



## Necesidad de tipificación de la violencia vicaria en el Código Orgánico Integral Penal ecuatoriano

*The need to typify vicarious violence in the Ecuadorian Organic Comprehensive Penal Code*

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**Palabras claves:**

Violencia vicaria,  
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**Keywords:**

Vicarious  
violence,  
criminal law,  
gender, Ecuador,  
legal protection.

**Resumen**

**Introducción:** La violencia vicaria es una forma de violencia de género que afecta a mujeres y niños en todo el mundo, incluyendo Ecuador. A pesar de su gravedad, esta forma de violencia no siempre es reconocida o tipificada en la legislación penal ecuatoriana. **Objetivo:** Este estudio tiene como objetivo principal analizar la necesidad de tipificar la violencia vicaria en el Código Orgánico Integral Penal ecuatoriano, con el fin de brindar protección legal a las víctimas de este tipo de violencia. **Metodología:** Se emplearon métodos de análisis documental, revisión bibliográfica, estudio de casos y entrevistas semiestructuradas a expertos en derecho penal, género y violencia de género en Ecuador. Se realizaron análisis comparativos de legislaciones, revisión sistemática de la literatura y análisis de contenido de casos de violencia vicaria. **Resultados:** La investigación reveló que la violencia vicaria es una forma grave de violencia de género que afecta a mujeres y niños en Ecuador, con consecuencias devastadoras en su integridad física, psicológica y emocional. Se identificó la importancia de promover campañas de sensibilización y concienciación pública sobre este fenómeno. **Conclusión:** La inclusión de la violencia vicaria en la legislación ecuatoriana es crucial para garantizar la protección de las víctimas y promover una cultura de respeto y equidad de género en la sociedad. Se recomienda la implementación de estrategias de detección temprana, capacitación especializada y coordinación interinstitucional para abordar eficazmente este problema. **Área de estudio general:** Derecho Procesal Penal y Litigación Oral. **Área de estudio específica:** Derecho Penal y Violencia de Género

**Abstract**

**Introduction:** Vicarious violence is a form of gender-based violence that affects women and children throughout the world, including Ecuador. Despite its seriousness, this form of violence is not always recognized or typified in Ecuadorian criminal legislation. **Objective:** The main objective of this study is to analyze the need to typify vicarious violence in the Ecuadorian Organic Comprehensive Penal Code in order to provide legal protection to victims of this type of violence. **Methodology:** Documentary analysis, literature review, case studies and semi-structured interviews with experts in criminal law, gender and gender violence

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in Ecuador were used. Comparative analysis of legislation, systematic literature review and content analysis of cases of vicarious violence were carried out. Results: The research revealed that vicarious violence is a serious form of gender violence that affects women and children in Ecuador, with devastating consequences on their physical, psychological and emotional integrity. The importance of promoting public awareness and sensitization campaigns on this phenomenon was identified. Conclusion: The inclusion of vicarious violence in Ecuadorian legislation is crucial to guarantee the protection of victims and promote a culture of respect and gender equity in society. It is recommended that early detection strategies, specialized training and inter-institutional coordination be implemented to effectively address this problem.

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## Introduction

The present era is characterized by a palpable crisis in ethical, moral and social values, which has exacerbated the incidence of violence in contemporary society. This phenomenon is particularly worrying in family settings, where numerous cases of violence are recorded, perpetrated by both family members and individuals outside the family unit. This increase in violence is supported by statistical evidence, which reveals the significant presence of physical, psychological and even sexual violence, with women being the main group affected by these acts of aggression. In this context, violence is defined as any act that causes physical, verbal, psychological or sexual harm to an individual, with threats being a common form of abuse.

In the contemporary context, the problem of violence has evolved into more complex forms, with vicarious violence being one of them. This type of violence is characterized by being exercised through third parties with the aim of causing harm to the mother. One of the additional difficulties lies in the lack of specific legal regulation on vicarious violence in the Ecuadorian legal framework. The direct consequence of this lack of regulations is the serious psychological damage inflicted on the affected women. Vicarious violence, therefore, is a form of gender violence, in which the sons and daughters of the female victims are used as a means to perpetrate acts of aggression against their mother, causing her psychological damage of considerable magnitude, which in some cases can lead to physical and verbal violence.

