



FEMICIDE IN ECUADOR: BACKGROUND, CONTROVERSIES AND THE NEED TO ESTABLISH PUBLIC POLICIES

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Abstract

Violence against women has been recognized as a legal-social problem until today. This research collected one of the most extreme forms of gender violence called femicide, composed by a legal part, as well as by criminological statistical data on this criminal type within the Ecuadorian legislation. The results demonstrated the alarming impunity and the lack of prevention and public policies to help mitigate this form of criminality. The research also demonstrated the ambivalence between the terms femicide and feminicide, which although it works as a positive element in the denunciation and allows the visualization of the murders of women that occur for gender reasons, it does not solve the problem. The type of research of this work is non-experimental, based on the qualitative approach with descriptive level. The methods used were inductive-deductive, analytical-synthetic, historical-comparative and legal dogmatic. Through this research the authors considered the need to establish public policies to allow prevention, as well as the effective application of recognized rights and the existence of effective judicial protection and legal certainty within the crime.

Keywords: women, violence, crime, femicide

Resumen

La violencia contra las mujeres se ha reconocido como un problema jurídico – social hasta la actualidad. Este trabajo de investigación recogió una de las formas más extremas de la violencia de género se trata del femicidio; por lo tanto, se ha compuesto por una parte jurídica, así como por datos estadísticos criminológicos sobre este tipo penal dentro de la legislación ecuatoriana. Los resultados han demostrado la alarmante impunidad y la falta de prevención y políticas públicas que ayuden a atenuar esta forma de criminalidad. En esta investigación se ha logrado demostrar también la ambivalencia entre los términos femicidio y feminicidio, que si bien funciona como elemento positivo en la denuncia y permite que exista la visualización de los asesinatos de mujeres que ocurren por razones de género; sin embargo, no logra solucionar este problema. El tipo de investigación de este trabajo es no experimental, basándose en el enfoque cualitativo con nivel descriptivo. Los métodos utilizados han sido el inductivo-deductivo, analítico-sintético, histórico-comparado y dogmático jurídico. A través de esta investigación se ha considerado la necesidad de establecer políticas públicas que permitan la prevención, así como también que exista una efectiva aplicación de los derechos reconocidos y que a la vez exista una tutela judicial efectiva y seguridad jurídica dentro de delito.

Palabras clave: mujer, violencia, delito, femicidio.

1. Introduction

This research paper deals with femicide as studies of violence within intimate relationships that teach about the causes that determine this type of situation, such as the aggressor's intention to maintain power and control over his victim. This research article provides a historical account of the evolution of women's rights in Ecuadorian legislation, which began between the eighties and nineties, when the central government was more concerned about the issue. As a fundamental contribution, a difference is made between femicide and feminicide, which may be synonymous, but are substantially completely different, with studies by feminists on the subject.

Likewise, this work presents the international instruments that have been generated over time, with the purpose of protecting women's rights from different spheres. It is worth noting that in Ecuador femicide was typified as a crime in 2014 with the entry into force of the Comprehensive Organic Criminal Code, a situation that occurred due to the various crimes committed against women, recognizing a phenomenon with its own characteristics that is directly associated with the murder of women with gender discrimination.

Within the research, emblematic cases of femicide can be found, with a reconstruction of the aforementioned topics that allow the analysis of the violence that exists against women. Finally, a contribution is made with

statistical data with official figures, obtained through the National Institute of Statistics and Census and the Attorney General's Office, which allow to visualize the constant violence and that despite the existence of laws to eradicate violence against women and even with the criminalization of femicide, the State remains absent to solve these conflicts. The lack of public policies in addition to addressing issues such as prevention are relevant to mitigate this problem.

In this context, the research problem lies in the question: Is it necessary for the Ecuadorian State to issue public and prevention policies to lower the rates of femicide and guarantee the protection and security of women? The general objective of this research work is to analyze the criminal type of femicide and its high rate of execution through law, doctrine, jurisprudence, theoretical basis, statistical data, with the purpose of issuing public and prevention policies to guarantee the rights of protection and security of women.

