

## **The importance of *proportionality* in penalties in the Ecuadorian Penal Code for violence against women and family members**

*La importancia de la proporcionalidad en las penas en el Código Penal ecuatoriano de la violencia contra la mujer y miembros del núcleo familiar* Miulyn Karlice

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**ABSTRACT:** Violence against women or members of the family is an act that affects society in every corner of the world, because it destroys the family in many ways, such as morally, physically, psychologically, and even intellectually, as in the case of children or adolescents who are underachieving at school, since they have to endure different types of violence from the aggressor. Considering the importance of the family in society since it is on the family that the healthy and orderly growth of a society depends. This social problem has a lot to do with how, throughout history, there has been a misconception on the part of men that it is they who are superior and that it is women who must obey and be subdued, as it is they who impose authority on women in a violent manner that reaches the point of threatening their integrity and that of their whole family.

**KEYWORDS:** Violence against women, victim, crime, domestic violence, sexual violence.

**RESUMEN:** La violencia contra la mujer o miembros del núcleo familiar, es aquel acto que afecta a la sociedad en cada rincón del mundo, pues destruye la familia en muchos aspectos, como en la forma moral, física, psicológica e incluso intelectual, pues es así el caso de los niños o adolescentes que están bajo el rendimiento escolar, ya que estudiando deben soportar los diferentes tipos de violencia por parte del agresor. Poniendo en cuenta la importancia que genera la familia en la sociedad, pues es de ella que de quien depende el crecimiento de forma ordenada y saludable de una sociedad. Esta problemática social tiene que ver mucho sobre cómo se ha venido dando por lo largo de la historia aquel concepto equivocado por parte del hombre, que es el, el que tiene criterio de superioridad y que la mujer es quien debe de obedecer, siendo sometida, pues es el quien impone autoridad contra la mujer de una manera violenta que llega al punto de atentar contra la integridad de ella y toda su familia.

**PALABRAS CLAVE:** Violencia contra la mujer, víctima, delito, violencia doméstica, violencia sexual.

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## **INTRODUCTION**

The victims of aggression against women and members of the nuclear family are the couple, i.e., the wife, husband, and children; those who endure and suffer abuse and punishment are the woman and the children. The woman receives violent acts such as physical violence, psychological violence, sexual violence, and gender violence, while the children receive punishments such as beatings and mistreatment. Being the mother who becomes on many occasions the voluntary victim because she depends on the man emotionally, economically, and effectively, being thus the one who considers that she has

been wrong and justifies the violent actions of the aggressor, becoming a vicious circle, because they are the minors who will be reflected with this type of conduct and now they will be the future aggressors or assaulted.

Currently, there are more frequent cases of extreme violence against women or members of the family, reaching such a point that the violence becomes murder. For this reason, the realization of this research project is based on the importance of the family for society and the importance of taking care of it, protecting it, and watching over it, so it is very important the type of penalty that should have these crimes.

In the present article, it consists with the pertinent information, exposing all that information, legal, doctrinaire, and conceptual referring to this delicate subject; beginning with the identification of the proportionalities of the penalties and the origins of the family and in turn its importance, searching on the different terms that are linked and are inherent in this action of violent character. From there it is passed to determine and to consult the different criteria of specialists in the subject and of the most important scholars.

After this, information about domestic violence is presented, the type of violence, classes, effects, and degrees that exist within the family nucleus, analyzing why the victim tolerates this type of acts and which are the laws that protect and protect within this issue that occurs at world-wide level.

In addition, files were made to compare the laws that are related to violence against women and members of the nuclear family that is related to the legal regulations of Ecuador in comparison with those of other countries. The legal aspect was also analyzed in terms of the penalties that an aggressor receives when he or she commits some type of violence.

## **1. THE FAMILY AS THE BASIS OF SOCIETY**

Tabera and Rodríguez (2010) defined the family as “the institution or basic social system par excellence. The family is the primary frame of reference and belonging of an individual, which enables the development of their capabilities” (s. p.), which means that the family is the organism where the foundations of the individual will be constituted, which will take place throughout life, positively or negatively.