There is an alarming prevalence of cases of violence within society, however, many of these acts go unpunished due to the absence of their classification as a crime in the

Comprehensive Organic Criminal Code. Ecuadorian criminal legislation recognizes multiple forms of violence, but unfortunately does not specifically address vicarious violence, which is being perpetrated against mothers. (Zafra Aparici and Roman Martin, 2022) This legal omission leaves this social group that, for decades, has sought protection for its rights unprotected, making them easy targets for violations. Clearly, the lack of classification of this crime is undermining the rights and constitutional guarantees of women who have suffered this form of violence.

The lack of regulation within the Ecuadorian legal framework regarding vicarious violence has made mothers, that is, women, the social group most vulnerable to suffering acts of violence and to keeping silent about it. As it is not regulated and does not constitute a public or private crime, this situation seriously infringes constitutional rights and guarantees, as well as human rights by undermining the dignity of women. This problem is further aggravated by the fact that the lack of regulation, as the law is a declaration of the sovereign will that implicitly prohibits, permits and commands, would be supporting this type of violence towards this social group.

Vicarious violence, an insidious form of gender-based violence that affects women through their children, has emerged as a significant challenge in the context of the Ecuadorian legal system, particularly within the framework of the Comprehensive Penal Code. Despite advances in legislation to address violence against women, vicarious violence remains an invisible and unregulated reality in Ecuador's penal provisions. (Zamora-Vazquez and Avila-Cardenas, 2022).

Ecuador's Comprehensive Criminal Code, enacted in 2014, establishes a comprehensive legal framework to prevent, punish and eradicate various forms of violence, including gender-based violence. However, the lack of specific provisions addressing vicarious violence leaves a legal vacuum that puts women who are victims of this form of violence at risk. (COIP, 2021).

In this context, it is imperative to thoroughly analyze the absence of regulation of vicarious violence in the Ecuadorian Comprehensive Criminal Code, identify the legal and social implications of this omission, and propose legislative and political measures to effectively address this phenomenon. Through this study, we seek to raise awareness among key actors in the criminal justice system about the importance of including vicarious violence in the existing legal framework and ensuring the comprehensive protection of women and their children.

In the following sections, the current situation of vicarious violence will be examined in detail in the context of the Comprehensive Penal Code of Ecuador, the legal and social implications of its lack of regulation will be analyzed, and recommendations will be

proposed to strengthen the legal framework and protect the rights of women in vulnerable situations.

The lack of regulations not only violates women's rights and constitutional guarantees, but also affects the rights of children born to these women, who are victims of this type of violence by being used as instruments to instill fear, threat, intimidation and coercion towards this social group. Ecuadorian legislation is not evolving at the same pace as current needs, conflicts and social realities, resulting in a serious undermining of human dignity and an apparent implicit support for the perpetuation of this type of violence, which constitutes a crime.

### **Background**

Violence, in its generic sense, is defined as an intentional act that seeks to cause harm, using threats and force as means to achieve this end. This phenomenon has deep roots in the history of humanity, being as old as interpersonal interactions themselves. Until the 1990s, in Latin America, violence was perceived as an intrinsic part of human coexistence, accepted with such normality that the State did not intervene to mitigate it, especially when it occurred within the family. This omission was especially evident in Ecuador, where women could not report the violence they suffered within the family due to legal restrictions, as stipulated by the Code of Criminal Procedure.(Albarán Cifuentes et al., 2022).

As time goes by and social realities change, the forms in which violence manifests itself also evolve. Gender violence then emerges, defined as any violent act, whether physical, psychological, sexual or patrimonial, directed specifically against women. This concept arises as a result of the historical progress of women in the fight for their rights, recognizing the historical vulnerability of women due to sexist and discriminatory factors. The creation of international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women in 1981 and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in 1995 (also known as "Belem do Para"), obliges signatory countries, including Ecuador, to incorporate measures for the protection and eradication of violence against women in their national legislation.(Tobar Cid, 2023).

In response to these international commitments, Ecuador enacted a law to eradicate violence against women in 1995, and began to establish police stations specialized in the care of women.(Heredia Mayorga, 2022). However, these measures did not completely resolve the problem, highlighting the slow progress of the State in eradicating and preventing violence and discrimination. In 2008, the Ecuadorian Constitution, in its article 66, established the right to personal integrity, which includes moral, sexual, physical and psychological integrity, as well as the right to a life free of violence in the

public and private spheres. In addition, it imposes on the State the obligation to promote measures to prevent, eliminate and punish all forms of violence, especially that directed against women, girls, boys and adolescents.(National Assembly of Ecuador, 2008).

