



Ecuador Country Case Study

Effective law and policy
on gender equality and
protection from sexual
and gender-based
violence in disasters

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Acronyms

AMJUPRE	Association of Women on Parish Boards in Ecuador (for the Spanish Asociación de Mujeres de Juntas Parroquiales del Ecuador)	MJDHC	Ministry of Justice, Human Rights and Religion
CJ	Judicial Council	MSP	Ministry of Public Health
CNIG	National Council for Gender Equality	NGO	Non-governmental organization
COE	Emergency Operations Center	PNEVG	National Plan for the Eradication of Gender-based Violence against Women, Children and Adolescents
COIP	Organic Law on the Integrated Criminal Code	RM	Risk Management
ERC	Ecuadorian Red Cross	RMC	Risk Management Committee
DINAPEN	National Police Department for Children and Adolescents	RMU	Risk Management Units
DTM	Displacement Tracking Matrix	RUD	Single Victims Register
FFAA	Armed Forces of Ecuador	SENPLADES	National Secretariat of Planning and Development
FGE	Public Prosecutor's Office	SGBV	Sexual and Gender-based Violence
GBV	Gender-Based Violence (see SGBV)	SNGR/RM	National Decentralized Risk Management System
IESS	Ecuadorian Institute of Social Security	UEMPE	Unit for the Ecuadorian School of Peace Missions
IFRC	International Federation of Red Cross and Red Crescent Societies	UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
INEC	National Institute of Statistics and Census	UNFPA	United Nations Fund for Population
IOM	International Organization of Migration	UNHCR	United Nations High Commissioner for Refugees
LGBTI	Lesbian, gay, bisexual, transgender and intergender	UNICEF	United Nations Children's Fund
LOEI	Organic Law on Intercultural Education	UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
LOS	Organic Law on Health		
MCDS	Ministry of Coordination and Social Development		
MEIB	Ministry of Intercultural Bilingual Education		
MICS	Ministry of Security Coordination		
MIDUVI	Ministry of Urban Development and Housing		
MIES	Ministry of Social and Economic Inclusion		

Executive Summary

Based on qualitative information collected from primary and secondary sources, this case study looks at gender equality in laws and policies and the issue of sexual and gender-based violence (SGBV) in the context of disasters in Ecuador. It focuses on the earthquake of April 16, 2016, that profoundly affected the coastal provinces of Manabí and Esmeraldas. The report examines the scope and effectiveness of laws and policies related to the prevention, response and sanctioning of SGBV, both in normal times and during disasters, as well as the gender-sensitivity of national policies for disaster risk management.

Key legal frameworks for SGBV protection include the Constitution, the Integrated Organic Criminal Code, and laws on education, health, childhood and adolescence, public and state security. Taken together they do not yet provide an overall vision that considers gender, particularly the situation of female survivors of SGBV in disaster contexts. The increased vulnerability, specific needs, voices, experiences, and interests of these populations in the recovery process are not met. Similarly, the risk management (RM) system lacks a gender equality perspective, and women from affected populations are not specifically acknowledged as a group in emergency response operational mechanisms, at either national or local levels.

A major component of the earthquake response was the establishment of official emergency shelters as well as informal shelters. Throughout disaster-affected communities, conditions existed that exacerbated violence against women, boys, girls, adolescents and lesbian, gay, bisexual, transgender and intergender (LGBTI) people. The causes included weaknesses in the administration of justice, the culture of machismo, the distribution of physical spaces in shelters, shelter rules that did not take into account women's needs, and power relations that determined women's access to resources for survival in these spaces.

The report recommends urgent incorporation of gender equality in risk management policies, laws, and operational plans, including mechanisms to ensure the participation of women in disaster preparedness, response and recovery efforts. Legislation is recommended to ensure the permanent provision of services and access to justice for SGBV survivors during disaster situations and the recovery phase. There is also a need to provide specialist training on gender and SGBV for government actors responsible for providing assistance in disaster-affected areas, for greater inter-agency coordination at an operational level, and for more systematic inclusion of national civil society and international cooperation agencies in planning and implementation for SGBV protection in disasters.

Part 1

Introduction

This case study, conducted by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Ecuadorian Red Cross (ERC), examines gender inequalities and sexual and gender-based violence (SGBV) in Ecuador following the earthquake of 16 April 2016. Its goal is to contribute to a better understanding of gender mainstreaming, women's participation in disaster risk management, and prevention of, and responses to, SGBV during disasters,¹ in particular:

- The framework of laws, policies and institutions for SGBV prevention and support in Ecuador, and how they operate in normal times;
- How well these SGBV protection frameworks operate in disasters (viz. their disaster resilience) including stakeholder views on the nature of the challenges for SGBV prevention and support during disasters, as well as effective practices;
- Key elements of the national system for disaster risk management and the relevant laws, policies and institutions that underpin it; and
- The extent to which the RM system laws and policies include specific mandates on (a) gender equality (women's participation and gender-sensitive risk, needs and impact assessments - especially whether SGBV increases in disasters), and (b) SGBV protection, in particular whether there are mechanisms for coordination with SGBV support services during disasters.