### **1.1. Criminal Dosimetry**

The dosimetry of the penalties and sanctions for the Constitutional Court of Colombia determines that it is a loose matter to the legal definition. Manifesting this at the moment that the legislator commits a punitive excess of type expelled or not written in the constitution, being its social character of human reality, principles, and autonomy. Basing itself fundamentally on the principles of proportionality and subsidiarity of the penalty, so that it is only when it is precisely necessary. The penal dosimetry is an issue left to the legal definition; however, it is up to the judges to ensure the respect that must be given to the principles of proportionality and reasonableness (García, 2011).

In addition, Dr. José García Falconí (2011) indicates that, in our Constitution of the Republic of Ecuador, the principle of equality is typified in Art. 11 numeral 2, which talks about all people are equal before the law, guaranteeing the same duties, rights, and opportunities for all; they are governed in principles, such as. No one may be discriminated against based on socio-economic status, disability, gender identity, age, sex, cultural identity, political affiliation, judicial background, language, religion, etc. The state is the one who will take the necessary

measures to guarantee and promote equality for those who want to violate this right and are in a state of inequality.

Thus, establishing that justice, peace, freedom, good living, and solidarity are prioritized, with judges administering justice based on the Constitution.

This principle comes from principles such as proportionality and reasonableness, thus justifying the variety of treatment, estimating the relationship between the means used and the end to be achieved.

Dr. José García Falconí (2011) explains that:

In addition, the principle of harm or material unlawfulness, as is generally known and as the doctrine indicates, as stated above, it follows that there must be a relationship of proportionality between the typical conduct and the punitive response, so that the severity of the penalty depends on the gravity of the offense, since the principle of equality. (p. 8)

Criminal dosimetry is a subject that requires an academic study, which is constituted in a legal way to the principle of proportionality of penalties. It is based on objectives, being the character of scientific and normative thinking of the law. The penalty will always depend on the degree that it has either in the judicial or legislative part it will be based and will depend on the degree of intensity with which the violation of the criminal protected legal good was committed (Zambrano, 2019).

In addition, Falconí (2016), in an opinion column published in the newspaper *El Universo* explains that:

When we speak of penal dosimetry, we refer to the application of the principle of proportionality to penalties, both by the legislature when imposing a specific sanction for conduct defined as a crime, as well as by judges and courts when deciding specific cases. The imposition of punishment and its magnitude will depend, both legislatively and judicially, on the intensity with which the criminal legal right protected by the criminal type has been violated or endangered. In less technical language, it will depend on the amount of damage that has been caused. (p. 1)

In summary, penal dosimetry is that which is expressed now that the legislator is going to commit a punitive excess that is not prescribed in the law. The dosimetry is based on the principles and the lifestyle or human reality of society, on the principle of proportionality and subsidiarity of the penalty; requiring a profound study of an academic nature that is composed legally. It is up to the judges to ensure that the principles of proportionality and reasonableness are respected and respected.

Dr. José García Falconí (2011) points out that the burden or magnitude of the penalty either in the legislative part or in the judicial part will be given depending on the degree of magnitude with which the act that caused the violation of the criminal protected legal right was carried out.

The principle of lesivity is the typical conduct, giving the punitive response concerning the principle of proportionality; that now of dictating the penalty it will be given depending on the seriousness of the infraction committed.

This is a fundamental principle, which serves a peaceful and harmonious coexistence, alluding precisely to the fact that there will be no criminal offense, process, or penalty, without it

being typified and in force in the law. Which is legally directed by a legislator, guaranteeing the “taxatividad” of the penalty.

It will be published in the official registry. The principle of legality has the function of limiting the abuse of power, seeking that public power is always following the law. In our Constitution of the Republic of Ecuador (2008):

In all proceedings in which rights and obligations of any kind are determined, the right to due process shall be ensured and shall include the following basic guarantees:

(...)

