador, most Venezuelans have arrived in the country after travelling through Colombia, and in many cases, having settled there for some time, or after having lived in Peru.<sup>89</sup> In the report *Unprotected: Gender-Based Violence against Venezuelan Refugee Women in Colombia and Peru*, Amnesty International documented significant gaps in access to justice in Colombia and Peru. In both countries, there are high levels of impunity for gender-based violence against Venezuelan refugee women.<sup>90</sup>

Some women who have travelled through countries where the state did not respond adequately when they filed a complaint have stated that they prefer not to approach Ecuadorian institutions for fear of a repetition of similar experiences.



**LISETH**

**VENEZUELAN TRANS WOMAN INTERVIEWED IN MACHALA<sup>91</sup>**

*“I have no faith in any state institution, I am traumatized since Colombia. In Colombia I did try to make a complaint at the Attorney General’s Office and they told us, ‘And why the complaint?’ Because we need to be supported, because [experiencing violence] is not right. They told us, ‘Yes, but is it right for you to be here?’ So then I left that institution.”*

<sup>85</sup> Representative of an international organization interviewed on 13 July 2022.

<sup>86</sup> Civil society organization representative in Machala, interviewed on 2 August 2022. Representative of community organization in Quito, interviewed on 5 August 2022. Representative of civil society organization in Quito, interviewed on 9 August 2022. Staff at a shelter, interviewed on 29 August 2022. Representative of civil society organization in Machala, interviewed on 8 September 2022. Representative of civil society organization in Quito, interviewed on 12 September 2022.

<sup>87</sup> Staff at a shelter, interviewed on 29 August 2022.

<sup>88</sup> Plan Internacional, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*, August 2021, p. 11, [www.r4v.info/es/document/Plan\\_Internacional\\_Estudio\\_Binacional\\_VBG\\_Feb22](http://www.r4v.info/es/document/Plan_Internacional_Estudio_Binacional_VBG_Feb22)

<sup>89</sup> Representative of a civil society organization in Quito, interviewed 8 August 2022.


<sup>90</sup> According to the Corporación Sisma Mujer report on violence against women of in Colombia, in 2021, 82.92% of the complaints of domestic violence were at the investigation stage, which indicates a high level of impunity because only 16.09% of these cases were at trial stage and only 0.8% at sentencing stage. With regard to sexual offences, the report states that during the same period, 88.19% of cases of sexual offences against women were at the investigation stage. Only 6.85% of cases reached trial and in only 0.13% of cases were sentences imposed. The Peruvian Ombudsperson’s Office, in a statement on the urgent need for effective action by the justice system in the face of an increase in cases of feminicide, noted that in 2020 in only six out of 138 cases of feminicides (that is, 4%) were the perpetrators convicted of aggravated feminicide. See also Amnesty International, *Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en>

<sup>91</sup> Liseth, Venezuelan trans woman in Machala, interviewed on 8 September 2022.



In the case of trans women's feelings of distrust, these are further reinforced by the experience of discrimination that, as a community, they have suffered at the hands of institutions such as the police. One of the Venezuelan trans women interviewed explained that, in the event of incidents of gender-based violence, her "response is to try to resolve things internally and not pass it to [state institutions] because there is more abuse there. The police instead of being a friend is an enemy, because there is a lot of this discrimination at the hands of officials."<sup>92</sup>



 Antonella, Venezuelan trans woman interviewed in Quito, 16 September 2022 © Ana María Buitrón | Amnesty International

These factors result in women survivors of gender-based violence not going to the authorities and therefore not getting access to protection. According to Ecuador's Judicial Council, 90% of women who have experienced gender-based violence in Ecuador do not report it.<sup>93</sup> For Venezuelan refugee women, these statistics are likely to be even more pronounced because of the situation of vulnerability they face.

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<sup>92</sup> Antonella, Venezuelan trans woman in Quito, interviewed on 16 September 2022.

<sup>93</sup> Plan Internacional, *Estudio sobre violencia basada en género hacia las mujeres migrantes y/o refugiadas en los países receptores de Perú y Ecuador*, August 2021, p. 11, [www.r4v.info/es/document/Plan\\_Internacional\\_Estudio\\_Binacional\\_VBG\\_Feb22](http://www.r4v.info/es/document/Plan_Internacional_Estudio_Binacional_VBG_Feb22)

# 6. SHORTCOMINGS IN THE STATE RESPONSE TO GENDER-BASED VIOLENCE

Effective access to justice for women survivors of gender-based violence includes, in addition to access to effective remedies and judicial protection, the availability of state emergency services for the protection of survivors of gender-based violence. The Inter-American Commission on Human Rights (IACHR) has established that states must ensure that judicial, administrative, political or other remedies for women and girls who have been subjected to gender-based violence, such as restraining orders and shelters, are women-centred, available, accessible, acceptable and address the needs of the victim/survivor.<sup>94</sup>

Amnesty International has identified structural problems in these services, which, while affecting effective access to justice for all women in Ecuador, have a differentiated impact on Venezuelan women at risk. These shortcomings, which affect both front-line services and the administration of justice, prevent Venezuelan refugee women from enjoying effective protection from gender-based violence and restrict their right to access to justice.

## 6.1. SHORTCOMINGS IN FRONTLINE SERVICES TO IDENTIFY AND RESPOND TO CASES OF GENDER-BASED VIOLENCE

### 6.1.1. NATIONAL POLICE

As the body responsible for internal public order,<sup>95</sup> the National Police, which has approximately 52,000 female officers, is in the front line of responding to cases of gender-based violence.

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<sup>94</sup> Inter-American Commission on Human Rights (IACHR), *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, OEA/Ser.LN/II.Doc. 233, para. 146, 14 November 2019, <http://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf>

<sup>95</sup> Constitution of the Republic of Ecuador, 20 October 2008, Art. 11 and Art. 75. [www.oas.org/juridico/pdfs/mesicic4\\_ecu\\_const.pdf](http://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf) (Spanish only).

According to bodies of the universal human rights system<sup>96</sup> and the inter-American human rights system,<sup>97</sup> gender stereotypes among officials in charge of support and protection processes are one of the main obstacles limiting access to justice for women survivors of gender-based violence.