1.1 Methodology

The project was conducted in partnership between the IFRC and the ERC by two consultants in Ecuador over a 4-week period from March to April 2017. This report is based on a review and analysis of laws, policies and other sources, as well as 17 interviews with key informants at national and local levels. A number of organizations approached for interview were not available within the project timeframe. (See Annex 2 for list of key informants). In addition, two focus groups were held in the rural community of Cabuya in the province of Manabí, one of the regions most affected by the earthquake. The project timeframe and scope did not allow for primary data collection with individual SGBV survivors.

As agreed with interviewees and focus group participants, their views are not attributed individually but only as to the sector from which they come, such as "international cooperation personnel", "NGO personnel" or "public official".

¹ While it is recognized that different organizations use different terminology, in the present study, the term "sexual and gender-based violence" is used to accord with the International Red Cross and Red Crescent Movement usage, in "Resolution on Sexual and Gender-based Violence: Joint Action on Prevention and Intervention 321C / 15 / R3", adopted by the XXXII International Conference of the Red Cross and Red Crescent held from December 8 -10, 2015 in Geneva, Switzerland.

1.2 Country background

The context of SGBV in Ecuador in normal times

A 2011 national survey on family relations and gender-based violence against women and girls found that 60.6% of women aged 15 and over have experienced one or more forms of gender-based violence, including physical, psychological, patrimonial² and sexual violence (by a known or unknown person) and 69% of girls aged 10 to 15 have been victims of gender-based violence, particularly sexual abuse.³ The survey found the most common form of violence experienced by women over 15 years was psychological or emotional (affecting 53.9% of women), while 38% experienced physical violence, 25.7% of sexual violence and 16.7% patrimonial violence.⁴ Between January and March 2017 there were 44 reported femicides (gender/sex-based murder) in the country, committed in 13 provinces.⁵

Of particular relevance to this study are the rates of SGBV experienced in the provinces most affected by the 2016 earthquake. Manabí, where the earthquake impact was highest, was found in the 2011 national survey to have an overall prevalence of SGBV of 48.5%, while in the second most earthquake-impacted province of Esmeraldas it was 58%. On average, 62% of women in these two provinces do not have their own income, compared to 20% of men in the same provinces.⁶

Humanitarian impacts of the 2016 earthquake

Ecuador has a high risk of disasters triggered by natural hazards such as earthquakes and volcanic eruptions, as well as hydro-meteorological threats including flooding, gales, droughts, landslides and tsunamis.

According to the government's Single Victims Register, the April 2016 earthquake in Ecuador affected very large numbers of people, as follows:⁷

- 387,202 people were registered as being affected by the disaster, 87% of whom were based in Manabí, 12% in Esmeraldas and 4% in the rest of the country.
- A total of 36,149 houses were classified as unsafe or as only being fit for restricted use (MIDUVI, September 30).
- 5,808 people were living in 23 government shelters (MICS) and 4,620 people were living in 63 informal refuges (DTM5) as of November 2016.⁸

2 "Patrimonial violence, defined minimally as the violation of women's property rights, is increasingly recognized as a form of gender violence, along with physical, psychological, and sexual violence." See: Deere, Carmen Diana, Jacqueline Contreras, and Jennifer Twyman, "Patrimonial Violence: A Study of Women's Property Rights in Ecuador", June 26, 2013. Research Article. It may be noted that, while also quite broad, the agreed definition of SGBV in the International Red Cross and Red Crescent Movement does not yet extend to patrimonial violence. See: ICRC and IFRC. 2015. *Sexual and gender-based violence: joint action on prevention and response*, Background report. (Geneva, October 2015).

3 National Institute of Statistics and the Census (INEC) *Men and Women in Figures III*, Quito, Ecuador, 2012.

4 Camacho Zambrano, Gloria. *Gender-based Violence against Women in Ecuador: Analysis of the Results of the National Survey on Family Relationships and Gender-based Violence against Women*. 2014. Quito.

5 More Information, Less Violence: www.masinformacionmenosviolencia.com. (Consulted on the 12th of April 2017).

6 OCHA Humanitarian Bulletin Ecuador: Earthquake April 16, November 2016

7 RUD, October 28, 2016: The National Statistics and Census Institute (INEC) working with the National Secretariat of Planning and Development (SENPLADES) and UN agencies, collected information on the damages and losses suffered, in order to create policies and programs for post-earthquake rebuilding.

8 During the humanitarian response to the earthquake in Ecuador, the term "shelter" was used to refer to official accommodation established by the government, and the term "refuge" for spontaneous or informal shelters. For example: List of Shelters and Refuges to respond to the Earthquake. <https://www.humanitarianresponse.info/en/operations/ecuador/assessment/listado-de-albergues-y-refugios-por-terremoto-11-mayo-2016> Consulted April 28, 2017.

- 15,176 people affected have disabilities.
- 2,800 women affected were pregnant.