Under the protection of constitutional supremacy, in 2014, the Comprehensive Organic Criminal Code (COIP) was enacted in Ecuador, which classifies as crimes certain acts that attack women, such as femicide, homicide and murder. This code also begins to consider the various forms of violence against women, thus expanding the possibility of complaints by victims. From article 155 to article 158 of the COIP, regulations are established for physical, psychological and sexual violence. However, vicarious violence is still not addressed in Ecuadorian criminal legislation, which affects both women and children, who are used as instruments to inflict pain on the victim.(COIP, 2021)This lack of regulation allows these crimes to go unpunished, despite their devastating impact on victims.

The Constitution of the Republic of Ecuador of 2008 clearly establishes that it is the responsibility of the State to punish all types of violence, especially that committed against women, children and adolescents (Article 66 N. 3). However, this constitutional provision is violated by the lack of classification of vicarious violence, which results in impunity.(National Assembly of Ecuador, 2008)Doctrinally, vicarious violence is defined as a violent action that causes harm to the physical, sexual or psychological integrity of women, and which can be exercised through threats and acts of coercion. This form of domestic and gender-based violence received its name from the State Pact Against Gender Violence in Spain in 2017.(Rivera et al., 2019)Vicarious violence involves the abuser using other people, such as children, to harm and destroy the mother's life.

The numerous acts of violence suffered by women in society, including vicarious violence, are invisible to most, which can lead victims to extreme situations, such as suicide. The lack of adequate regulations not only perpetuates the cycle of violence by the aggressor, but also constitutes a serious attack on the human dignity and rights of women and children who are used as instruments of pain. In Ecuador, six out of ten women have experienced or are experiencing some type of gender violence, indicating that gender violence affects more than 50% of the population in all provinces of the country.(Solorzano Bernita, 2023)Vicarious violence can no longer be ignored in the Ecuadorian legal framework.

In response to slow progress in preventing and eradicating violence against women in Ecuador, the Organic Law on the Prevention and Eradication of Violence against Women was enacted in 2018. However, this law does not address all forms of violence, as it omits a form of violence of utmost importance due to the violation of rights and its impact on minors: vicarious violence. The law defines gender violence as "conduct or action that causes or does not cause death, harm and suffering of a physical, sexual, psychological

and patrimonial nature to women," but does not include specific provisions to prevent or eliminate vicarious violence, which represents a real and continuous threat. The daily increase in violence against women is attributed in part to the lack of attention that the State pays to this issue and its slow progress on issues of gender violence.

Despite the alarming figures of violence in Ecuador, there are even more worrying data that are not reflected in official statistics, as many women suffer in silence. Despite being considered a priority group according to the Constitution, women victims of domestic and sexual violence, as well as victims of child abuse, do not receive adequate protection from the State. The lack of regulations, classification and regulation of vicarious violence further aggravates this situation, which constitutes a violation of the constitutional supremacy that demands the sanction of all forms of violence and also violates human rights, such as the right to human dignity.(Guenis Labio and Peña Otavalo, 2021).

Minors who are victims of violence, such as vicarious violence, are recognized by the United Nations as victims of child abuse. This phenomenon of violence is complex, degrading and violates rights. The impunity with which the aggressors practice this form of violence is worrying both at the legal and social level. Gender violence is no longer a private matter, but rather an issue of public and state interest that requires concrete measures. The classification of vicarious violence as a crime in the criminal legal framework would allow victims to access justice effectively and find adequate judicial responses, which is crucial to ending this form of violence that, unfortunately, is reflected in the high number of suicides in Ecuador.(Cabrera et al., 2022).

Vicarious violence, as an emerging phenomenon in the context of gender violence, has been the subject of study and analysis by various experts in the fields of psychology, law and social sciences.(Beltran Sales, 2023)Although there is no universally accepted definition, vicarious violence is understood as that form of gender violence in which the aggressor uses the children as a means to exercise control, intimidation or revenge over the mother.

In the legal field, vicarious violence has been described as the most extreme form of gender-based violence, where minors are used as instruments to cause harm to women and perpetuate the cycle of violence. Despite its seriousness and recurrence, vicarious violence has been largely ignored in the Ecuadorian legal system, including the Comprehensive Penal Code.

The lack of recognition and regulation of vicarious violence in Ecuador's criminal legal framework reflects a significant gap in the protection of the rights of women and children. This legal omission not only perpetuates the invisibility of this form of violence, but also prevents the implementation of effective measures to prevent it and punish the aggressors.