According to the Domestic Violence Department (DEVIF), everyone receives training on issues of violence and procedures to respond to it as part of the comprehensive programme that includes human rights approaches.<sup>98</sup> Despite this, various sources interviewed by Amnesty International reported the prevalence of stereotypes that in practice result in discrimination against women seeking access to justice.<sup>99</sup>



**KARINA**  
**VENEZUELAN WOMAN INTERVIEWED IN QUITO<sup>100</sup>**

*"When I went to the Community Police Unit in the sector where I live, I didn't get a good response from them... Their response was: 'Why are you doing this, when tomorrow you're going back to your husband'.*



*Without my even having explained to them what was happening, they made fun of me, they did not want to listen to me. That public body is supposed to defend the community, women. I was not received well or politely or anything.*

*The same policeman who dealt with me on that occasion came to my empanada cart afterwards. I asked him, 'Do you remember that one time I came to ask you for help because my husband had hit me and you ignored me? You were on your mobile.' 'Oh, it's just that so many women come along with those kinds of problems, I really don't remember.' I said to him:*

*'Well, remember, you didn't help me at that time when I needed you, I had to go back to my house to see that person, that aggressor, to wait and see if he did something to me or to my children, to see if he was going to kill me. I went home alone, but I made it and got out, but not thanks to your help. Now here I am selling empanadas, and you know what, you told me, "why am I going to help you when you're going to go back to him", I have not gone back to him, I am alone'. He said to me, 'Look, I'm sorry, the thing is that there are many women who come, file a complaint and go back to their partner.'<sup>101</sup>*

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<sup>96</sup> CEDAW Committee, General Recommendation 33: Women's access to justice. CEDAW/C/GC/33, 3 August 2015, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_33\\_7767\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf)

<sup>97</sup> Inter-American Court of Human Rights, *Case of González et al. ("Cotton Field") v. Mexico*, Preliminary Objection, Merits, Reparations and Costs, Judgment of 16 November 2009, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf) and Inter-American Court of Human Rights, *Velásquez Paiz v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment of 19 November 2015, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_307\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_307_ing.pdf)

<sup>98</sup> Interview with the Ecuadorian National Police, 14 September 2022.

<sup>99</sup> Cis Women's Focus Group in Quito, 4 August 2022. LBT Women's Focus Group in Quito, 8 August 2022. Cis Women's Focus Group 1 in Huaquillas, 6 September 2022. Cis Women's Focus Group 8 in Machala, 8 September 2022. Karina, Venezuelan woman in Quito, interviewed on 16 September 2022.

<sup>100</sup> Karina, Venezuelan woman in Quito, interviewed on 16 September 2022.

<sup>101</sup> Karina, Venezuelan woman in Quito, interviewed on 16 September 2022.

Amnesty International also identified unlawful practices being carried out unofficially, such as attempts at mediation, in cases of violence.<sup>102</sup> Amnesty International heard from a refugee woman in northern Quito whose daughter was the victim of sexual violence in her home by a neighbour between 2021 and 2022. When the National Police came to the house as part of the investigation of the case, they put pressure on her to reach an agreement with the perpetrator's family: "He told me it's better to do that so your daughter doesn't have to go through more things. That puzzled me. I said to him, 'how come a police officer is telling me, the victim, in front of the aggressor's mother, that we should settle this together so that my daughter does not have to go through the process of giving testimony?'"<sup>103</sup>

Lack of police human and financial resources also negatively affects the response to survivors. The province of El Oro has only eight police officers specialized in gender-based violence as part of the DEVIF,<sup>104</sup> for a population of approximately 715,751 inhabitants.<sup>105</sup> Reduced staffing means that this unit does not have the capacity to respond to women survivors of violence directly and has to prioritize other activities such as notifying alleged perpetrators of restraining orders. In the case of Huaquillas, the DEVIF has only two people and one vehicle, which, due to lack of resources for repairs and fuel, is often unusable.<sup>106</sup>

According to the National Police, the institution's officials have a duty to accompany any woman victim of violence to a health centre and to file a complaint with the Attorney General's Office.<sup>107</sup> However, representatives of the police state that, in practice, it is not possible to do this because the process can take up to seven hours, "which means seven hours in which a sector is left without protection".<sup>108</sup> To solve these problems, the Eloy Alfaro Police District in Quito developed a liaison protocol with the Ministry of Public Health that allows them to refer cases directly to the sector health centre. According to the National Police, although this protocol has yielded positive results in the sector, it has not been possible to replicate it in other areas of the country due to lack of logistical resources.<sup>109</sup>

The National Police has mechanisms aimed at protecting people at the community level, such as the Security Button Programme, which allows people to use their mobile phone to make direct contact with the nearest Community Police Unit to request immediate assistance.<sup>110</sup> However, the institutional weaknesses mentioned above have a negative impact on the effectiveness of these mechanisms in practice.



**KARINA**  
**VENEZUELAN WOMAN INTERVIEWED IN QUITO<sup>111</sup>**

*"When I activated the [security] button, they called me and asked me what had happened. And I told them that there was an incident and still they did not come to the scene, I told them that he had tried to hit me but had not hit me. He told me to stay calm, to lock myself in my room and not leave until [the aggressor] left. They never came to the house."*

In Amnesty International's view, the aforementioned shortcomings constitute a breach by the Ecuadorian authorities of their duty to act with due diligence in cases of gender-based violence, given that these should not be limited to creating an adequate framework or mechanism for prevention and protection against

<sup>102</sup> In its General Recommendation 33 the CEDAW Committee recommends that states ensure that cases of violence against women, including domestic violence, are under no circumstances referred to any alternative dispute resolution procedures. See CEDAW Committee, General Recommendation 33: Access to justice, CEDAW/C/GC/33, para. 58 (c) [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_33\\_7767\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf) General Recommendation 35 of the CEDAW Committee provides that states parties are obliged to ensure that gender-based violence against women is not mandatorily referred to alternative dispute resolution procedures, including mediation and conciliation. It also states that: "The use of these procedures should be strictly regulated and allowed only when a previous evaluation by a specialised team ensures the free and informed consent by the affected victim/survivor and that there are no indicators of further risks for the victim/survivor or their family members." See CEDAW Committee, General Recommendation 35: Gender-based violence against women updating General Recommendation 19, CEDAW/C/GC/35, 26 July 2017, para 45, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_35\\_8267\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf)

<sup>103</sup> Josselyn, Venezuelan woman in Quito, interviewed on 19 September 2022.