Of those affected by the earthquake, 52% were female and 48% male, 43% were children/ adolescents, 11% were under five years of age and 7% were older than 65.⁹

Among the health impacts of the earthquake there was particular concern about marked increases in transmission of the Zika virus along with some sexually transmitted infections found mainly in the provinces of Manabí and Esmeraldas.¹⁰ Eighty-five per cent of the 2,242 cases of Zika were recorded in Manabí. There were 216 cases of Zika infection in pregnant women, with 50% of Zika infections in females of childbearing age.¹¹

8 During the humanitarian response to the earthquake in Ecuador, the term “shelter” was used to refer to official accommodation established by the government, and the term “refuge” for spontaneous or informal shelters. For example: List of Shelters and Refuges to respond to the Earthquake. <https://www.humanitarianresponse.info/en/operations/ecuador/assessment/listado-de-albergues-y-refugios-por-terremoto-11-mayo-2016> Consulted April 28, 2017. 9 OCHA Humanitarian Bulletin Ecuador: Earthquake April 16, November 2016.

10 The Zika virus is transmitted through the bite of a mosquito, and was already a major public health issue.

11 Ministry of Public Health (MSP) Zika Report, Epidemiological Week 42, October 26 2016.

Part 2

Laws, policies and institutions for SGBV protection

This part of the report is a review of the law, national and sectoral policies, and institutions relevant to prevention, response, prosecution and compensation, regarding SGBV in normal (non-disaster) times. The next section looks at how some of these frameworks functioned following the 2016 earthquake, and the following chapter looks at how the disaster risk management system itself was prepared for SGBV protection and gender equality measures.

2.1 Laws

The Constitution

Ecuador's constitution of 2008 reflects the principles of human rights and recognizes personal integrity as part of the rights to freedom including physical, psychological, moral and sexual integrity, together with a life free of violence in the public and private sphere. Through Articles 10, and 11 it gives direct and immediate application in Ecuadorian law of the international human rights agreements to which the country is a signatory, including the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and its Optional Protocol, and the regional *Convention to Eradicate Violence Against Women (Belém do Pará Convention)*. Underpinning the Constitution's attention to gender inequality are long-standing political struggles, notably the historic efforts of the women's movement in Ecuador.¹²

There are a number of articles of the Constitution that are relevant to SGBV, in that they make freedom from violence, sexual violence and gender-based violence fundamental rights that must be supported by all government institutions. They include specific provisions that recognize violence as an issue of equality, and require special court mechanisms and protection orders to protect SGBV survivors. These provisions are summarized in Annex 1 to this report.

The Constitution also provides for the creation of National Equality Councils with the objective of ensuring the full enjoyment and exercise of human rights for different population groups through the formulation, mainstreaming, observance, monitoring and assessment of public policies related to gender, ethnic, generational and intercultural issues, disabilities and human mobility.

¹² The role of the women's movement is recognized in documents such as the 2014-2017 National Agenda of Women and Gender Equality, of the National Council for Gender Equality, as well as in academic studies.

The Integrated Criminal Code

At the next level of legislation, the main regulatory instrument concerning SGBV is the *Organic Law on the Integrated Criminal Code (COIP)* of 2014.¹³ According to Article 155 of the COIP, domestic violence is “every action that consists of physical, psychological and sexual abuse committed by a family member against a woman or other family members.” The COIP provides sanctions for physical violence (Article 156) and psychological violence (Article 157) depending on the level of harm caused, as well as sexual violence (Article 158). It specifies femicide as a crime committed by “a person, who as a result of power relationships expressed in any form of violence, kills a woman for being a woman or due to her gender condition” (Article 140), providing for terms of imprisonment between 22 and 26 years.

Of particular relevance to disasters, the COIP defines taking advantage of a natural phenomenon as an aggravating circumstance for violence offenses (Article. 47:4), alongside taking advantage of or acting to the detriment of children and pregnant women (Article. 47:10&11).

The COIP establishes a high threshold for classifying offenses of domestic violence as a prosecutable crime i.e. only where the certified legal doctor examining the SGBV survivor determines a need for more than four days sick leave. Otherwise offenses are classified as a ‘violation’. This threshold emphasizes physical violence to the neglect of psychological, emotional or economic violence, including threats and coercion.

Implementation measures provided for under the COIP include:

- Protection orders can be granted to survivors of violence, with the objective of preventing other more serious acts of aggression.¹⁴
- The Public Prosecutor’s Office is required to “guarantee the intervention of prosecutors specialized in crimes against sexual and reproductive integrity, violence against women or family members...” (Article 442) (currently, there are 70 such specialist prosecutors).
- Crimes involving rape are to be investigated by Specialized Judicial Units in Violence against Women and the Family (currently there are 27 such units in 18 of the 24 provinces).

Despite the protections in the Constitution, COIP and other laws, some forms of violence included in the legislation of other countries are still not recognized in Ecuador, including patrimonial, political and obstetric violence.

2.2 Institutions and policies on SGBV

The complexity of SGBV requires the coordination of diverse institutional actors and sectors. The major institutional and policy elements of this system across diverse sectors are presented below.

¹³ Under the Ecuadorian Constitution, in the Spanish legal tradition, an Organic Law is a high-level law made to implement constitutional provisions.

¹⁴ Judicial Council, UN Women. *A Life Free of Violence: Manual about what to do and how to act in response to situations of gender violence*. Quito, 2016. (Consejo de la Judicatura, Subdirección Nacional de Género, y ONU Mujeres. *Una vida libre de violencia: Manual sobre qué hacer y cómo actuar frente a situaciones de violencia de género*).