The hypothesis raised regarding the need to implement public policies and prevention by the Ecuadorian State in order to guarantee the rights of protection and security for women, and thus mitigate the crime of femicide, which has worsened in Ecuador in recent years, has been clarified.

2. Frame of Reference

2.1. Timeline of women's rights in Ecuadorian legislation

In Latin American countries, until the 1980s and 1990s, violence against women generally took place within the family sphere and was considered a private matter, in which the State could not intervene, but the problem reached a greater magnitude, and violence against the female population increased and was not considered a social problem, nor were solutions sought through the application of public policies. Women were invisible in the legislative, executive and judicial branches of government, as well as in various sectors of society, making this a serious problem.

Ecuador was not part of the exception, and women who suffered violence by their spouse or partner, were victims who had no options, that is, they did not sue their aggressors, and had no comprehensive reparation, and there was not even a penalty for the person of the aggressor. The problem reached large scales, since there were no regulations defending women's rights in Ecuadorian legislation. It was not until the end of the 1980s that Ecuadorian law began to address issues of violence against women in the public sphere, as a result of several actions carried out by women's movements that called attention to this issue.

In the nineties, the "Law against Violence against Women and the Family" was implemented, which served as a precedent to punish the aggressions caused within the family. Subsequently, in 2005, the Honorable National Congress made several reforms to the Penal Code, with the premise of improving and expanding sexual crimes and establishing sanctions; in addition, in 2006, the Health Code was approved with the fundamental objective of protecting sexual and reproductive health.

Subsequently, in 2007, as a State measure, public institutions were created to be in charge of gender violence issues. Among the institutions are: the National Council of Women (CONAMU) in charge of issuing gender policies; and the National Directorate of Gender (DINAGE) which was responsible for the coordination of the Women's and Family Police Stations. In the same year, the "Plan for the Eradication of Gender Violence" was declared (Executive Decree 620, 2007)

Subsequently, with the promulgation of the Constitution (2008), the exercise of rights shall be ruled by the following principles: 2. All persons are equal and shall enjoy the same rights, duties and opportunities". Likewise, paragraph b) of numeral 3 of article 66 states:

It shall be recognized and guaranteed to individuals:

1. The right to personal integrity, which includes: b) A life free of violence in the public and private spheres. The State shall adopt the necessary measures to prevent, eliminate and punish all forms of violence, especially against women, children and adolescents, the elderly, persons with disabilities and all persons in situations of disadvantage or vulnerability; identical measures shall be taken against violence, slavery and sexual exploitation.

It is then important to allude to the evolution of rights that has existed in Ecuador for women, this section provided that it is the State who guarantees all the mechanisms that tend to prevent, eradicate and punish all forms of violence, it is worth noting that the State through its current Constitution in its Article 70 states:

The State will formulate and implement policies to achieve equality between women and men, through the specialized mechanism in accordance with the law, and will incorporate the gender perspective in plans and programs, and will provide technical assistance for its mandatory application in the public sector.

In the same line, it is necessary to point out that the Supreme Norm marked a new prototype for coupling international instruments to the constitutional framework of Ecuador. Similarly, Ecuadorian legislation admits that international treaties are part of and define the limits of the State. In this sense, Article 417 of the supra norm provides:

International treaties ratified by Ecuador shall be subject to the provisions of the Constitution. In the case of treaties and other international human rights instruments, the pro-human being, non-restriction of rights, direct applicability and open clause principles established in the Constitution shall be applied.

Then, the "National Plan for Good Living 2013 - 2017" was released, in which, its objective number six stated: "Consolidate the transformation of justice and strengthen comprehensive security in strict respect for human rights" (National Secretariat of Planning and Development, 2013). For the government of President Lenin Moreno Garcés, the "National Development Plan for a lifetime, 2017-2021" was issued, which regarding gender violence against women "is expressed physically, sexually, psychologically, patrimonial, among others, and occurs in a framework of power relations, mainly between close people (family, partners, friends).