<sup>104</sup> Public official in Huaquillas, interviewed on 7 September 2022.

<sup>105</sup> National Institute of Statistics and Census (INEC), Population Projections, 2011, [www.ecuadorencifras.gob.ec/proyecciones-poblacionales/](http://www.ecuadorencifras.gob.ec/proyecciones-poblacionales/) (Spanish only).

<sup>106</sup> Public official in Huaquillas, interviewed on 7 September 2022.

<sup>107</sup> Interview with the Ecuadorian National Police, 14 September 2022.

<sup>108</sup> Interview with the Ecuadorian National Police, 14 September 2022.

<sup>109</sup> Interview with the Ecuadorian National Police, 14 September 2022.

<sup>110</sup> Ventanilla Digital de Trámites del Ecuador, Activación de Botones de Seguridad para Casos de Emergencia, no date, [www.gob.ec/pn/tramites/activacion-botones-seguridad-casos-emergencia](http://www.gob.ec/pn/tramites/activacion-botones-seguridad-casos-emergencia)

<sup>111</sup> Karina, Venezuelan woman in Quito, interviewed on 16 September 2022.

gender-based violence, but must be accompanied by measures to guarantee the effective realization of women's right to live a life free from violence.

## 6.1.2. HEALTHCARE SERVICES

Public health services, including hospitals and community health centres, are essential not only to provide care for women survivors of gender-based violence, but also to identify cases of violence. The Comprehensive Organic Law for the Prevention and Eradication of Gender-Based Violence against Women establishes the need for all hospitals and health centres that are responsible for prevention, promotion and recovery – also known as Type B hospitals<sup>112</sup> – to have reception wards for women survivors of violence.<sup>113</sup>

Amnesty International welcomes the efforts of the Ministry of Public Health to establish these initial reception wards for women survivors of violence, such as the Initial Reception Ward of the Enrique Garcés Hospital in Quito. However, it notes with concern that not all hospitals and health centres responsible for prevention, promotion and recovery – Type B hospitals – have such facilities.



### INITIAL RECEPTION WARD AT THE ENRIQUE GARCÉS HOSPITAL

The Reception and Forensic Medicine Ward of the Enrique Garcés Hospital in Quito was created with the support of UNHCR with the aim of providing comprehensive and specialized care to victims of sexual and domestic violence. It consists of a team of professionals specialized in forensic medicine, mental health and social work.<sup>114</sup> In addition to providing immediate care to survivors, officials in the ward are responsible for making referrals and coordinating other services on an inter-institutional basis, in conjunction with other government and civil society organizations, such as shelters.

Civil society organizations interviewed value the fluid communication and coordination with the initial reception ward, attributed mainly to the personal commitment of these trained officials, which allow appropriate care to be provided to survivors. However, they highlight the need to institutionalize these good practices, through protocols, so that they continue beyond any possible changes in ward staff.<sup>115</sup>

In addition, there are continuing concerns regarding the care that the Ministry of Public Health provides for women survivors of violence in other non-specialized centres at the national level: "If survivors go directly to obtain a medical appointment or go directly to the health system, there are still gaps in care, failures to properly identify cases, a lack of a comprehensive approach to cases of gender-based violence."<sup>116</sup>

Amnesty International was also concerned about statements regarding the extent to which the public health system in Ecuador is overstretched, affecting those seeking psychological care in situations of gender-based violence, whether Ecuadorian or foreign nationals. Although it is a fundamental aspect of the support that survivors of gender-based violence should receive, established by law,<sup>117</sup> in the Carlos Andrade Marín Specialist Hospital (Hospital de Especialidades Médicas Carlos Andrade Marín, HCAM), one of the main hospitals of Quito, appointments for psychotherapies are granted every three to six months.<sup>118</sup> None of the

<sup>112</sup> Type A health centres are those that provide basic and primary care; Type B health centres are those that provide promotion, prevention and recovery services; and Type C is a primary hospital, that is, it provides permanent care.

<sup>113</sup> See Law No. 175/2018. Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Art. 59. [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf) (Spanish only).

<sup>114</sup> Ministry of Public Health, the Initial Reception Ward at the Enrique Garcés Hospital provides comprehensive and specialized care to victims of violence, no date, [www.salud.gob.ec/sala-de-primer-a-acogida-del-hospital-enrique-garces-brinda-atencion-integral-y-especializada-a-victimas-de-violencia/](http://www.salud.gob.ec/sala-de-primer-a-acogida-del-hospital-enrique-garces-brinda-atencion-integral-y-especializada-a-victimas-de-violencia/) (Spanish only).

<sup>115</sup> Staff of civil society organization in Quito interviewed on 9 August 2022.

<sup>116</sup> Representative of an international organization interviewed on 19 July 2022.

<sup>117</sup> The Comprehensive Organic Law for the Prevention and Eradication of Gender-Based Violence against Women reaffirms the right to "receive specialized, comprehensive, immediate and free social, medical, psychological and psychiatric assistance for the woman and her dependents" ["recibir asistencia social, médica, psicológica y psiquiátrica especializada, integral, inmediata y gratuita para ella y sus dependientes"] Law No. 175/2018. Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Art. 12. [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf) (Spanish only).