A set of institutions have responsibilities and practices that address SGBV:

- **Ombudsman:** The autonomous Ombudsman's Office, part of the legal system, provides free counselling and support for SGBV survivors in cases of domestic violence (physical, psychological and sexual against women and other family members);
- **Gender Council:** The National Council on Gender Equality, created under the Constitution as the agency responsible for gender policies, adopted the "2014-2017 National Agenda of Women and Gender Equality," which includes among nine priority areas the right to a life free of violence.
- **Local government:** At territorial level, Cantonal Councils and Boards are responsible for protecting the rights of prioritized populations and to refer SGBV cases to relevant bodies;¹⁵
- **Welfare:** Integrated Assistance Centers and Shelter Homes for Victims of Domestic and/or Sexual Violence provide free legal, psychological and social support services and access to temporary shelter when the lives and safety of female survivors of violence and their families are at risk. Currently, there are 19 assistance centers and five shelters in 14 provinces across the country.¹⁶ These services are managed by specialized civil society organizations and co-financed by the Ministry of Justice, Human Rights and Religion;
- **Police:** As provided for under Article 558 of the COIP, the National Police has the obligation to "assist, protect and transport female victims of violence and their family members and file the case that will be referred to the competent authority within the next 24 hours";
- **Health:** *The Organic Law on Health* recognizes violence as a public health problem (Article 31) and requires health service employees to provide medical assistance and support to survivors of domestic violence and sexual violence (Article 32). In 2014 the Ministry of Public Health updated its *Technical Guidelines for the Integrated Assistance to Victims of Gender-based Violence* to strengthen public and private health establishments' prevention, identification, timely assistance, referral, transport and monitoring of SGBV;¹⁷
- **Education:** *The Organic Law of Intercultural Education* establishes the obligation to "eradicate all forms of violence in the educational system and safeguard the physical, psychological and sexual integrity of the members of educational institutions, with a particular emphasis on students" (Article 6 h) and the Child and Adolescents Code defines sexual abuse and the crimes of sexual exploitation and child trafficking.

Key policies that underpin institutional roles relating to SGBV include:

- The Ecuadorian government's 2014-2017 National Wellbeing Plan, includes two specific policies on violence under its 12 priorities, namely, "Promote social cohesion and inclusion, peaceful coexistence and a culture of peace, eradicating all forms of discrimination and violence" (Objective 2); and "Prevent and eradicate gender-based violence in all its forms" (Objective 6).

15 Organic Code of Territorial Organization, Autonomy and Decentralization Article 4 h.

16 The integrated assistance centers are located in the Provinces of Azuay, Bolívar, Cañar, Chimborazo, El Oro, Esmeraldas, Guayas, Santa Elena, Imbabura, Loja, Manabí, Orellana, Sucumbíos and Pichincha.

17 *Ministerio de Salud Pública. Norma Técnica de Atención Integral en Violencia de Género.* Quito: MSP; 2014

- In the framework of the National Wellbeing Plan, the “National Plan to Eradicate Gender-Based Violence against Women and Girls” was established by Executive Decree 620, of September 10 2016. It is intended to be a comprehensive plan across five action areas: transformation of socio-cultural patterns, special protection systems, access to justice, information systems; and institutions. Implementation is coordinated by an inter-institutional commission led by the Ministry of Justice.¹⁸
- The 2011 *Integrated National Plan to Eradicate Sex Crimes in the Educational System* applies to all of the country’s public, municipal and private educational establishments.¹⁹ Under this plan, in 2014 the Ministry of Education established standardized guidelines to address situations of violence.

2.3 General challenges for SGBV protection frameworks

The high level of SGBV has been “the most important priority for Ecuadorian women since the end of the 1980s,”²⁰ and legislative and policy responses have been driven by women’s organizations. Since 2015, the National Coalition of Ecuadorian Women has supported a *Draft Bill for an Integrated Law on the Right of Women to a Life Free of Violence*, developed through a country-wide collaborative process.²¹ The campaign for this Bill was interrupted by the 2016 earthquake, but it has since been renewed, and drafters for the National Coalition of Ecuadorian Women have sought to include text relating to disaster contexts. Meanwhile, an alternative bill, the *Bill for an Organic Integrated Law to Prevent and Eradicate Gender-Based Violence Against Women*, was presented to the National Assembly in August 2017.²² Currently the two draft bills are under discussion aimed at arriving at a consensus bill.²³

Women’s organizations, with the support of international cooperation agencies, are also advocating for specialized local regulations on SGBV, in particular mechanisms for a fast-track procedure for the prosecution of violent crimes, as required by the Constitution but not yet implemented.²⁴

Key informants in this study drew attention to limitations in implementation of the SGBV frameworks in normal times (outside the disaster context), as follows:

- The impact of national plans and institutions is not as expected, one government official describing them as good plans that were only being partially implemented.

18 The Commission consists of the MJDC and Human Rights and Worship, the Ministry of Education, Ministry of Health, Ministry of Justice and Human Rights, Ministry of Economic and Social Inclusion, the National Council for Intergenerational Equality and Adolescence and the National Council for Gender Equality.