No one may be tried or punished for an act or omission which, at the time it was committed, was not classified by law as a criminal, administrative, or other offense; nor shall a penalty not provided for by the Constitution or the law be applied to him or her. A person may only be tried before a judge or competent authority and with observance of the proper procedure for each proceeding. (art. 76.3)

## **1.2. . Family context and intimate partner violence against women**

According to Ribero and Sánchez (2005) (cited by Espinoza, Vivanco, and Vargas, 2019) indicate that those women who grew up in a home of violence, where the mother was beaten and abused, suffering aggressions coming from her partner, are those who, at the moment of having a personal relationship, are more prone to live this type of situations, since, due to what they have lived, their vision will be to tolerate this type of behavior in the family environment. At the same time, they

come to believe that the father or the man in the relationship is the one who will have the power to exercise violence to impose his thoughts and authority as the dominant person in the family nucleus.

The World Health Organization (n.d.) indicates that:

The percentage of ever-partnered women who had experienced physical and/or sexual violence by a partner in their lifetime ranged from 15 to 71 percent, although rates in most settings ranged from 24 to 53 percent. (p. 3)

According to the United Nations, until 1991, only 22 countries in the world granted women the same rights and opportunities as men in matters of family property, marriage, and divorce. Violence against women is caused by the unequal power relations between men and women. The problem continues to develop in the implanted stereotypes that are negative, affecting those networks of support where the woman who lives the type of mistreatment goes so that the due attention and protection are offered to them, but, by the raised stereotypes, they are victimized by those organisms that are supposed to offer them the necessary protection (Ruiz, Blanco, and Carmen, 2004).

The National Institute of Women (2006) explains that:

Partner violence usually begins during the dating relationship, and in most cases continues and is accentuated in married life; in a significant proportion, it continues to manifest itself after the violent relationship has ended, with aggressions towards the woman by the ex-partner. (p. 3)



Sanmartín et al. (2010) indicate that intimate partner violence affects all kinds of people, no matter what social class, educational level, or country they belong to. This is one of the forms of gender violence with the highest rates of development and spread in the world. People consider this type of violence as repulsive and scourge, however, even so, they tend to admit and allow this type of treatment within their relationships, becoming people tolerable to violence. They perceive violence as a normal act, as if it were part of a relationship with their intimate partner, without allowing a third party to intervene, thinking that it should be resolved between the members of the relationship. Considering that it is not other people's business, preventing the help of third parties.

Bronfenbrenner (1979) (cited by Sanmartín et al., 2010) expresses that risk factors can be presented in different ways, whether individually, socially, family, or culturally. In addition, no factor explains why some people are more violent than others or why violence tends to develop in more specific places or other communities; but what is important is how it influences itself and its factors.

### **1.3. Elements of the Crime according to the Ecuadorian Organic Integral Criminal Code**

Human activity has much to do with the human character, referring to humans as an agent and not patients, being susceptible to commit a crime. On the other hand, Typicity is the typical conduct that leads to an act or omission that is established as a crime within a legal body. As for the antijuridicity, it is the typical, antijudicial and guilty voluntary conduct. That is, it is contrary to law and is unlawful, which injures or endangers property or interests protected by law. Finally, culpability is divided in two ways: a) malice or the

intention to harm; b) guilt or the act by negligence or without intention (COIP, 2014).

Guilt is divided into these two ways, the first being with the precise intent to cause pain or harm, while the second is by an act of recklessness leading to guilt.

#### **1.4. Types of violence typified in the Comprehensive Organic Criminal Code of Ecuador**

Among the principles of our constitution, it states that it is a constitutional state of rights, justice, and social duty, guaranteeing, in turn, the right to a culture of peace, comprehensive security, and democratic society. In the same prologue, it indicates the constitution of society respecting in all its aspects, the decency and dignity of persons and their collectivities.