<sup>118</sup> GK, "Una mente se desploma por el desabastecimiento de medicinas", 20 July 2022, <https://gk.city/2022/07/20/mente-desploma-desabastecimiento-medicinas-historia-desabastecimiento-medicinas-hospitales-ecuador/>

women survivors of gender-based violence interviewed by Amnesty International had been able to access psychological care in the public health system. In practice, civil society fills this gap with free psychological care services for Venezuelan refugee women.<sup>119</sup>



**JOSSELYN**

**VENEZUELAN WOMAN INTERVIEWED IN QUITO<sup>120</sup>**

*“Mentally I was in a very bad state, I had many suicidal thoughts. I was hoping the state would give me a certificate referring me for psychological treatment... And I tell you straight up, if it wasn't for [a civil society organization], I wouldn't be here, it really was necessary because it was a really difficult situation. The support they gave me was invaluable, something that the state could not give me, either in the hospital, or in the Attorney General's Office, or anywhere. It gives me the courage to continue my struggle for justice.”*

Amnesty International noted with concern that Venezuelan women also reported discrimination based on nationality when seeking access to health services for general healthcare. Samantha, for example, said that “sometimes in health centres and hospitals they say, you are not Ecuadorian, and they have priority over you, Venezuelans.”<sup>121</sup>

In 2021, the CEDAW Committee, after expressing concern about migrant and refugee women's limited access to healthcare in the country, had recommended that the Ecuadorian authorities adopt measures to guarantee adequate access to healthcare services for all these women, regardless of their migration status.<sup>122</sup>

On the other hand, it is important to highlight that medical certificates issued by health services have an important role in enabling criminal proceedings to move forward and the possibility of prosecuting cases. The Comprehensive Organic Criminal Code specifies that when the assault on the victim causes harm lasting less than three days this is an infraction, while if it has consequences requiring more than three days of sick leave, it is a crime.<sup>123</sup> Therefore, a medical certificate detailing precisely the severity of the injuries is essential for women's pursuit of justice and reparation.

However, Amnesty International received allegations that medical personnel in the public health system do not always record the physical harm caused accurately, to avoid additional burdens on their work such as going to testify before a judge, which they would not be able to take on, thus violating the right of women to access to justice.<sup>124</sup>

### 6.1.3. SHELTERS

The Comprehensive Organic Law to Prevent and Eradicate Violence against Women establishes that the governing body for public policies in justice and human rights must strengthen, expand coverage, guarantee resources and enhance specialization in the system of shelter and healthcare centres in order to respond to the needs of all subjects protected by this Law and for all types of violence.<sup>125</sup> In Ecuador, the Human Rights Secretariat is responsible for ensuring safe spaces where women can be taken when their lives are in danger.

<sup>119</sup> Civil society organizations at the national and local levels, such as HIAS and Akuanuna, among others, provide psychological care services for women survivors of gender-based violence, including Venezuelan refugee women.

<sup>120</sup> Josselyn, Venezuelan woman in Quito, interviewed on 19 September 2022.

<sup>121</sup> Samantha, Venezuelan woman in Machala, interviewed on 8 September 2022.

<sup>122</sup> CEDAW Committee, Concluding observations on the tenth periodic report of Ecuador, CEDAW/C/ECU/CO/10, 24 November 2021, paras 47 and 48.

<sup>123</sup> Attorney General's Office, “La violencia contra la mujer y la familia es sancionada como delito”, 23 August 2015, [www.fiscalia.gob.ec/la-violencia-contra-la-mujer-y-la-familia-es-sancionada-como-delito/](http://www.fiscalia.gob.ec/la-violencia-contra-la-mujer-y-la-familia-es-sancionada-como-delito/) (Spanish only). See also Art. of the Integral Penal Code which provides for a penalty of deprivation of liberty of between seven and 30 days if the injuries cause incapacity of up to three days.

<sup>124</sup> Public official in Machala, interviewed on 9 September 2022.

<sup>125</sup> “fortalecer, ampliar la cobertura, garantizar los recursos y especializar al sistema de casas de acogida y centros de atención con el fin de dar atención a todos los sujetos protegidos por esta Ley y a todos los tipos de violencia”, Law No. 175/2018. Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Art. 59. [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf) (Spanish only).

Under international standards, states must ensure that there is a functioning shelter for every 10,000 inhabitants that provides a safe emergency space, qualified counselling and assistance in seeking secure housing.<sup>126</sup> These spaces must be accessible and adequately staffed and funded to be able to reach victims proactively.<sup>127</sup> According to this standard, Ecuador should have at least 1,700 shelters nationwide. In 2021, the CEDAW Committee highlighted the limited availability of specialized state support services for victims, including shelters for victims of gender-based violence.<sup>128</sup>

The Ecuadorian Human Rights Secretariat has identified the existence of 12 shelters for women survivors of gender-based violence, four of which are currently funded by the central government.<sup>129</sup> There are also shelters that are run by Decentralized Autonomous Governments (Gobiernos Autónomos Descentralizados).



 Shelter in Quito, 29 August 2022 © Karen Toro | Amnesty International

However, there is a lack of clarity regarding public policy on shelters. Since 2008, some shelters run by civil society have signed agreements with the state on their financing, but not always with the same entity.<sup>130</sup> Organizations agree that the lack of clarity in public policies has led to delays in the delivery of state financial support for shelters: “In the past almost 13 years, shelters and centres have had to cope with delays in state payments; the agreements have almost always been signed in March of each year. This means that the centres have to operate for three months without funds, relying on the trust of suppliers, asking partners to be patient and running around trying to raise funds for such essential things as paying for electricity, water and the internet and giving a balanced diet to the women and children who live there.”<sup>131</sup>

As of April 2022, only five shelters were funded by the Human Rights Secretariat. In April 2022, a new agreement was signed that included only three of these shelters and a new one, which received their budget with a cut of around USD 24,000, representing 18.46% of their budget, leading to staff reductions.<sup>132</sup>

<sup>126</sup> UN Women, *Handbook for Legislation on Violence against Women*, p. 29

[https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/12/JNW\\_Legislation-Handbook%20pdf.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/12/JNW_Legislation-Handbook%20pdf.pdf)

<sup>127</sup> Council of Europe, Council of Europe Convention on preventing and combating violence against women and domestic violence, Art. 23.

<sup>128</sup> Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding observations on the tenth periodic report of Ecuador, CEDAW/C/ECU/CO/10, 24 November 2021, para. 21.b.