In addition, in its objective 1: Guarantee a dignified life with equal opportunities for all people states that "Among the priorities is also the eradication of different forms of violence, mainly with respect to women, children, adolescents and young people, promoting a system of prevention, protection, comprehensive care and reparation of rights for people who have suffered from it (National Secretariat of Planning and Development, 2017)..

It is worth noting that, with the enactment of the Comprehensive Organic Law for the Prevention and Eradication of Violence against Women (2018), enunciates in its Article 8(a) on guiding principles the following:

Equality and Non-Discrimination. - Equality is guaranteed and all forms of discrimination are prohibited. No woman may be discriminated against, nor may her rights be diminished, in accordance with the Constitution of the Republic, international instruments and other regulations in force.

In this sense, the word discrimination against women refers to any form of distinction, exclusion or restriction based on sex, sexual orientation or gender identity that is intended to affect the enjoyment, recognition or exercise of their human rights.

The following are some of the conventions signed by Ecuador. First, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In 1979, the General Assembly of the United Nations approved the aforementioned convention, which entered into force in 1981 and was ratified by twenty countries. The first article of this international treaty establishes:

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (United Nations General Assembly, 1979).

From a broad perspective, this convention is the only one that includes the right of women to decide freely on the number of children and the birth interval, and above all, obliges States to include it in their legislation in order to guarantee their rights.

Other international instruments signed by Ecuador are: the American Convention on Human Rights and the Inter-American Convention on Human Rights (1969) and the Inter-American Convention on Human Rights. The former is also known as the "Pact of San José de Costa Rica", which provides fundamental principles regarding the protection of human rights. The IACHR is part of the Inter-American System for the promotion of human rights.

It is important to mention the Belem do Para Convention, which defines violence against women and establishes the right to live in an environment free of violence (1994) is of great importance since it defines violence against women and establishes the right to live in an environment free of violence. This convention

proposes mechanisms for the protection and defense of women's rights, with the aim of combating sexual, psychological and physical violence. Article 1 of the aforementioned convention states: (...) violence against women shall mean any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

2.2. The crime of femicide in Ecuador

In Ecuador, in 2012, the creation of a new criminal law was on the legislative agenda, even in the same year the first debate on the COIP was held in the National Assembly. Later in 2013, the second debate took place and by 2014 it was approved. Regarding femicide, it is inserted within Chapter II on the rights of freedom in the first section referring to "crimes against the inviolability of life", Article 141 of the Organic Integral Penal Code states:

The person who, as a result of power relations manifested in any type of violence, kills a woman because she is a woman or because of her gender condition, shall be punished with imprisonment of twenty-two to twenty-six years.

In this sense, the incorporation of the legal concept of femicide as a crime in the COIP allows the death of women in a violent manner and related to gender issues to be named and adequately punished.

The same legal system in article 142 refers to the aggravating circumstances of this type of crime:

When one or more of the following circumstances concur, the maximum penalty provided for in the preceding article shall be imposed:

1. Having attempted to establish or re-establish a dating or intimate relationship with the victim.
2. There is or has existed between the active subject and the victim a family relationship, marital relationship, cohabitation, intimacy, intimacy, courtship, friendship, companionship, work, school or any other relationship that implies trust, subordination or superiority.
3. If the crime is committed in the presence of daughters, sons or any other relative of the victim.
4. The victim's body is exposed or dumped in a public place.

In this context, it is worth mentioning that the application of this criminal offense has as its fundamental objective a constitutive requirement that refers to proving "power relations", but this situation is difficult to prove in a sphere of violence, especially when it is a question of femicides that have not had an intimate relationship, which means that many cases remain outside of adequate criminal protection.

2.3. Elements of the crime of femicide

In the first place is the "action" which is determined by the provisions of Article 141 of the Organic Integral Penal Code, by the fact of causing the death of a woman, by a man, because of her condition of being a woman, or for reasons of her gender identity. Now, it is necessary that between the external conduct of the active subject aimed at producing the death of the woman and the result there is a causal relationship, which must be criminally relevant.