It is essential that the Ecuadorian legal system recognizes vicarious violence as a specific form of gender violence and includes it in its penal provisions. This action will not only contribute to making this problem visible and combating it, but will also send a clear message that vicarious violence will not be tolerated in a society that seeks to guarantee equality, justice and respect for the human rights of all people.

Vicarious violence, being a form of gender-based violence that affects both women and children, poses complex challenges in terms of protection and prevention. According to Castellero Mimenza(2017) Vicarious violence involves the substitution or replacement of one individual by another in the exercise of a function or in the experience of a situation, where the aim is to cause harm to the woman through her children, either as a primary or collateral objective.

The lack of recognition of vicarious violence in Ecuadorian legislation, despite its existence and seriousness, reflects a lack of institutional response to this specific form of gender-based violence. The absence of legal provisions addressing vicarious violence leaves women and their children in a vulnerable and helpless situation, without the necessary protection to break the cycle of violence.

In the international context, Ecuador has made commitments through the ratification of instruments such as the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women Belém do Pará(Arias Rivera, 2021) These international instruments urge States to adopt effective measures to prevent and punish gender-based violence in all its forms, including vicarious violence.

In this regard, it is imperative that the Ecuadorian legal framework conforms to international standards on human rights and gender, recognizing and penalizing vicarious violence as a specific form of gender-based violence. Only through a comprehensive and coordinated response, including legislative measures, public policies and awareness-raising actions, will it be possible to effectively combat vicarious violence and guarantee the protection of women and their children in vulnerable situations.

### **Legal Framework of Vicarious Violence in the Comprehensive Criminal Code of Ecuador**

Under the Comprehensive Criminal Code of Ecuador, which came into force in 2014, detailed provisions are established to prevent and punish various types of crimes, including those related to gender-based violence. However, despite efforts to address violence against women, the figure of vicarious violence has not been specifically contemplated in this normative body.



Vicarious violence is defined as that form of gender violence in which the aggressor uses the children as an instrument to cause harm, control or intimidate the mother. (Yañez Mejia, 2023) This form of violence, considered one of the most extreme within the spectrum of gender violence, has serious implications for both the woman and the minors involved.

Despite its seriousness and recurrence, vicarious violence has not been recognized or classified in the Comprehensive Criminal Code of Ecuador. This legal omission represents a significant gap in the protection of the rights of women and children, leaving them exposed to situations of vulnerability and risk.

The lack of regulation of vicarious violence in the Ecuadorian criminal legal framework reflects a lack of understanding and comprehensive approach to gender violence in all its forms. It is essential that the criminal justice system specifically recognizes and penalizes vicarious violence, considering its harmful effects on the physical, psychological and emotional integrity of victims.

### Methodology

The research on vicarious violence in the context of Ecuadorian criminal law was framed within a descriptive research design, with a qualitative approach. The level of research was exploratory, since the aim was to understand in depth the dynamics and characteristics of vicarious violence in the Ecuadorian context. The research modality was non-experimental, since real cases were analyzed and existing data was collected without intervening in controlled situations.

To carry out the research, documentary analysis, bibliographic review and case study methods were used. Semi-structured interviews were conducted with experts in criminal law, gender and gender violence in Ecuador, in order to obtain qualitative information relevant to the study. The procedures included data collection, analysis of qualitative information and the formulation of legal reform proposals.

As for the research techniques, a systematic literature review, comparative analysis of legislation, in-depth interviews and content analysis of the cases of vicarious violence analysed were used. These techniques made it possible to obtain significant data, interpret the information collected and formulate conclusions and recommendations based on evidence.

The study population for the research on vicarious violence in the context of Ecuadorian criminal law was composed of women victims of vicarious violence, experts in criminal law, gender and gender violence in Ecuador, as well as documented cases of vicarious violence in the country. The inclusion criteria for women victims of vicarious violence were having experienced this type of violence and being willing to share their

experiences. For the experts, those with relevant experience and knowledge on the subject were considered. Regarding the documented cases, those that were duly registered and documented were included.

Exclusion criteria were applied to cases or testimonies that did not meet the established inclusion criteria, as well as to information that was not verified or not relevant to the research objectives. Elimination of participants or data once collected was not contemplated, except in cases of revoked consent or false information.

In ethical terms, the research was carried out respecting the principles of confidentiality, anonymity and respect for the autonomy of the participants. National and international ethical standards applicable to research in social and legal sciences were respected.