It has been established as a right and guarantees sexual and reproductive, moral, physical integrity, non-discrimination in their human and psychological freedom. All of this includes women and all individuals who are part of our nation. Our state has as necessary measures of protection, the prevention, punishment, and elimination of all acts or types of sexual violence, disappearance, prostitution, or forced sterilization; in the Organic Integral Penal Code, they are typified with their respective sanctions as crimes against humanity.

The social reality concerning violence against women was previously a topic that was far removed from the Constitution of the Republic of Ecuador and our punitive code, but today it has been introduced and is part of our Ecuadorian penal system, forming part of the Code of Criminal Procedure (COIP).

Our state through our Organic Integral Penal Code (2014) in articles 155 to article 158 indicates that it is typified and punished in the crimes of violence that occurs against women or members of the family nucleus, which is given these provisions from our constitution. Article 155 states that all mistreatment or any form of violence, whether against women or members of the family nucleus, which is carried out by a member of the family nucleus, is defined as violence, and classified as such. In cases of violence that produce or generate injuries that are given against the woman, or any member of the family nucleus will be sanctioned by Art. 156 maintaining the same penalties that are foreseen in the crimes of injuries, but with a higher degree of one-third.

Article 155.- Violence against women or members of the nuclear family: Violence is any action consisting of physical, psychological, or sexual mistreatment by a family member against a woman or other members of the nuclear family.

Members of the nuclear family are the spouse, common-law or unmarried partner, cohabitant, ascendants, descendants, sisters, brothers, relatives up to the second degree of affinity, and persons with whom it is determined that the defendant maintains or has maintained family, intimate, affective, conjugal, cohabitation, dating or cohabitation ties.

Article 156.- Physical violence against women or members of the nuclear family: The person who, as a manifestation of violence against women or members of the nuclear family, causes injuries, shall be punished with the same penalties provided for the crime of injury increased by one third.

Article 157.- Psychological violence against women or members of the nuclear family. - -

Any person who, as a manifestation of violence against women or members of the nuclear family, causes damage to mental health through acts of disturbance, threat, manipulation, blackmail, humiliation, isolation, surveillance, harassment or control of beliefs, decisions, or actions, shall be punished as follows:

If minor damage is caused that affects any of the dimensions of the integral functioning of the person, in the cognitive, affective, somatic, behavioral, and relational spheres, without causing impediment in the performance of their daily activities, shall be punished with imprisonment of thirty to sixty days.

If the person is moderately affected in any of the areas of personal, work, school, family, or social functioning that causes prejudice in the fulfillment of their daily activities and therefore requires specialized mental health treatment, shall be punished with a penalty of six months to one year.

If it causes severe psychological damage that even with specialized intervention has not been reversed, it will be punished with imprisonment of one to three years.

Article 158.- Sexual violence against women or members of the family nucleus: The person who, as a manifestation of violence against women or a member of the family nucleus, imposes on another and forces her to have sexual relations or other similar practices, shall be punished with the penalties provided for in crimes against sexual and reproductive integrity. (COIP, 2014)

## 2. METHODOLOGICAL ASPECTS

For this article, interviews were conducted with criminal lawyers, judges, and prosecutors in the criminal area specializing in domestic violence, to obtain a more precise point of view that would help to respond to the objectives of the research. In addition, files were elaborated in which the articles that penalize the types of violence against women or members of the family nucleus are observed.

The following table shows the articles referring to the different types of violence in the selected Latin American countries, being those that penalize the different types of violence and aggression by the aggressor.

This table explains physical, psychological, and sexual violence. Physical violence is an action that causes harm to another person, and can be physical or even material, i.e., the use of objects causing even more damage. Its purpose is to cause injuries both externally and internally.