In this order of ideas, it is considered that there is hatred due to the condition of being a woman, when there are circumstances such as: having had a family relationship, cohabitation, friendship, work and having been the perpetrator of a cycle of physical, sexual, psychological or patrimonial violence that preceded the crime; exercising over the body and life of the woman acts of gender or sexual instrumentalization; committing a crime taking advantage of the power relations exercised over the woman, expressed in the personal, economic, sexual hierarchy; that the victim has been uncommunicated or deprived of her freedom of locomotion, whatever the time prior to the death of the victim.

In the second place is the intent typified in Article 26 of the COIP, which states: "the person who has the intent to do harm acts with intent", which is the knowledge and will in the realization of the criminal offense, in this sense, the will of the subject must be in the homicide of a woman as stated in Article 141 of the COIP: "death of a woman by the fact of being a woman or because of her gender condition". It is necessary to clarify that not every violent death of a female person is considered femicide under Ecuadorian law.

In the third place is the objective aspect, since femicide is an autonomous criminal offense, within the crimes against life. Under this perspective, and according to what is typified in the COIP that regulates femicide, legally it is the death of a woman by a man, having as a fundamental element precisely "the condition of being a woman" or due to gender identity issues. It should be noted that this criminal offense can be carried out in various ways and by various means, obviously here there is a cause=action and a consequence=result.

In the fourth place is the protected legal right, since femicide is a crime against the life of a woman, the Constitution in numeral 1 of Article 66 provides: "The right to the inviolability of life is recognized and guaranteed to persons: 1. There shall be no death penalty". Likewise, both physical and psychological mistreatment suffered by women are protected within this legal right.

To conclude with the elements of the crime of femicide, there is an active and passive subject. The first, although it does not say so textually, the active subject can only be a man, since the forms of violence exercised constitute a violation of human rights, affecting life, integrity and citizen security, since they have a different impact depending on the gender of the victims. Regarding the second one, it refers to a female person, since from the approach of the Ecuadorian legislation, this is a criminal type, in which the woman is the passive subject.

2.4. Difference between femicide and feminicide meanings

The word femicide was introduced by Diana Russell in 1976 when she testified about misogynistic and lethal crimes at the International Tribunal for Crimes against Women in Brussels; however, in the 1990s Jane Caputi defined it as "the murder of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women". By 1992, Jill Radford would describe it as "the misogynistic murder of women by men" and finally, she would consider femicide as "the murder of women by men because they are women."

The terminological confusion regarding femicide and feminicide began in 2006 with the Spanish edition of the books "Feminicidio: La política del asesinato de las mujeres" by Diana Russell and Jill Radford; in addition, the book "Feminicidio: Una perspectiva global" authored by Diana Russell and Roberta Harnes, written by Marcela Lagarde who systematized and presented the edition of these texts, in which she translated and substituted femicide for feminicide, disagreeing in 2008 that "in Spanish feminicidio is a voice homologous to homicide and only means homicide of women", and later claiming to have coined the term feminicide.

Due to these circumstances, Russell would issue his judgment, stating: "When I was invited to a Seminar on femicide in Juarez, Mexico, in 2004, initiated by a radical feminist anthropologist and congresswoman, Marcela Lagarde, she asked my permission to translate femicide into Spanish as *Feminicidio consentido*. However, in 2006, Lagarde redefined femicide, adding the following clause to my 2001 definition of femicide "the impunity with which these crimes are typically treated in Latin America".

According to the authors Fregoso and Bejarano, feminicide is based on (2010) femicide, and starts with: an analytical feminist perspective that rejects essentialist notions of female identity that seek to identify gender with biological sex and looks at practices and behaviors marked by gender (gendered nature), and the application of gendered norms (gendered norms).