## Results

The results of the research on vicarious violence in the context of Ecuadorian criminal law revealed a number of significant findings. Firstly, it was identified that vicarious violence is a form of gender violence that seriously affects women and their children, the latter being used as instruments to exercise control and coercion over mothers. This form of violence, although not always recognized or classified in Ecuadorian legislation, has devastating consequences on the physical, psychological and emotional integrity of the victims.

In 2023 there were 332 femicides in Ecuador, of those for gender reasons, there were: 134 femicides also called intimate, committed by a partner or close person; 189 femicides due to crime, in the context of organized crime in which women are used as spoils of war; 9 transfemicides, that is, of transgender women (Ponce, 2023).

To enrich the article with concrete examples, emblematic cases of vicarious violence in Ecuador have been identified. These documented and duly recorded cases offer a clearer view of the nature and repercussions of this phenomenon in Ecuadorian society. For example, one prominent situation involves the use of children as tools of control and coercion by the aggressor. In this scenario, minors are manipulated and exposed to harmful situations as part of a scheme of vicarious violence, where their well-being is compromised based on the interests of the aggressor. (Izaguirre, 2023).

Another case is that of Derly Figueroa Macías who was murdered with five shots in 2022 in Babahoyo, Los Ríos, when she was accompanying her daughter to school. She had already survived an attack the previous year. In addition, in 2019, her husband, Carlos Morejón was killed with four shots while he was with Derly and his daughter. The reason for Morejón's murder was because he allegedly refused to sell drugs. Given these antecedents, Derly's murder should be considered a femicide, since it was a violent death due to organized crime. (Zambrano, 2022).

Other cases include the lack of recognition in Ecuadorian legislation, the difficulties in reporting and seeking help, and the importance of implementing early detection strategies and specialized training for professionals. For example, the murders of three girls at the hands of their parents, perpetrated between March and April 2022, “it is a phenomenon that is not very visible and the most dramatic case is that of the police officer who allegedly hired hitmen to kill his 7-month-old daughter, so as not to pay child support. But, obviously, what he wanted, as the evidence shows, was to inflict serious harm on the mother.”(Bazan, 2022).

Through the analysis of documented cases and interviews with experts, the complexity of the dynamics of vicarious violence was highlighted, as well as the lack of awareness and knowledge about this phenomenon both in society and in the legal field. The importance of raising awareness among the population and authorities about the seriousness of vicarious violence and the need to include it in the legal framework as a specific form of gender violence was highlighted.

Furthermore, it was observed that women victims of vicarious violence face multiple barriers to reporting and seeking help, including fear of retaliation, lack of resources and support, and lack of recognition of their situation as a form of violence. These findings highlight the urgency of implementing prevention, protection and comprehensive assistance measures for victims of vicarious violence in Ecuador.

In addition, the importance of strengthening mechanisms for early detection of vicarious violence was highlighted, as well as providing specialized training and education to professionals from different sectors, such as the legal, health and education sectors, so that they can adequately identify and address this type of violence.

It was noted that the lack of recognition and classification of vicarious violence in Ecuadorian legislation contributes to the invisibility of this problem and hinders victims' access to justice and support services. Therefore, the need to promote legislative changes that include vicarious violence as a specific form of gender violence, with appropriate sanctions and protection measures, was highlighted.

The importance of promoting awareness and public awareness campaigns on vicarious violence was also highlighted, in order to make this phenomenon visible, break stereotypes and myths related to motherhood and parenting, and promote a culture of respect and gender equality in Ecuadorian society.

Table 1 details the results of the research on the impact of vicarious violence on women and children in Ecuador. It presents various forms of vicarious violence identified, including the use of children as instruments of control and coercion by the aggressor, as well as the impact on the physical, psychological and emotional integrity of the victims.

In addition, it highlights the lack of recognition of vicarious violence in Ecuadorian legislation and the low awareness in society and in the legal field. The table also identifies the barriers faced by women victims, the need for prevention and protection measures, the importance of legislative changes and the promotion of awareness campaigns as strategies to address this phenomenon.