Psychological violence is the one that, although it may seem the “mildest” is the one that affects the most because it reaches the point of generating that the assaulted person sinks into a hole from which it is very complex to get out, accepting and tolerating the aggression by the partner and even thinking that he/she deserves such treatment, blaming him/herself for what happened. Sexual violence is an act that involves threats or force and that occurs without the consent of the victim.

### 4.1. Laws that criminalize domestic violence in Latin America

**Table 1:** : List of laws typifying violence in the Ecuadorian Organic Integral Penal Code

País	Cuerpo Normativo	Artículo	Disposición	Sanción
Ecuador	Code Organic Integra Penal	Art.155, Violencia contra la mujer o miembros del núcleo familiar.	Se considera violencia toda acción que consista en maltrato, físico, psicológico o sexual ejecutado por un miembro de la familia en contra de la mujer o demás integrantes del núcleo familiar.	
		Art.156.-Violencia física contra la mujer o miembros del núcleo familiar	La persona que, como manifestación de violencia contra la mujer o miembros del núcleo familiar, cause lesiones	Sanción con la misma pena previstas para el delito de las lesiones aumentadas a un tercio.
		Art.157.-Violencia psicológica contra la mujer o miembros del núcleo familiar.	Comete delito de violencia psicológica la persona que realice contra la mujer o miembros del núcleo familiar amenazas, manipulación, chantaje, humillación, etc.	Pena privativa de libertad de seis meses a un año.
			Si con ocasión de la violencia psicológica se produce en la víctima, enfermedad o trastorno mental.	Tendrá sanción máxima de la pena, aumentada a un tercio
		Art.158.-Violencia sexual contra la mujer o miembros del núcleo familiar.	La persona que, como manifestación de violencia contra la mujer o un miembro del núcleo familiar, se imponga a otra y la obligue a tener relaciones sexuales u otras prácticas análogas.	Pena privativa de libertad son las sanciones de los delitos contra la integridad sexual y reproductiva.

Fuente: COIP (2014)

**NOTE:** In the following sheet you can see the laws that penalize the types of violence in Ecuador.

### Own elaboration

The articles of the Ecuadorian Comprehensive Organic Criminal Code that criminalize the types of domestic, psychological, sexual, and physical violence that an aggressor can commit can be seen in sheet number one. As can be seen in the sheet, the aggressor can receive a penalty of up to one year's imprisonment and the penalty can even be increased depending on the type of violence that the aggressor has committed.

**Table 2:** List of laws typifying violence in the Nicaraguan Pena Code.

Country	Normative Body	Article	Provision	Sanction
Nicaragua	Comprehensive law against violence against women and reforms to law no. 641, "penal code."	Art. 10. Physical violence.	As a consequence of the physical violence exercised by men in the framework of unequal power relations between men and women, the woman will be caused any of the physical injuries typified in this Law, the following penalty will be applied:	Minor injury: imprisonment from eight months to one year and four months.
		Art.11 Psychological violence	If dysfunction is caused in any of the areas of personal, work, school, family or social functioning that requires specialized mental health treatment	Serious injury: imprisonment from eight months to six years. Very serious injury: imprisonment from seven years and six months to thirteen years and four months. Penalty of two years and eight months of pressure.

		If a mental illness is caused that, even with specialized intervention, the person cannot permanently recover their mental health.	Sentence from seven years and six months to thirteen years and four months in prison.
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**Note:** In the following sheet you can see the laws that criminalize the types of violence in Nicaragua

### Own elaboration

In card number two, you can see the articles of the Integral Law Against Violence against Women and of the reforms to the law no. 641, the “penal code” of Nicaragua that penalizes physical violence in art.-10 and psychological violence in art.-11.