<sup>129</sup> Ecuador Secretariat of Human Rights, interview carried out on 5 October 2022.

<sup>130</sup> GK, “Casas de acogida de mujeres víctimas de violencia en el Ecuador, otra vez en peligro”, 3 January 2022, <https://gk.city/2022/01/03/casa-acogida-mujeres-violencia-ecuador-peligro-cerrar/>

<sup>131</sup> GK, “Casas de acogida de mujeres víctimas de violencia en el Ecuador, otra vez en peligro”, 3 January 2022, <https://gk.city/2022/01/03/casa-acogida-mujeres-violencia-ecuador-peligro-cerrar/>

<sup>132</sup> Wambra Medio Comunitario, “Menos fondos, menos recursos: la pomposa entrega de presupuesto para las casas de acogida”, 16 May 2022, [www.wambra.ec/menos-fondos-menos-recursos-la-pomposa-entrega-de-presupuesto-para-las-casas-de-acogida/](http://www.wambra.ec/menos-fondos-menos-recursos-la-pomposa-entrega-de-presupuesto-para-las-casas-de-acogida/)

Two shelters that previously received public funding did not take part in the call for applications because they did not agree with the reduction of the budget for shelters or with the creation of the procedural rules for selection, the signing of agreements and the operation of comprehensive care centres and shelters without the participation of women's organizations.<sup>133</sup>

This led to the closure of shelters in places critical for the Venezuelan population, in particular in the border areas where they enter Ecuador.<sup>134</sup> International and civil society organizations which Amnesty International met in the course of this research reiterated their concerns:

**“This year there was a very serious crisis, to the point that for example, the Federation of Women of Sucumbíos, in Lago Agrio, closed the shelter..., and we were left unable to respond on the northern border. It is very worrying, especially in the Amazon region because the region is unique, some of these localities have the highest rates of gender-based violence against women and these services are very necessary. They closed these services, leaving not only the national population without support, but also people in human mobility. We had to look for temporary alternative support [such as referring cases to other provinces]. But these stopgaps can't be maintained for a whole year.”<sup>135</sup>**

Representative of an international organization

There are shelters run by government entities, both at the national and local levels. At the local level, GDAs share responsibility for ensuring the availability of shelters for women survivors of violence.<sup>136</sup> In Quito, centres such as La Casa de la Mujer and Casa del Hermano (for families), which receive funds from the Municipality of Quito Patronato San José, also face significant financial challenges.

**“There are designated funds for the shelters, but the processes are too bureaucratic and delay the funds from arriving in a timely manner. It is common for processes to stagnate. This has had a real impact on care in the shelter. For example, we do not have personal toiletries [hygiene kits and soap], and we have had to ask people arriving at the shelter to get them. The last purchase of toiletries was in 2020 [two years earlier] and 110 people a day must be catered for.”<sup>137</sup>**

Staff member at the shelter.

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See also, Primicias, “Casas de acogida hacen cuentas para operar con menos recursos públicos”, 27 April 2022, [www.primicias.ec/noticias/sociedad/casas-acogida-mujeres-reduccion-presupuesto/](http://www.primicias.ec/noticias/sociedad/casas-acogida-mujeres-reduccion-presupuesto/)

<sup>133</sup> Wambra Medio Comunitario, “Menos fondos, menos recursos: la pomposa entrega de presupuesto para las casas de acogida”, 16 May 2022, [www.wambra.ec/menos-fondos-menos-recursos-la-pomposa-entrega-de-presupuesto-para-las-casas-de-acogida/](http://www.wambra.ec/menos-fondos-menos-recursos-la-pomposa-entrega-de-presupuesto-para-las-casas-de-acogida/)

<sup>134</sup> Staff of a civil society organization in Machala, interviewed on 8 September 2022. See also, GK, “Casas de acogida de mujeres víctimas de violencia en el Ecuador, otra vez en peligro”, 3 January 2022, <https://gk.city/2022/01/03/casa-acogida-mujeres-violencia-ecuador-peligro-cerrar/>

<sup>135</sup> Representative of an international organization interviewed on 13 July 2022.

<sup>136</sup> The Human Rights Secretariat, in response to a request for information by the GK media, stated: “en relación al financiamiento de Casas De Acogida Y Centros De Atención Integral establece: Los Gobiernos Autónomos Descentralizados deben garantizar a las mujeres víctimas de violencia de género, los servicios integrales de casas de acogida con personal especializado, tanto en los cantones como en las provincias” [in relation to the financing of Shelters and Comprehensive Care Centres: Decentralized Autonomous Governments must guarantee women victims of gender-based violence the comprehensive services of shelters with specialized personnel, both in the cantons and in the provinces]. See also, GK, “Casas de acogida de mujeres víctimas de violencia en el Ecuador, otra vez en peligro”, 3 January 2022, <https://gk.city/2022/01/03/casa-acogida-mujeres-violencia-ecuador-peligro-cerrar/>

<sup>137</sup> Staff member at a shelter in Quito, interviewed on 8 August 2022.





 Shelter in Quito, “We want us free”, 29 August 2022 © Karen Toro | Amnesty International

Many women are left out of these support systems. Amnesty International received allegations that the available shelters do not have specialized services for women with special physical or mental needs.<sup>138</sup> In the case of lesbian, bisexual and transgender (LBT) women, several sources pointed out that the options for finding a safe place are considerably more limited, due to discrimination against them in many shelters. According to the information received, not all spaces accept LBT women, despite the fact that discrimination based on sex/gender or sexual orientation is prohibited in Ecuador:

**“In the case of trans women, the justification is that for them they are not women, they are men and they cannot be accepted in the shelter. [In the case of] people in a situation of human mobility, a trans person who has not been able to change their name on their ID card because in order to do that in Ecuador there have to be countless documents coming from Venezuela, then, the mere presence of the identity card or passport that this person is able to present results in them being rejected at the shelter even though they are a trans person, a woman. In the case of lesbian women, this absurd idea persists that a lesbian woman is going to contaminate non-lesbian women in the shelter. It is very rare for shelters to engage in efforts aimed at integrating lesbian women.”<sup>139</sup>**

Civil society organization staff member

<sup>138</sup> Staff of civil society organization in Quito, interviewed on 8 August 2022.