19 Issued through Ministerial Accord 340-11, published in Official Record # 581 – Tuesday November 22 2011. *Ministerio de Educación, Protocolos y rutas de actuación frente a hechos de violencia y/o violencia sexual detectados o cometidos en establecimientos del sistema educativo nacional*, 2014.

20 Alternative Report to the CEDAW Committee. Prepared by the National Coalition of Ecuadorian Women. Ecuador, November 2014.

21 “Not one more! Where do I sign!”. Citizenship Accountability Initiative to prepare a Law for the Right of Women to a Life Free of Violence. National Coalition of Ecuadorian Women, September 2016.

22 Available at National Assembly website, bills presented on 18 August 2017 (in Spanish): *Proyecto de Ley Orgánica Integral Para Prevenir y Erradicar la Violencia de Género Contra Las Mujeres*. <https://leyes.asambleanacional.gob.ec/>

23 Source: Personal message from a member of the drafting team for the National Coalition of Ecuadorian Women.

24 Since 2016 the Paz y Desarrollo (Peace and Development) NGO, with the Association of Women’s Parish Councils of Ecuador (AMJUPRE), the National Coalition of Ecuadorian Women, and lawyers who are experts in the field, have a proposal for a special procedure and prosecution for cases of gender-based violence.

- The main gap in confronting SGBV is the lack of integrated policies, and an approach that sees survivors as complete human beings needing a range of support, and not relying on the criminal justice system as the solution.
- National Police are not always equipped to handle SGBV cases, as the officer that has first contact with survivors of violence does not always have adequate understanding of the complex issue of SGBV.
- Fast-track investigation and prosecution procedures for SGBV are only available in cases involving rape; the legal framework lacks a fast-track procedure for the prosecution of cases of psychological violence, with significant delays evident in the application of protection orders, and difficulties in presenting evidence for cases of psychological violence.
- Compensation is one of the most delicate issues for the people consulted in this study, with views expressed that in the absence of a protocol, standard or regulation that guides the compensation process, it can end up being very subjective and even arbitrary.

Part 3

Disaster-resilience of the SGBV protection frameworks

Based on the research and key informant interviews, and despite the intentions of Article 35 of the Constitution, the laws and policies that exist for SGBV were not sufficient to respond to cases of SGBV during the April 16 2016 earthquake disaster response and recovery processes. This is in part because these frameworks do not mandate any specific disaster contingency plans or coordination mechanisms on SGBV in disaster response, apart from the Organic Law on Health.

The *Organic Law on Health* requires the national health authority to collaborate with different government entities to incorporate a health component in the existing Natural Disasters and Emergencies Plan (Article 35). It also requires that members of the National Health System implement a permanent and participatory education and training system on risk management during emergencies and disasters (Article 36), and that all public and private establishments “must develop an Emergency, Mitigation and Assistance Plan in the Case of Disasters, in line with the national plan” (Article 37).

The earthquake response presented an opportunity to raise awareness about the relationship between SGBV and disasters within the SGBV protection institutions. This led different actors linked to the prevention, sanction and eradication of violence to implement urgent actions to respond to the disaster. Responses included producing informative material on SGBV prevention and reporting mechanisms in the shelters, together with raising awareness among staff from public institutions, armed forces personnel and police as the public officials responsible for the security of the shelters, and as well providing training to women who were displaced by the earthquake living in the shelters.

There were delays in this response: the first official materials were distributed nearly three months after the earthquake. As one public official noted:

“At the time of the earthquake and afterwards, there was a lack of acknowledgment on behalf of the institutions concerning violence; it did not occur immediately. The implementation of measures was not uniform in all places, and in some cases both preventative and reactive measures were taken. Once an incident happens, or almost happens, then a broader perspective starts to emerge...”

In response to cases of SGBV in and around official shelters, as well as in informal shelters (called refuges), a manual, Guidelines for Action and Assistance for Cases of Gender-based Violence in Manabí and Esmeraldas,

was issued by the Ministry of Justice, and distributed to residents of the official shelters in July 2016.²⁵

The Ministry of Justice supported five integrated assistance centers to provide assistance to the affected population through psychological, legal and social counselling for women and female adolescent survivors of sexual violence as a result of their living in shelters and refuges. In Pedernales, an agreement was signed with the Creando Futuro (Creating a Future) Foundation, which also works in Esmeraldas, to provide support services to survivors of SGBV.

As a result of Executive Decree 1228, since January 2017, the Ministry of Justice, Human Rights and Religion has been progressively taking on the management and provision of services of family shelters for children, adolescents and parents who have been deprived of their liberty, as well as specialist protection services for the restitution of rights of children and adolescents and their families that have been threatened and/or violated. This Ministry has also been responsible for managing and providing basic protection services for children and adolescents and providing support to the families and assistance in cases of disasters and emergencies.²⁶

The Judicial Council, the governing body of the legal system that coordinates actions with the Public Prosecutor's Office, the Ombudsman's Office, the National Justice Court and other entities that form part of the expanded justice system through the Access to Justice department, implemented measures aimed at ensuring that the population from the affected areas had access to outreach justice services. Additionally, the Judicial Council's Sub-department of Gender worked with UN Women and produced a manual about SGBV, including what steps to take to report cases of violence and where survivors can find support.