**Table 3:** List of laws typifying violence in the Guatemalan Penal Code

Country	Normative Body	Article	Provision	Sanction
Guatemala	Law against Femicide and other forms of Violence Against Women.	Article 7. Violence against women,	Having attempted in a repeated or continuous manner, unsuccessfully,	The person responsible for the crime of psychological violence against women will be punished with imprisonment of five to eight years, according to the seriousness of the crime.
			Maintaining at the time of the perpetration of the act, or having maintained family, conjugal, cohabitation, intimacy or courtship relationships, friendship, companionship, or relationship with the victim against the work, educational or religious relationship.	
			As a result of group rituals using or not using weapons of any kind.	
			In disregard of the victim's body for the satisfaction of sexual instincts or committing acts of genital mutilation. e. For misogyny.	



**Note:** In the following sheet you can see the laws that criminalize the types of violence in Guatemala.

### Own elaboration

In tab number three, we can see the Law against Femicide and Other Forms of Violence against Women, Article 7 of which criminalizes violence against women in Guatemala. The aggressor in this country can receive a sentence of up to eight years depending on the seriousness of the crime committed.

Unlike Guatemala and Nicaragua where an aggressor receives eight to seven years in prison for committing some type of violence, in Ecuador these laws are very docile when sentencing a person who has committed an act of this kind, putting only one year of pressure when in this case the penalties should be more severe.

#### 4.2. Violence against women throughout the life cycle

**Table 4:** Violence Women Receive During the Life Cycle

<b>Violence against Women through the Life Cycle</b>	
Phase	Type of violence
Childhood	Female infanticide; physical, psychological, and sexual abuse.
Childhood	Female genital mutilation; incest; child marriage. pornography; prostitution; physical, sexual, and psychological abuse.
Adolescence and adult life	Forced sex for economic reasons; incest; dating violence; sexual harassment; prostitution and pornography; forced pregnancies; spousal homicide; women's traffic; sexual abuse in the workplace; abuse of disabled women.
Old age	Economic widow homicide, physical abuse, Psychological and sexual old age; forced suicide.

**Note:** In this table we can see the different types of violence and abuse that woman experience throughout their life cycle, separated by stages

*.Elaborado: Autora de la tesis.*

Table 4 shows the different acts of violence that a woman suffers in her life cycle, which causes any type of harm and is generated by the simple condition of being a woman. It presents an endless number of acts in the different aspects that go from discrimination to violence that can be physical, psychological, and sexual.

**Interviews with judges and lawyers in Guayas:****Table 5:** First block of the interview

Interviewee	1. Measures for the protection of victims of domestic violence	2. Protective measures applied to victims of domestic violence	3. Procedural steps to be followed in a case of domestic violence
Nel Eduardo Alaba M i e l e s / Abg. Free exercise and legal advisor of the Transit Commission of Guayaquil.	Society from its foundations has allowed the backwardness of women in all its forms, where machismo has been tolerated as something normal, discriminating the work of women to an inferior role, often allowed, and accepted by the same woman, who, on many occasions has accepted it because she has considered it as something normal.	The departure from the offender's home, the obligatory distancing, not to approach the victim at meters.	The victim of psychological abuse must file a complaint with the authority of violence against women and members of the family group, who must grant protection measures, and immediately, inhibit to know, providing that a competent prosecutor for the investigation of the crime is drawn.
M i c h a e l A n g e l o Santillan C a d e n a /Free Exercise Abg.	They are positive tools that serve to contribute to the protection of the rights of women and the members of a nuclear family to eradicate or eliminate situations of violence that may affect them.	The most applied are those set out in article 558, paragraphs 1, 2, 3, 4, 5, and 6 of the Comprehensive Organic Criminal Code. The latter is when the victim and the aggressor or defendant share a common dwelling.	The procedure for this type of criminal offense of domestic violence against women or members of the family is set out in Article 643 et seq. of the Comprehensive Organic Criminal Code (COIP).

**Fuente:** Santillán y Alaba (2020)

**Nota:** En este cuadro podemos observar los diferentes tipos de violencia y abusos que la mujer presenta a lo largo de su ciclo de vida, separadas por etapas.