From this perspective, it is possible to better understand "the power dynamics and relationships between gender, sexuality, race and class that underlie violence, thereby focusing attention on how gender norms, inequalities and power relations increase the likelihood that women will be vulnerable to violence (Fregoso & Bejarano, 2010).

There are different conceptions regarding femicide, since the existence of cases of this type of criminal offense clearly violates women's human rights. In this regard, it is stated that: "Femicide is genocide against women and occurs when historical conditions generate social practices that allow violent attacks on the integrity, health, freedoms and lives of girls and women" (Lagarde, 2008).

Feminicide is also defined by Segato (2004) in his work *Territorio, soberanía y crímenes de segundo Estado: la escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez* (Territory, sovereignty and crimes of the second State: the writing on the bodies of women murdered in Ciudad Juárez) as:

(...) the murder of a generic woman, of a type of woman, just for being a woman and for belonging to this type, in the same way that genocide is a generic and lethal aggression against all those who belong to the same ethnic, racial, linguistic, religious or ideological group. Both crimes target a category, not a specific subject. Precisely, this subject is depersonalized as a subject because the category to which he belongs is made to predominate over his individual biographical or personality traits (p. 10).

From another perspective, the expression femicide is more common in the Central American region. Carcedo and Sagot (2000) define it as: "the homicide of women by men provoked by domestic or sexual violence". Femicide is also defined as femicide. In short, the difference between the terms femicide and feminicide lies in the fact that the former refers specifically to the murder of women, while the latter includes the impunity that exists behind these crimes, the lack of protection by the State in the face of violence against women.

2.5. Cases of femicide in Ecuador

2.5.1. Karina del Pozo case

This case that became the basis for the criminalization of femicide in the Organic Integral Penal Code had much prominence at the level of social networks, media and caused an impact on society in general. Given this circumstance, the State was concerned about the serious situation of the country regarding the issue of violence against women.

The case of Karina del Pozo, a young woman from Quito whose death is reprehensible from every perspective, begins with the complaint received by the prosecutor's office on February 21, 2013, Mr. Milton del Pozo, brother of the victim, who was responsible for bringing to the attention of the corresponding authority, the fact that his sister left home on February 19 and had no news of her.

It is then when the Prosecutor's Office of Pichincha, begins investigations in conjunction with the Judicial Police and the Anti-kidnapping Unit, receiving in the first instance versions of close people such as family and friends. The information obtained shows that on February 19, in the morning hours, the young woman met with several friends in the north of the city of Quito, later a young man named Juan Pablo Vaca arrived, with whom after drinking some beers until 17:30 pm, Juan Pablo and Karina left that place, heading to the young man's apartment.

Once in Juan Pablo Vaca's apartment, he contacts friends, among them José Sevilla, through a phone call from Manuel Salazar, to meet at his house, to which Sevilla states that he meets with Geovanny Pina, besides Salazar. Later, around 8:00 p.m., the three aforementioned persons arrive at the apartment, and Nicolás León joins the meeting, all of them have consumed alcohol and substances subject to supervision.

Being already 01H30 in the early morning of February 20, 2013, the guests decide to return to their homes, but Manuel Salazar has a van owned by his mother, several friends requested to bring them closer to their homes. Once in the aforementioned vehicle boarded by Manuel Salazar (driver), José Sevilla (co-driver), while in the back seat were Karina del Pozo, Cecilia Rivera and Nicolás León, however, Cecilia and Nicolás left the vehicle to reach their residence.

From this moment on, the contradictions between the parties involved begin to raise doubts about the victim's whereabouts. The three implicated Piña, Sevilla and Salazar, in their first versions, state that Karina had gotten out of the vehicle to take a cab on Edmundo Carvajal Avenue and Brazil, and that they had each gone to their respective homes.

Investigations by the Prosecutor's Office continue, finding that the truck has a GPS device, immediately requesting information from Truck Road Company regarding the route taken by the vehicle. Once the information was obtained, the police determined that in the early morning of February 20, the truck was parked in Llano Chico from 02H45 to 03H35. With this finding, the Prosecutor's Office together with UNASE and the judicial police, took the decision to search the place where the vehicle was parked, when the body of Karina del Pozo was found near a creek.