<sup>139</sup> Staff of civil society organization in Quito interviewed on 12 September 2022.

**“So how do these women feel? Rejected and without any safe place to go.”<sup>140</sup>**

Representative of an international organization

As Amnesty International has pointed out, the lack of shelters is particularly critical for Venezuelan women survivors of gender-based violence. In precarious economic situations and without family and social support networks, these temporary shelters are, for the vast majority of them, their only option of finding a place of safety.<sup>141</sup>

## 6.2. SHORTCOMINGS IN THE JUSTICE SYSTEM

**“What does it mean [for women in general] to have to deal with the Ecuadorian justice system? It means having to be a victim again, several times. It means you have to have money in your pocket, in order to access justice. Services are supposed to be free, but this is not the case because justice has totally broken down. So, in order to have minimal access, you have to pay a lawyer and you even have to pay for the authorities to do their job.”<sup>142</sup>**

Civil society organization staff member

### 6.2.1. FILING A COMPLAINT

The law in force in Ecuador allows foreign nationals to file a complaint with the Attorney General’s Office without any restrictions, including people who do not have an identity document. However, Amnesty International found that Venezuelan women continue to face difficulties when filing a complaint. As is the case with other institutions, these difficulties are related to the persistence of stereotypes regarding Venezuelan women, lack of knowledge of the applicable regulations and the limited resources at the institution’s disposal.

Staff at a shelter in Quito reported recommending a Venezuelan woman survivor of physical violence file a complaint with the Attorney General’s Office. However, they said that a frontline official “told her that she must have liked it, and when the woman went back again, they told her ‘move house, move house, what other option is there.’ When we filed a complaint, they said ‘there must have been some misunderstanding’. Now, before I refer cases, I contact a lawyer friend. This is how we work a lot here; the cases are handled by my friends because I refer them.”<sup>143</sup> Civil society organizations reported the constant need to accompany women when submitting a complaint or to have direct referral mechanisms so that they are adequately addressed.<sup>144</sup>

Amnesty International has received statements from Venezuelan women who, in addition to identifying their abuser, have been asked for detailed information on the aggressor as a precondition for accepting the complaint, despite the fact that it is up to the authorities in charge of the investigation to establish the whereabouts of any person who commits a crime or offence. “When I filed the first complaint, I didn’t know

<sup>140</sup> Representative of an international organization interviewed on 13 July 2022.

<sup>141</sup> See Amnesty International, *Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru*, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>; Amnesty International, “Peru is failing in its care of Venezuelan women who survive gender-based violence”, 25 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/peru-failing-care-venezuelan-women-survive-gender-based-violence/>

<sup>142</sup> Staff of civil society organization in Quito interviewed on 12 September 2022.

<sup>143</sup> Staff member at a shelter in Quito, interviewed on 8 August 2022.

<sup>144</sup> Staff of civil society organization in Quito, interviewed on 9 August 2022.

where my aggressor lived and that's why they didn't accept my complaint. I didn't know where he was, but I did know who he was and they didn't accept my complaint because I didn't have that information."<sup>145</sup>

In the case of refugee women, when crimes occur in border areas or on migration routes, the situation is much more complex because, applying the principle of territoriality of criminal law,<sup>146</sup> the Attorney General's Office does not receive complaints for acts that occurred outside Ecuadorian territory. One organization interviewed indicated that the Attorney General's Office could receive the complaint and send it directly to the consulate of the person's country of origin. However, this is not standard practice, leaving migrant women in a situation of lack of protection.<sup>147</sup>

This is particularly relevant in the case of women on the move who wish to exercise their right to abortion in cases of rape. Ecuadorian law requires that a complaint be filed with the relevant authorities as a precondition for access to abortion services in such cases.<sup>148</sup> International organizations have pointed out that the requirement to report the crime in order to access abortion is an unnecessary barrier that puts women's rights at risk.<sup>149</sup>

## 6.2.2. SLOW, REVICTIMIZING AND COSTLY JUDICIAL PROCESSES

Access to justice for women survivors of gender-based violence is severely constrained by the fact that sufficient resources are not allocated to institutions responsible for the administration of justice.

According to the information received, at the national level, there is a shortfall of 500 prosecutors at the Office of the Attorney General to pursue investigations and prosecutions in general, the Public Defender's Office does not have enough public attorneys to represent victims and the Office of the Ombudsperson does not have the capacity to monitor compliance with due process.<sup>150</sup>

These shortfalls are even more pronounced in border areas, far from the capital. On several occasions, the CEDAW Committee recommended that the Ecuadorian authorities take measures to strengthen the enforcement of legislation and policies aimed at eliminating discrimination against women, giving priority to the allocation of human and financial resources for their implementation in rural and remote areas and autonomous territories.<sup>151</sup>

However, Amnesty International found that in Huaquillas, a critical location for Venezuelan women refugees in Ecuador, the Public Defender's Office has only two officials, one dealing with criminal cases, assigned to defend the accused, and one dealing with social issues, who does not cover cases of gender-based violence.<sup>152</sup> Under these conditions, women survivors are forced to seek the support of private law firms or civil society organizations in order to seek justice.

In addition, specialized personnel from the different entities are located solely in Machala, the provincial capital, 72 km from Huaquillas. In the case of the Attorney General's Office, this means that women also have to move locality multiple times for each procedure, such as the psychological and social evaluation necessary for the formulation of charges, using their own resources to pay for transport and, at the same time, losing several day's work to carry out the necessary procedures.<sup>153</sup> The same distance also applies to police protection through the Victim and Witness Protection Programme.<sup>154</sup> The Ombudsperson's Office is

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<sup>145</sup> Women's Focus Group in Quito, 4 August 2022.

<sup>146</sup> See article 14.2.a) of the Penal Code.

<sup>147</sup> [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/EQU/INT\\_CEDAW\\_ARL\\_ECU\\_18950\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/EQU/INT_CEDAW_ARL_ECU_18950_S.pdf) (Spanish only).