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The National Council for Gender Equality, together with public institutions and international cooperation agencies such as UN Women and United Nations Population Fund (UNFPA) provided training to armed forces personnel and police on SGBV that occurs in disaster situations. Additionally, the National Council in coordination with a gender equity and anti-violence group from the Faculty of Social Communication at the Central University

25 *Ministerio de Justicia, Derechos Humanos y Cultos. Ruta de Atención a Víctimas de Violencia de Género en Manabí y Esmeraldas.* Ecuador, July 2016.

26 *Ministerio de Justicia, Derechos Humanos y Cultos. "Ministerio de Justicia expuso sobre la gestión efectuada en Respuesta integral frente a desastres y emergencias desde la visión de seguridad."* At <http://www.justicia.gob.ec/ministerio-de-justicia-expuso-sobre-la-gestion-efectuado-en-respuesta-integral-frente-a-desastres-y-emergencias-desde-la-vision-de-seguridad/> (consulted 11 October 20178). See also: Programs and Plans on Eradication of Gender-Based Violence (in Spanish), at <http://www.justicia.gob.ec/>

27 *Consejo de la Judicatura, Subdirección Nacional de Género, y ONU Mujeres. Una vida libre de violencia: Manual sobre qué hacer y cómo actuar frente a situaciones de violencia de género.* Quito, 2016.

of Ecuador launched their “Solidarity with Equality and We Rebuild with Equality” campaign in order to contribute to mitigating SGBV in the informal shelters and refuges through the provision of communication materials.²⁸

These actions undertaken by the State in collaboration with national and international organizations, contributed to responding to cases of violence in this particular disaster. However, they have been ad hoc operational responses, rather than systematic implementation of specific provisions in laws and policies. The presence of multiple actors, which was required to support the response to a disaster of that magnitude, was also not considered positive by everyone involved:

“In the technical meetings it was announced that, ‘look out, the human rights defenders are coming’. There is a defensive attitude towards those who defend people’s rights. As a result, it is necessary to change the institutional culture, as well as that of the people” (NGO personnel).

Operational Experiences 1

Disaster resilience of SGBV protection frameworks

- *“Overall, I would say that there is a very large gap, because for most institutions, it has not been a priority; gender-based violence has been addressed but not in a consolidated or powerful way.” (public official).*
- *“There is a vacuum, it is not just about having a protocol, you have to accompany the actions with language that is familiar to the people, be simpler and base yourself more in the culture and work from that perspective, not the other way around. The people who make the laws, the guidelines and the protocols are not on the ground and there is a gap.” (NGO personnel)*
- *“Children are a good example: there is an absence of specialist services for children and adolescents that deal with matters of protection and sexual violence committed against minors. I think the protection mechanisms need reviewing in order to guarantee proper care. In times of a natural disaster, everything is worse.” (international cooperation personnel).*
- *“It is essential to not just consider people and their specific needs but also their potential, they are not always “vulnerable” and helpless. This should be done by local communities, social organizations, humanitarian institutions and state and local governments, whether they have the same political beliefs or not.” (international cooperation personnel).*

28 ‘Colectivo Universidad Púrpura’ an initiative of students and professors of the Central University of Ecuador, Faculty of Communication and Culture. Press Release # 479. August 15 2016.

Part 4

The laws and policies that support disaster risk management

This chapter considers the wider questions of both SGBV protection and gender equality in disaster risk management. The legal framework for disaster risk management in Ecuador (the term used in Ecuador is simply 'risk management') include the Constitution and the Public and State Security Law and its regulations. There is not yet a specific law on disaster risk management.

In accordance with Article 389 of the Constitution and subsidiary laws, the Risk Management System (the RM System) was created in 2008. It consists of Risk Management Units within public and private institutions at local, regional and national levels and since 2010 has been overseen nationally by the Secretariat of Risk Management. The national secretariat operates through a Risk Management Committee that links agencies cross-sectorally. The Committee focuses its work on all geographical territories (cantons, provinces of the country) and is responsible for all risk management components (reduction, response and recovery).²⁹

Key informants expressed some concerns about how well this system was adapted to a widespread major emergency, with one international cooperation interviewee noting that:

“There were certain locations where there was no one who could make important decisions so there was no real emergency response.”

The Risk Management Committee establishes Technical Work Committees. Institutions and organizations that have a presence in the territories participate in the respective Committees most relevant to their mission.³⁰ For example, Technical Work Committee 4 is responsible for providing security in the areas where temporary shelters are established, as well as providing resources for evacuation of populations from at-risk areas and into shelters, and delivery of food and non-food items to shelters.

The legal frameworks and institutional mandates of the RM System in 2016 did not demand specific attention to the needs of women and girls as a group, to gender equality, or to SGBV protection in disasters. Recent revisions mention the issue in very general terms.³¹ Currently, attention to gender equality and SGBV protection relies on the operational responses in each disaster situation, based on the policies and practices of the key actors (government and non-governmental).

29 The Secretariat of Risk Management. *Emergency Operations Committee Manual*, September 2015.

30 Each Technical Work Committee is led by a representative from a coordinating Ministry, sectoral Ministry or another government agency, which can request the participation of national and international NGOs and inter-agency organizations, as well as scientific and research centers.