### Own elaboration

The first step is to make the relevant complaint so that protection measures can be issued. These protection measures are the judicial way that helps to avoid new infractions, being tools of a positive nature, protecting the rights of women, aiming to eliminate violence. The most applied protection measures in Ecuador are the injunction and the order to leave the home of the person being prosecuted. These measures are those that are taken at the time of cohabitation between the victim of violence and the aggressor.

**Table 6:** Second block of the interview.

Interviewee	4. Under what type of criteria are protection measures issued?	5. Protection measures for victims of domestic violence are effective.	6. How to improve the effectiveness of these protection measures
Nel Eduardo Alaba Mieles/ Abg. Free exercise and legal advisor of the Transit Commission of Guayaquil.	Generally, the judicial criterion for issuing measures, knowledge of the complaint is sufficient to merit for judges to issue protective measures.	I consider these victim protection measures to be effective.	It is much more common in popular areas this type of violence, for this reason, I believe that as a state, should be improved communication or points of reception of violence.
Michael Angelo Santillan Cadena/ Free Exercise Abg.	These protective measures are issued as a preventive measure and as a mechanism for safeguarding the physical, psychological, or sexual integrity of both the woman and the members of the nuclear family.	I do not consider them effective, just look at the high rate of femicides and domestic violence against women and family members, during the same in which increased considerably, which reveals the fact that these do not have the effectiveness or prevention as a positive tool to contribute to the protection of this vulnerable group of the law determines.	I believe that the state should assume a real leading role and not just limit itself to the development of punitive laws, instead of implementing training programs for judicial officials.

**Fuente:** Santillán y Alaba (2020)

### **Own elaboration**

Protective measures are issued in times of need and protection, but they are also to prevent acts of violence. The judges who issue these measures are there to protect the psychological, physical, and emotional integrity of the victim. The protection measures help to reduce the rate of violence, because the aggressor, knowing that he has been notified, knows that it is not appropriate to approach her because he would pay with jail. The state judicially has many laws that protect women and the family, it is not that the state does not have the necessary measures, but rather it is something social because in our society the feminine is devalued by the supremacy of the masculine.

### **CONCLUSIONS**

From this article, it can be concluded that violence against women and members of the family nucleus is based on all members of the family, but even more so in women, since it is the one that is directly affected, proliferating, or hugely reproducing itself, such as the situation in our country that in the Judicial Units it has gotten out of control.

In the same way at the international level, it has been possible to verify the statistics of the worldwide commotion that is lived, by the cases of so aberrant crimes that have arisen against women.

With violence against women and members of the nuclear family, the principles, and constitutional rights such as the right to life, physical integrity, good physical and mental health and to stay in a healthy place, the violation of these principles is observed.

These treatments and episodes of violence towards women are received within the family nucleus as well as outside; they are presented within these two circumstances since, once the conjugal relationship is over, the victimizer does not accept this separation, believing that the woman is his property, continuing and creating more violent actions. This is how crimes occur in our country.

The changes in our Penal Norms, based on the dosimetry of the judges, mainly now of punishing based on the principles of proportionality for both the offenders and the victims.

For this reason, the following is recommended:

- a. To regulate and at the same time structure psychological treatment programs for victims of domestic violence and aggressors in the same way, especially in those cases where there are minors involved or those who are in a state of vulnerability or emotional dependence.
- b. That those authorities of the Judicial Units demand regulations where there is a good functioning of shelters, to deal specifically with this issue and this problem such as violence.
- c. To campaign for the creation of a culture of peace and harmony, promoting equal rights for all in schools and colleges, and to raise the issue of domestic violence in a more upright and professional manner.
- d. That Ecuador's judicial system should monitor compliance with psychological therapies with greater importance.
- e. Reform the articles on the different types of violence against women or members of the nuclear family in the

Comprehensive Organic Criminal Code, which are found in articles 155 to 155.

158 (COIP)

f. Respect the different rights of both the victim and the aggressor, being judged impartially and under the management of the law

g. Correctly follow the procedures as set out in the law, respecting the rights of citizens

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