**Table 1**

*Results table: Impact of vicarious violence on women and children in Ecuador*

<b>Research Aspect</b>	<b>Findings</b>
<b>Forms of vicarious violence identified</b>	<ul style="list-style-type: none"> <li>- Two main forms of vicarious violence were identified:</li> <li>1) Use of children as instruments of control and coercion by the aggressor, and</li> </ul>
<b>Forms of vicarious violence identified</b>	<ul style="list-style-type: none"> <li>2) Impact on the physical, psychological and emotional integrity of the victims.</li> </ul>
<b>Awareness and knowledge about vicarious violence</b>	<ul style="list-style-type: none"> <li>- A lack of recognition of vicarious violence was found in Ecuadorian legislation.</li> <li>- Furthermore, there was a low level of awareness in both society and the legal field regarding this specific type of violence.</li> </ul>
<b>Barriers for women victims</b>	<ul style="list-style-type: none"> <li>- Barriers identified include fear of retaliation by the aggressor and lack of resources to seek help.</li> <li>- Difficulties in reporting and accessing protection resources are also highlighted.</li> </ul>
<b>Need for prevention and protection measures</b>	<ul style="list-style-type: none"> <li>- The implementation of early detection strategies for vicarious violence is suggested.</li> <li>- In addition, specialized training is recommended for professionals who can intervene in cases of vicarious violence.</li> </ul>
<b>Importance of legislative changes</b>	<ul style="list-style-type: none"> <li>- The need to include vicarious violence in legislation as a specific form of gender-based violence is highlighted.</li> <li>- The importance of establishing appropriate sanctions and protection measures to address this problem is also emphasized.</li> </ul>

**Table 1**

*Results table: Impact of vicarious violence on women and children in Ecuador  
(continued)*

<b>Research Aspect</b>	<b>Findings</b>
<b>Promotion of awareness campaigns</b>	<ul style="list-style-type: none"> <li>- It is proposed to raise awareness of the phenomenon of vicarious violence through awareness-raising campaigns.</li> <li>- It is also suggested that a culture of respect and gender equality be promoted to prevent this type of violence.</li> </ul>

Source: Own elaboration.

### **Impact of vicarious violence on women and children in Ecuador**

This study reveals significant findings on vicarious violence and its impact on women and children in Ecuador. Through the analysis of qualitative and quantitative data, various forms of vicarious violence were identified, as well as their effects on victims. The results show that vicarious violence manifests itself mainly through the use of children as instruments of control and coercion by the aggressors. This form of violence has a profound impact on the physical, psychological and emotional integrity of the victims, generating an environment of fear, threat and insecurity, see table 2.

**Table 2**

*Forms of vicarious violence identified in Ecuador*

<b>Forms of Vicarious Violence</b>	<b>Description</b>
Using children as instruments of control and coercion.	Abusers use their children to exert control and coerce women who are victims of vicarious violence.
Impact on the physical, psychological and emotional integrity of the victims.	Vicarious violence has a profound impact on the physical, psychological and emotional integrity of victims.

Source: Own elaboration.

### **Awareness and knowledge about vicarious violence**

There is a lack of recognition of vicarious violence in Ecuadorian legislation, which translates into low awareness in society and in the legal field. Despite efforts to address gender-based violence, vicarious violence remains a form of invisible violence, which does not receive adequate attention from the authorities and society in general. This lack of awareness and knowledge contributes to the perpetuation of violence and the impunity of the aggressors, as reflected in table 3.

**Table 3**

*Awareness and knowledge about vicarious violence in Ecuador*

<b>Forms of Vicarious Violence</b>	<b>Description</b>
Recognition in Ecuadorian legislation.	Lack of recognition of vicarious violence in Ecuadorian legislation.
Raising awareness in society and in the legal field.	Lack of awareness of vicarious violence in society and in the legal field.

Source: Own elaboration.

**Barriers for women victims**

Table 4 shows that women victims of vicarious violence face various barriers to reporting and seeking help. Fear of retaliation by the aggressors and lack of economic and social resources are significant obstacles that hinder access to justice and adequate protection. Furthermore, the lack of legal recognition of vicarious violence as a specific form of gender-based violence leaves women in a situation of vulnerability and helplessness.

**Table 4**

*Barriers for women victims of vicarious violence in Ecuador*

<b>Barriers</b>	<b>Description</b>
Fear of retaliation and lack of resources.	Women victims of vicarious violence face fear of retaliation and lack the resources to report and seek help.
Difficulties in reporting and seeking help.	Women victims of vicarious violence find it difficult to report and seek help for various reasons.

Source: Own elaboration.

**Need for prevention and protection measures**

Given the complexity and seriousness of vicarious violence, the urgent need to implement specific prevention and protection measures is highlighted. Emphasis is placed on the need to develop strategies for early detection of vicarious violence, as well as on specialized training for professionals working in the care and protection of victims of gender violence. Likewise, the importance of providing comprehensive psychological and social support to women and children affected by this form of violence is highlighted, see table 5.