31 A 2017 revision to the *Emergency Operations Committee Manual* now mentions gender as one of the general criteria for groups of concern, along with people with disabilities, and ethnicity/culture. See: *Secretaría Gestión de Riesgos, Manual del Comité de Operaciones de Emergencia*, 2017, pp. 13 and 37.

A specific disaster risk management law is currently under consideration in Ecuador. A draft *Bill for the Law on the National Decentralized Risk Management System*³² was presented in July 2012 but at that time the National Assembly failed to pass it. However, subsequent to the earthquake of April 16, 2016, the same bill is being studied and debated for re-presentation. This is a timely opportunity for the new law to include clear objectives relating to gender equality and SGBV protection in disasters. It could also mandate substantial representation of women, including relevant women's organizations, in the risk management institutions and committees.

32 Referred to the National Assembly through Request No. AN-MEMC-2012-119, July 10th 2012, by the President of the Assembly at that time, Fernando Cordero Cueva. Copy available at IFRC DRM Laws database (in Spanish) at: <http://bit.ly/2xZ77iG>

Part 5

Gender equality and SGBV protection in the disaster operation

5.1 Overall gender-sensitivity

The frameworks for disaster risk reduction and response in Ecuador, and the actions implemented by the Secretariat of Risk Management and the majority of government institutions responding to the 2016 earthquake, do not generally appear to have considered gender in relation to risk assessment, impact, solutions, and decision-making processes.

The case study interviews and secondary sources suggest there are no existing Government disaster policies that incorporate provisions for the prevention of, or response to, SGBV. There is limited awareness of SGBV during disaster situations and this lack of awareness could permit the worsening of SGBV in disasters.

A number of actors noted the lack of women participating in meetings of affected communities and government information sessions for involved organizations, except in sessions created specifically for women's training, awareness-raising and decision-making by national NGOs, international cooperation agencies and United Nations entities. Women in general have not been seen as relevant actors with a voice in the recovery and assistance processes. As one of the women who was consulted pointed out, *“women's organizations are absent from risk management processes, we are not involved with any entity or program and that is very worrying.”*

A notable program to counter this dynamic is titled “Women's Participation in Shelter Management Structures,” led by the International Organization for Migration (IOM) and UN Women in coordination with the various government institutions involved in the shelter management teams. The process began with the development of baseline data in the shelters located in Pedernales I (Divino Niño) and Pedernales II (Llanos). Information was gathered from 19 focus groups and 14 in-depth interviews. A total of 149 women and female adolescents were asked about their perceptions of participation and security in the shelters. The results revealed that participation and security for women, children and adolescents was limited in these spaces and decision-making processes had been taken over by males.

Operational Experiences 2

Gender-sensitivity in disaster response and recovery

- *“People think about building a bridge, they think about the IESS building, but they don’t think about the Public Prosecutor’s Office, or the police station or whatever because it’s not as important. But that means you have nowhere to go to report these things. They don’t think about care services, the child care centers.... All these other things need to be taken care of first, and to summarize, this means that women are more susceptible to all kinds of risks because, amongst other things, reconstruction has not been considered from a gender equality viewpoint. In other words, from the perspective of women’s specific needs.”* (international cooperation personnel).
- *“On the topic of childhood there is a resounding “no” regarding the gender equality perspective. It has been stressed that there should be child friendly spaces, the challenge is that the shelters should be child friendly, they cannot be exclusive spaces, like ghettos, and the same applies for women and other groups”* (NGO personnel).
- *“We do not know how to identify violence and we do not even know how to identify a person who has been a victim of violence; the family and even the person themselves does not see violence as something serious, something that needs to be rejected”* (public official).

5.2 Disaster shelters – the most problematic area

Post-disaster shelter was highlighted by many key informants as the most problematic area concerning both gender equality and SGBV protection during the earthquake recovery. People who lost their homes in the earthquake could either reside in the official shelters provided by the Government, or in one of the large number of spontaneous or informal refuges. The Government established 27 official shelters, 23 of which remained open six months after the earthquake (as of 27 October 2016). According to the IOM, 105 spontaneous or informal refuges were still operating six months after the earthquake. Around 8,000 people continued to be housed in these shelters.³³

Spontaneous and informal refuges

Many people created their own spontaneous and informal shelters following the earthquake. Initially the government did not take these shelters into account in the provision of humanitarian assistance and recovery processes. No standards, protocols or guidelines were issued for these shelters. The informal shelters had little or no access to public services, lacked privacy, were overcrowded, and were characterized by weak structures and a disorderly distribution of humanitarian assistance.³⁴ Gender-related information available about these informal refuges is limited; there is no data on SGBV or data disaggregated according to gender.