Under these circumstances, on February 28, the arrest of the people who were with the victim that night was requested. Juan Vaca, Cecilia Rivera, Manuel Salazar, José Sevilla and David Piña, the last three of whom were sentenced as responsible for the death of Karina del Pozo, were considered suspects and charged by the prosecutor's office.

In September 2013, at the trial hearing, Vicente Reinoso, prosecutor in the case, accused David Piña as the perpetrator of the murder, while Manuel Salazar and José Sevilla as co-perpetrators; however, the trial court decided to sentence based on its criteria, establishing that the three defendants are perpetrators of murder, emphasizing that at that time the legal concept of femicide did not exist in Ecuadorian law, they were sentenced to 25 years of imprisonment.

2.5.2. Edith Bermeo Cisneros (Sharon) Case

Better known as the "Sharon Case", the victim died on January 4, 2015 in the municipality of San Pablo in a somewhat confusing accident. The case began once the Prosecutor's Office of Santa Elena received the police reports, then the prosecutor on duty opened two processes: one for traffic crime placing as a suspect Tatiana Chavez, alleged driver of the vehicle that ran over the deceased; and, on the other hand, for the alleged crime of femicide in which the main suspect was the partner of the deceased, Mr. Geovanny Lopez, the prosecutor ordered his arrest for finding contradictions in the versions given by him.

The prosecutor in the flagrancy hearing formulates charges, requesting preventive detention for both suspects. Subsequently, the prosecutor in charge of the case, with new investigations carried out, involves a new defendant, Mr. Luis Correa, who on February 9th is linked to the process, based on a technical ocular inspection report, in addition to the evidence found at the site of the accident. Later, Mrs. Chavez is released, because according to the investigations carried out, her vehicle had received a blow and obviously did not run over anyone.

On February 24, 2015, the evaluation and preparatory trial hearing was held in which the prosecutor accused the partner of "Sharon", for the alleged crime of femicide, typified in article 141 of the COIP, in the degree of attempt. Then the Court of Criminal Guarantees of Santa Elena, in a trial hearing, decided to sentence the defendant for the crime typified in article 145 of the COIP; that is to say, for negligent homicide.

However, the Judiciary Council presided by Gustavo Jalkh, days after the sentence was pronounced, decided to suspend for ninety days the Court formed by the judges: Pedro Ordoñez, Abdón Monroy and Odalia Ledesma, the reason for the sanction was not having issued the sentence in writing.

After several months elapsed, the three suspended judges were definitively separated from the Judiciary, for inexcusable error. By July 2015, a new court was formed, who issued a new resolution declaring the nullity of the decision of culpable homicide, the accused appealed the nullity order, however, it was denied. On November 8, 2015, the Court of Criminal Guarantees of Santa Elena, declared Geovanny López as the author of the crime of femicide.

2.5.3. Cristina Palacios Case

Cristina Palacios, a 29-year-old university woman, disappears on March 28, 2017, when leaving her workplace, she met Carlos F. who offered to take her to the University of Loja because she needed to do some paperwork; however, instead of going to the place where they had agreed, he took her to his home, where again he proposes her to undress for him in exchange for money. Upon her refusal, Carlos F. proceeded to stab her 16 times and then watched her bleed to death in front of him, after which he decided to take her body and throw it into a river, finally when he was discovered, he voluntarily accepted the crime (Sentencia, 2017). On March 29, Mr. Carlos Flores confesses before the authorities of the National Directorate of Crimes against Life, Violent Deaths, Disappearances, Extortion and Kidnappings (Dinased), Zone 6, and the Prosecutor's Office that he murdered his friend and that her body was thrown into the Cuenca River.