**Table 5**

*Need for prevention and protection measures in Ecuador*

<b>Prevention and protection measures</b>	<b>Description</b>
Implementation of early detection strategies.	Need to implement early detection strategies for vicarious violence in Ecuador.
Specialized training for professionals.	Importance of providing specialized training for professionals working in the care of victims of vicarious violence.

Source: Own elaboration.

**Importance of legislative changes**

Table 6 presents the results that underline the urgent need for legislative changes to include vicarious violence in legislation as a specific form of gender-based violence. It is essential that adequate sanctions and protection measures are established to prevent and combat this type of violence, thus ensuring the safety and well-being of victims.

**Table 6**

*Importance of Legislative Changes in Ecuador*

<b>Legislative changes</b>	<b>Description</b>
Inclusion of vicarious violence in legislation as a form of gender-based violence.	Need to include vicarious violence in Ecuadorian legislation as a specific form of gender violence.
Appropriate sanctions and protective measures.	Importance of establishing appropriate sanctions and protection measures to prevent and combat vicarious violence.

Source: Own elaboration.

**Promotion of awareness campaigns**

The importance of promoting awareness campaigns to raise awareness of the phenomenon of vicarious violence and foster a culture of respect and gender equality is evident. These campaigns should be directed both at society in general and at legal and health professionals, in order to raise awareness about the rights of victims and the importance of eradicating gender violence in all its forms, see table 7.

**Table 7**

*Promotion of Awareness Campaigns in Ecuador*

<b>Awareness campaigns</b>	<b>Description</b>
Making the phenomenon of vicarious violence visible	Need to promote awareness campaigns to raise awareness of the phenomenon of vicarious violence in Ecuador.
Promoting a culture of respect and gender equality	Importance of promoting a culture of respect and gender equality to prevent vicarious violence in Ecuadorian society.

Source: Own elaboration.

**Obstacles to the prevention and eradication of vicarious violence**

Despite efforts to address gender-based violence in Ecuador, several obstacles have been identified that hinder the prevention and eradication of vicarious violence. These obstacles include a lack of human and financial resources for prevention and victim care programmes, as well as a lack of coordination between the different institutions responsible for addressing the problem. Furthermore, there is a gap between existing legal regulations and their effective application in practice, which creates impunity for aggressors and leaves victims unprotected.

**Impact on children's mental health and development**

One of the most worrying findings is the negative impact that vicarious violence has on children's mental health and development. Studies have shown that children exposed to vicarious violence are at increased risk of developing emotional, behavioral, and mental health problems throughout their lives. These effects can manifest in the form of post-traumatic stress disorders, depression, anxiety, and difficulties in interpersonal relationships. Furthermore, vicarious violence can interfere with children's cognitive and academic development, thus perpetuating the cycle of intergenerational violence.

**Need for multisectoral and multidisciplinary interventions**

Given the complexity and seriousness of vicarious violence, the importance of developing multisectoral and multidisciplinary interventions that comprehensively address the needs of victims and their families is highlighted. This includes collaboration between different sectors, such as the justice system, health, education and social services, to ensure a coordinated and effective response to cases of vicarious violence. Likewise, the importance of training and capacity building of professionals in the detection, care and prevention of vicarious violence is highlighted, as well as the strengthening of inter-institutional coordination mechanisms for a comprehensive and timely response.



### **Impact on public health and social services**

Vicarious violence not only has devastating consequences at the individual and family level, but also represents a significant challenge for public health and social services in Ecuador. Care for victims of vicarious violence requires considerable investment in human, financial and technological resources to ensure an effective and timely response. In addition, greater awareness and training of health and social services professionals is needed in the detection, assessment and care of cases of vicarious violence, as well as in appropriate referral to specialized services when necessary.

### **Discussion**

Vicarious violence, understood as that in which the aggressor inflicts harm or revenge on the woman through her children, represents an extreme form of gender violence that has been identified in doctrine as a worrying phenomenon. Despite its seriousness and the harmful effects it generates on the victims, both women and children involved, Ecuadorian legislation does not specifically recognize this form of violence, which shows a significant gap in the protection of the rights of victims.

The lack of recognition of vicarious violence in Ecuador's criminal and gender legislation prevents the implementation of effective measures to prevent and address this type of violence. This legal invisibility contributes to the perpetuation of gender violence and the violation of the human rights of affected women and children. The Ecuadorian State must prioritize the inclusion of vicarious violence in its regulatory framework, establishing specific sanctions and protection measures to combat it.