<sup>148</sup> Staff of civil society organization in Quito, interviewed on 5 August 2022.

<sup>149</sup> Law on the Voluntary Interruption of Pregnancy in Cases of Rape, May 2022, Art. 19. [www.derechoecuador.com/ley-regula-interruccion-voluntaria-de-embarazo-en-caso-de-violacion/](http://www.derechoecuador.com/ley-regula-interruccion-voluntaria-de-embarazo-en-caso-de-violacion/) (Spanish only).

<sup>150</sup> World Health Organization, *Abortion Care Guideline*, "Executive summary, Grounds-based approaches", 2022, p. xxv, <http://www.who.int/publications/i/item/9789240039483>. See also Human Rights Committee, General Comment 36, CCPR/C/GC/36/36, 3 September 2019,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GC/36&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GC/36&Lang=en)

<sup>151</sup> Public official at the national level, interviewed on 12 September 2022. Public official in Machala, interviewed on 9 September 2022.

<sup>152</sup> CEDAW Committee, Concluding observations on the tenth periodic report of Ecuador, CEDAW/C/EQU/CO/10, 24 November 2021, para. 14a.

<sup>153</sup> Public official in Machala, interviewed on 9 September 2022.

<sup>154</sup> Public official in Huaquillas, interviewed on 7 September 2022.

<sup>155</sup> Public official in Huaquillas, interviewed on 7 September 2022.

not involved in the monitoring due process, because of the lack of personnel, since the person assigned to Huaquillas comes from Machala once a week and handles cases remotely.<sup>155</sup>

Although the law provides for the free justice services, in practice survivors of violence are obliged to bear a number of costs throughout the judicial process in order for proceedings to continue. Often they have to pay, with their own resources, from the photocopies necessary to create and consult the case file, to the transport for public officials to carry out the necessary procedures: “If the social worker wants to go to your house to do an inspection to see the living environment in which you experience violence, you have to pay for the taxi or go to collect them and bring them to your house directly using private transport because the institutions do not have the resources.”<sup>156</sup>

In addition, the information gathered shows that going through the justice system is revictimizing for survivors of gender-based violence, national or foreign, because they are forced to testify on multiple occasions, to different institutions and officials, and often face questions from officials that reflect sexist and xenophobic stereotypes.<sup>157</sup>

The interviews also show that psychological care for survivors of violence and their families from the Judicial Council, as established in article 34 of the Comprehensive Organic Law to Prevent and Eradicate Violence against Women, is also not efficient in practice.<sup>158</sup> Women are referred to a collapsed health system, where they cannot get appointments in a timely manner, despite international recognition of the need for specialized and multidisciplinary support for women survivors of gender-based violence.<sup>159</sup> This gap, like many others, is filled by civil society and international cooperation.<sup>160</sup>

This series of justice system shortcomings and failures in cases of gender-based violence discourages survivors and results in many abandoning the process.<sup>161</sup> For Venezuelan women, in a precarious socio-economic situation and without support networks, these shortcomings and failures block any possibility of them obtaining justice.

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<sup>155</sup> Public official in Huaquillas, interviewed on 7 September 2022.

<sup>156</sup> Staff of civil society organization in Quito, interviewed on 5 August 2022.

<sup>157</sup> Josselyn, Venezuelan woman in Quito, interviewed on 19 September 2022. Staff of civil society organization in Quito, interviewed on 5 August 2022.

<sup>158</sup> Law No. 175/2018. Comprehensive Organic Law to Prevent and Eradicate Violence against Women, Art. 9 and 11, [www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley\\_prevenir\\_y\\_erradicar\\_violencia\\_mujeres.pdf](http://www.igualdad.gob.ec/wp-content/uploads/downloads/2018/05/ley_prevenir_y_erradicar_violencia_mujeres.pdf) (Spanish only).

<sup>159</sup> Inter-American Commission on Human Rights, Access to Justice for Women Victims of Violence in the Americas, 20 January 2007, <https://www.cidh.oas.org/women/access07/chap2.htm>. See also Pan American Health Organization, *World Report on Violence and Health*, Chapter 6, Sexual violence, 2003, <https://www.paho.org/en/documents/world-report-violence-and-health-paho-2003-1>.

<sup>160</sup> Staff of civil society organization in Quito, interviewed on 9 August 2022. Women's Focus Group in Quito, 4 August 2022. Women's Focus Group 1 in Machala, 8 September 2022.

<sup>161</sup> Public official in Huaquillas, interviewed on 7 September 2022.

# 7. CONCLUSIONS AND RECOMMENDATIONS

It was estimated that some 502,214 of the 7.1 million people who had been forced to flee Venezuela because of the grave human rights crisis and the complex humanitarian emergency there were in Ecuador, as of September 2022. Among them, are thousands of women who face multiple forms of gender-based violence in different aspects and spaces of their daily lives.

The information collected by Amnesty International for this report shows that Ecuadorian authorities are failing to guarantee the rights of Venezuelan women survivors of gender-based violence by not providing the appropriate conditions for them to access protection mechanisms and justice. In addition to the lack of information about the mechanisms and institutions whose role is dealing with cases of gender-based violence in the country, women are also afraid of being expelled or punished because of their irregular migration status if they seek protection. Amnesty International believes that the difficulties faced by Venezuelans in accessing regularization and procedures to determine refugee status, as described in this report, exacerbate the lack of protection experienced by women survivors of gender-based violence.

There are also serious shortcomings in the frontline services and justice system that should enable cases of gender-based violence to be identified and survivors supported. Amnesty International notes with concern the persistence of sexist and xenophobic prejudices and stereotypes, which not only limit Venezuelan women's access to protection services and justice, but also constitute further forms of violence against them. In addition, Amnesty International found that the health system and shelters in the country are failing to respond effectively to the needs of women survivors of gender-based violence.

The various obstacles to accessing appropriate care, protection mechanisms and effective justice services faced by Venezuelan women survivors of gender-based violence breach the state's obligations to respect, protect and prevent gender-based violence against women, including Venezuelan women, without discrimination and to guarantee their right to live a life free from violence. In response, Amnesty International makes the following recommendations to the Ecuadorian authorities.