The authorities entered the home of the alleged perpetrator of the crime, located in the Misicata sector, finding evidence, for example: a pair of earrings, personal documents of the victim, clothes with blood marks, a cell phone, a revolver, among other things. This evidence was processed under chain of custody in

charge of Criminalistics experts. The body of Cristina Palacios was found on April 3 in a dam of the Paute river, in the canton of Guachapala.

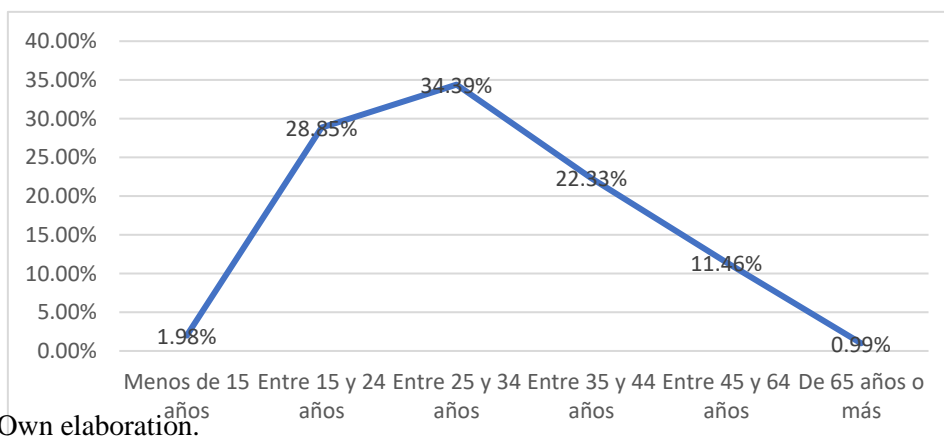
3. Results: statistical data on the increase of femicide cases in Ecuador

Table 1 Victims of femicide from 2014 to 2021.

Year	Number of cases
2014	26
2015	56
2016	66
2017	101
2018	63
2019	62
2020	77
2021	51
Total	506

Source: Own elaboration.

Figure 1 Victims of femicide from 2014 to 2021.



Source: Own elaboration.

The information exposed evidences the high number of femicide cases in Ecuador, information that is supported by statistical data issued by the Attorney General's Office. It is important to emphasize that in 2014 femicide is typified in the criminal regulations; therefore, this information starts from August 10, 2014 until October 31, 2021. According to the data reported, it can be shown that in 2014 the number of femicides are 26, increased thirty cases for the year 2015 in which it reaches a number of 56 crimes of this criminal type. In 2016 there was an increase of ten cases reaching 66 femicides in the country.

For the year 2017, there is a significant increase in the number of cases, reaching a high number of 101 crimes committed against women. In 2018, there were 63 cases of femicide, decreasing to 62 cases in 2019. For the year 2020, time where the COVID-19 pandemic is generated, a total of 77 cases are reached and to culminate in the year 2021 until the month of October there is a report of 55 cases. This allows to reach the conclusion that despite having been typified the crime of femicide in Ecuadorian legislation, it has not been possible to mitigate this problem that is generated as a result of the violence that exists against women.

Based on the results analyzed, it can be said that a single case of femicide is serious, Ecuador laws are dealing with a number of 506, which is alarming because it demonstrates the insecurity in which women live. According to the information provided by the Attorney General's Office, regarding the analysis of gender violence there is a monthly average of 5 femicides in the years 2015 and 2016, in 2017 an average of 8 crimes of this criminal type, in 2018 it is estimated 5 femicides per month and for the years 2019 and 2020 an approximation of 6 cases (Attorney General's Office, 2020).

Under this perspective, the Ecuadorian State must seek suitable mechanisms to guarantee the rights of women, through the establishment of public policies with the purpose of stopping the acts of femicide violence, guaranteeing the safety of women and eliminating inequality. With the reports that exist on the high rate of violence against women and femicides, the government through public policies should seek actions so that women's rights are protected. Public policies should be a priority for the governments in office, to develop a comprehensive strategy for the prevention, care and punishment of violence against women.

Figure 2 *Ages of femicide victims in Ecuador*



Source: Own elaboration.