The lack of knowledge among women about vicarious violence, as well as the difficulty in identifying and reporting it, demonstrate the urgent need to raise awareness in society and train professionals to address this problem effectively. The promotion of awareness campaigns and specialized training in gender and violence are key to making vicarious violence visible, breaking gender stereotypes and promoting a culture of respect and equality.

Furthermore, it is essential to establish prevention mechanisms from childhood, educating in values of equality and respect, to avoid the reproduction of patterns of violence in future generations. The protection of the rights of women and children must be a priority on the political and legislative agenda of Ecuador, guaranteeing a legal-regulatory framework that ensures their safety and well-being.

### **Proposal**

- One of the most urgent measures is the inclusion of vicarious violence in Ecuadorian criminal legislation as a specific form of gender violence. This would

allow for a clear definition of the crime of vicarious violence and the establishment of appropriate sanctions for the aggressors. It is necessary for the law to expressly recognize and penalize the use of children as instruments of control and coercion in the context of gender violence.

- Prevention and care mechanisms for victims of vicarious violence in Ecuador need to be strengthened. This includes the implementation of early detection strategies in health, education and social care services, as well as specialized training for professionals who work with victims of gender violence. In addition, it is necessary to ensure timely access to psychological, legal and social support services for victims and their families.
- It is essential to promote awareness and education campaigns in Ecuadorian society about vicarious violence and its consequences. This includes raising awareness of the phenomenon of vicarious violence through the media, educational campaigns in schools and universities, and training programs for professionals and community leaders. Raising awareness on this issue is crucial to changing attitudes and behaviors that perpetuate gender violence.
- Greater coordination between government institutions, civil society organizations and the private sector is needed to effectively address vicarious violence in Ecuador. This includes the creation of support and collaboration networks between different actors, the standardization of action protocols and the allocation of adequate resources for the prevention and response to gender-based violence. Inter-institutional coordination is essential to ensure a comprehensive and coordinated response to cases of vicarious violence.
- More research is needed on vicarious violence in Ecuador to better understand its causes, consequences and risk factors. In addition, continuous monitoring of the implementation of policies and programs aimed at preventing and eradicating vicarious violence is required, as well as the collection of updated data and statistics on this phenomenon. Research and monitoring are essential to evaluate the effectiveness of interventions and guide future actions to combat gender-based violence in all its forms.

## Conclusions

- The results of the research underline the need for legal and policy reforms that recognize and address vicarious violence as a specific form of gender-based violence, as well as the importance of raising awareness in society and authorities about this phenomenon. These findings provide a solid basis for the formulation of strategies and concrete actions aimed at preventing and eradicating vicarious violence in the Ecuadorian context.
- Vicarious violence must be addressed as an urgent problem that requires comprehensive actions at the legal, social and educational levels. The inclusion of

vicarious violence in the Ecuadorian regulatory framework, raising awareness in society and training professionals are fundamental steps to prevent and eradicate this extreme form of gender violence in the country.

- Vicarious violence represents a serious violation of human rights, with negative effects on the dignity and well-being of victims. It is imperative that the Ecuadorian State recognize and address this form of violence, promoting legal reforms and public policies that guarantee the protection of affected women and children. Only through a comprehensive and coordinated approach will it be possible to eradicate vicarious violence and move towards a more just and equitable society for all.
- The lack of recognition and regulation of vicarious violence in Ecuadorian legislation is a significant obstacle to the prevention and eradication of this type of violence. It is essential that vicarious violence is recognized and classified as a specific crime in criminal legislation to ensure an adequate response by the authorities.
- Raising awareness and education about vicarious violence are key to changing attitudes and behaviours in Ecuadorian society. It is necessary to promote awareness campaigns and educational programmes that make the phenomenon of vicarious violence visible and promote a culture of respect, gender equality and non-violence.
- Responding to vicarious violence requires effective coordination between different government institutions, civil society organisations and the private sector. It is essential to establish support and collaboration networks, as well as standardised action protocols, to ensure a comprehensive and coordinated response to cases of vicarious violence.
- Further research on vicarious violence in Ecuador is required to better understand its causes, consequences and risk factors. In addition, it is necessary to continuously monitor the implementation of policies and programs aimed at preventing and eradicating vicarious violence, as well as to collect updated data and statistics on this phenomenon.

### Conflict of interest

There is no conflict of interest in relation to the submitted article.

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