## **To all state institutions dealing with Venezuelan refugee women:**

- Strengthen and expand the dissemination of information on the rights of people on the move in Ecuador, with a gender perspective, as well as information for women on care pathways for survivors of gender-based violence, with a focus on people on the move, throughout the country, paying particular attention to border areas, far from the capital. This information must be accompanied by strategies and messages aimed at addressing and avoiding the fear of approaching institutions to initiate these procedures because of the risk of detention and deportation to Venezuela.
- Ensure that information dissemination strategies are consulted in advance with women, including refugee and migrant women, in order to reach in particular those who are most at risk and excluded.

- Ensure that all institutions that support survivors of gender-based violence have effective protocols for dealing with cases of gender-based violence that address the particular needs of refugee and migrant women survivors of gender-based violence, incorporating intersectionality and the duty of non-discrimination.
- Implement, or strengthen, training programmes for public officials – particularly those working in the police, prosecutors’ offices and migration and health services – on the rights of refugees and migrants, including access to international protection and other forms of migration regularization, from a gender perspective.
- Provide appropriate, systematic, mandatory, initial and ongoing training on the prevention and detection of gender-based violence, gender equality and intersectional discrimination for all staff responsible for responding to the needs of survivors of gender-based violence, such as the police, prosecutors and migration and health personnel. In addition to raising awareness about women’s rights, including the rights of transgender women, these programmes should be aimed at actively challenging harmful gender stereotypes and myths about gender-based violence among officials and should address, from a perspective of intersectionality and the obligation of non-discrimination, the particular needs of refugee and migrant women survivors of gender-based violence.
- Ensure that institutions responsible for providing care and support in cases of gender-based violence have sufficient staff and financial resources, at the national and local levels, to implement effective protection measures for women survivors of gender-based violence, and are available and accessible to women, regardless of their migration status.
- Address the underlying causes, structural inequalities and stereotypes about gender, nationality and migration status that perpetuate violence against Venezuelan women.

**To the Ministry of Foreign Affairs and Human Mobility:**

- Ensure effective access to procedures to determine refugee status under the Convention Relating to the Status of Refugees and the Cartagena Declaration for all those in need of international protection.
- Create and implement protocols to meet the needs of survivors of gender-based violence that incorporate good practices developed in the country in the following areas: coordination with other state institutions for case referral, prioritization of cases in situations of risk, separation of the family unit in the ProGres database of cases of domestic violence and non-revictimization.
- Continue to provide ongoing training for Directorate for International Protection officials on gender-based violence, the situation in the country of origin and the application of existing regulations, in compliance with international refugee law and international human rights law.
- Ensure that all Venezuelans are included in alternative regularization processes such as the VIRTE visa and consider extending this visa to all those who entered the country irregularly or after 26 August 2019.

**To the Human Rights Secretariat:**

- Urgently adopt measures to guarantee effective access for all survivors of gender-based violence who require it to shelters with sufficient capacity, in accordance with international standards.
- Develop clear guidelines for adequate funding of shelters in the country, in order to ensure appropriate care and support for women survivors of gender-based violence.

**To the National Police:**

- Ensure that all departments involved in addressing gender-based violence have sufficient staff and financial resources, at the national and local levels, including the Department on Domestic Violence (Departamento de Violencia Intrafamiliar, DEVIF), so that it can fulfil its functions.
- Develop protocols for emergency responses to cases of gender-based violence for personnel responding to emergency calls (911) and Community Police Units, according to human rights standards and with a focus on gender and people on the move. These should include issues such as not engaging in mediation in cases of gender-based violence, psychological first aid and efficient coordination with other state entities, such as the Public Health Ministry, the Ministry for Economic and Social Inclusion and the Attorney General's Office.

**To the Public Health Ministry:**

- Adopt measures to ensure comprehensive healthcare for women survivors of gender-based violence, regardless of their migration status, including timely psychological assistance services.
- Ensure that all institutions in the health system have sufficient staff and financial resources to carry out their functions. In particular, ensure that health personnel issue accurate medical certificates that adequately reflect the violence perpetrated against women survivors of gender-based violence.
- Implement, in accordance with current legislation, initial reception wards in all hospitals and Type B health centres in Ecuador that have adequate staff and resources to respond to emergency cases from the perspectives of forensic medicine, mental health and social work.
- Promote legislative reform aimed at eliminating unnecessary requirements, such as the lodging of official complaints, that restrict the right to abortion in cases of rape for women, in particular Venezuelan women who have experienced sexual violence outside Ecuadorian territory and cannot lodge complaints about events that occurred outside Ecuador.

**To the system for the administration of justice:**

- Conduct thorough, impartial and independent investigations into all acts of violence against women and ensure that investigations have a gender perspective.
- Ensure that all institutions in the justice system, including the Attorney General's Office, have sufficient staff and financial resources to meet their obligations to conduct prompt, independent and effective investigations and thus guarantee the right of survivors of gender-based violence to justice

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# UNPROTECTED IN ECUADOR

## VENEZUELAN REFUGEE WOMEN SURVIVORS OF GENDER BASED VIOLENCE

Ecuador is the country with the third largest Venezuelan refugee population on the continent. Women, who make up about half of this population, face multiple forms of violence in different spaces, private and public. This report documents how the Ecuadorian state is failing to guarantee the rights of Venezuelan women survivors of gender-based violence who are refugees in the country by not providing them with information or effective access to protection and justice mechanisms.

There is concern at the prevalence of gender stereotypes and discrimination and xenophobia against Venezuelan women among front-line personnel dealing with gender-based violence and justice, which are further violations of women's rights, as well as other shortcomings linked to the lack of resources allocated and shelters, which have a differentiated impact on the situation of these Venezuelan refugee women

Amnesty International also stresses the need to guarantee effective access to refugee determination procedures and alternative forms of regularization for Venezuelans because the lack of regular migration status exacerbates the lack of protection experienced by Venezuelan women survivors of gender-based violence, who are reluctant to approach the protection and justice services because they fear being expelled from the country.