Figure 2 shows that the age of the victims of femicide is between 25 and 34 years of age, followed by women between 15 and 24 years of age, and then by persons between 35 and 44 years of age. This indicates that a woman is a victim of this extreme type of violence between the ages of 15 and 44, belonging to different age groups, resulting in a serious problem and indicating a difficulty that has worsened in society without finding solutions from the State to guarantee women's rights. The macho violence suffered by women in their partner or ex-partner relationships is based on diverse realities, there are inequalities that are generated by: age, social status, migration situation, being part of minorities such as feminist groups, etc.

4. Methodological Framework

This research was conducted under a mixed approach: qualitative and quantitative. Qualitative, since bibliographic data sources, theoretical foundations, law, and doctrine were used to obtain relevant information on the topic. The quantitative approach is carried out through statistical data obtained from the State Attorney General's Office, regarding the crime of femicide and the rates reported from 2014 to 2021. The level of research is explanatory - descriptive theories exposed by treatises were analyzed by virtue of the research problem allowing to adopt its own position regarding the importance of establishing mechanisms and public policies in order to guarantee the rights of women to live free of violence and discrimination and to avoid an extreme crime of gender violence such as femicide.

In this line, methods such as inductive-deductive were applied "Induction is thus a generalization that leads from particular cases to the general law" (Baena Paz, 2017, p. 34). Deduction, on the other hand, begins by determining general ideas in order to arrive at particular cases. The historical method is also used, which responds to a given situation that has to do with time, geographic space and surrounding situations. The analytical-synthetic method was also used, allowing the information to be broken down for an analysis and interpretation of the data obtained in documentary sources that allow a synthesis to be made. The dogmatic method corresponds to formal-legal research, favoring legal sources.

5. Proposal

Consequently, the main objective of this article was to identify spatially and temporally the acceptance or denial by the State and the implementation of public policies where there is greater prevalence of violence, it is argued that proposals to produce violence-free space should be based on the implementation of public policies with a gender perspective; policies would have to be based on the spatial analysis of the contexts of violence against women, according to their types and modalities. Another point to consider is the fact of listening to the voices and experiences of women who have lived or witnessed violence against them. The problem must be addressed with professionalism, sensitivity and ethics, based on the legal frameworks of women's human rights. The following are some proposals that the State can use to mitigate this problem.

Table 2. Proposal for public policies to prevent femicide

Proposals	
• awareness campaigns, emphasizing the social and legal problem, highlighting the risk of death of women.	A
• strengthen protection mechanisms for women.	S
• to have a reliable and updated database on the status of the processing of protection measures in order to monitor their validity and compliance.	T
• strengthen or create shelters for women in situations of life-threatening domestic violence and for their children and/or dependents.	S

Source: Own elaboration

6. Conclusions

This research has made it possible to determine that, despite the existence of regulations in the Organic Integral Penal Code on femicide, it has not been possible to reduce the problem of this type of extreme violence against women's lives. The difference between femicide and feminicide has been analyzed, which is of great importance because it highlights the extreme forms of violence against women in society, resulting in some human beings taking the lives of others; in addition, emblematic cases of this type of crime that have occurred in Ecuador were cited.

Femicide is an acute crime in society, being a problem of social justice, as it is necessary for the State to take action on the matter in order to guarantee the rights of women to live free from violence and discrimination, for which public policies must be implemented to contribute positively to mitigate this problem and strengthen protection mechanisms aimed at preventing and addressing situations of insecurity, aggressiveness, subordination and disadvantage.

Everything that women suffer until today and according to what has been exposed in this research, responds to a situation of historical inequality, which has generated loopholes in the development and guarantee of rights. However, this research shows that this is not the case, since there are conclusive statistical data that demonstrate femicide in the country, emphasizing the need to guide public policies to recognize, promote, protect and guarantee the right of women to a life free of violence, as well as to establish inter-institutional coordination to prevent, address, punish and eradicate violence against women.

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