In each of five displacement tracking matrices issued by the IOM, it warned of the most pressing humanitarian needs for displaced people living in informal refuges. For example, in October 2016, the IOM matrix noted that

33 OCHA Humanitarian Bulletin. Latin America and the Caribbean. Volume 29 September-October 2016.

34 Donations were received from citizens, but due to the absence of Police and Armed Forces personnel, riots and acts of violence occurred on many occasions during the distribution of food items and other products.

these shelters were characterized by: the vast majority of people living in tents or in makeshift structures; less than 50% having access to running water, or health services (and only 205 with accesses to psychosocial support); and an absence of government control agencies in 92%. Over a quarter of the people inside the shelters reported that there had been incidents, which were mostly related to robberies (53%), but also assaults, attempted rape, rape, and violence.³⁵

The IOM and the Ministry of Social and Economic Inclusion worked together to identify such refuges in peri-urban areas in the Canton of Pedernales, along with the municipal government, and a number of ministries.³⁶ In some areas, over one-third of the residents were not in the register for victims of the disaster and 80% had not received vouchers provided by the government.

Government shelters

According to the constitutional mandate, temporary shelters should be managed by municipalities, as the entities in charge of risk management at a local level, with the Ministry of Social and Economic Inclusion playing a supporting role. In practice, the emergency was overwhelming. At the beginning of the response, official shelters were operated by the Ministry of Social and Economic Inclusion, but Presidential Decree 1004 (26 April 2016) handed their management over to the Armed Forces under the Ministry of Security Coordination (MSC). This decree made the MSC the entity in charge of managing the emergency, including the shelters, and so the responsibility for administering the official temporary shelters lay with the Armed Forces. However, a number of those consulted during this case study reported that these arrangements did not include a gender equality perspective, and that this had negative repercussions on both gender equality and SGBV protection.

Operational Experiences 3

Violence in shelters

- *"In terms of violence, there were ups and downs in the way things were managed. We must ask ourselves what kind of structure we have in place, because everything else is built upon it, and otherwise all we'll have in the end is people with good intentions. The Ministry of Social and Economic Inclusion didn't have the capacity to implement this component effectively, and the Armed Forces were unable to leave behind their military way of doing things"* (international cooperation personnel).
- *"In spaces like these, violence is a daily reality for women and children. Physical violence, sexual violence. Violence is structural and is generated by power spaces and I have witnessed abuses of power. The presence of uniformed soldiers and police leads to complex and violent relationships, which permeates all relationships within the shelter and the local setting."* (NGO personnel).
- *"There are things that from a gender equality perspective we never worked on because we were more focused on the issue of violence ... we did not think about the issue of water, the issue of washing, for example. You can't make much of an impact because the shelters are only temporary"* (public official).
- *"In more specific cases of violence, women and girls were harassed, attacked and many were raped during the emergency. Even when this did not occur the females in the shelter felt constant fear, angst and*

35 The International Organization for Migration, the Matrix for Displacement Tracking, Round 5. Ecuador Earthquake 2016. Spontaneous Site Assessment (shelters). 31st of October 2016, Quito, Ecuador.

36 The Ministry of Public Health, Ministry of Urban Development and Housing, Ministry of Social and Economic Inclusion and the Ministry of Interior.

uncertainty, which meant that in many cases these girls, teenagers and women isolated themselves in their tents. The boys were playing in the patio but the girls weren't. There has been a definite increase in risk situations and the absolute and extreme dependence on males". (international cooperation personnel).

- *"Mistakes were made, like with a woman who was raped outside the shelter. She was given the protection of two female police officers who kept watch over her all the time, even inside the shelter, which drew attention from the other people in the shelter and meant her identity as the victim was revealed, there was an information leak about what happened. As a consequence, this woman had to leave the shelter". (international cooperation personnel)*

Problematic issues in relation to the role of the Armed Forces

After the earthquake, the Ministry of Security Coordination published its *Shelter Assistance Model*³⁷ stating that management of shelters would be done by members of the Unit for the Ecuadorian School of Peace Missions (UEMPE).³⁸ According to the research for this report, often this did not occur, as members of the UEMPE lacked the necessary training and experience for the shelter management role. It appears that armed service officers of various ranks took on the majority of these responsibilities, with only a minority of shelter administrators drawn from the UEMPE.

The research identified that most of the public officials, Armed Forces personnel and police who supported relief efforts following the earthquake of April 2016, had not participated in any awareness-raising activities about gender-sensitive approaches or SGBV. It was also observed by informants that armed service officers did not generally take into account pre-existing inequalities and sometimes were themselves responsible for the implementation of discriminatory practices due to this lack of awareness.

Many of those consulted during the study pointed to the presence of Armed Forces personnel within the shelters as:

- creating a militarized environment, in which females and LGBTI people felt intimidated and did not feel safe
- not being conducive to women reporting cases of sexual violence, especially if these were committed by public officials or members of the Armed Forces
- in some cases, allegedly being a direct source of violence and abuse of power.

As one NGO worker described it, "... there were no conditions to do our work. The military wanted me to go because we were highlighting what was happening... because we were like a pebble in their shoe." (NGO personnel).

Many informants mentioned known cases of sexual transactions that were not formally reported. "It is very difficult to prove it in legal terms; that does not mean that no abuse has been committed, or that there have been no irregularities. It is naive to believe that a person in a shelter will file a complaint if he/she feels that

37 *Ministerio Coordinador de Seguridad de la República del Ecuador (MCS). Modelo de Gestión de Albergues.* (Approved 26 May 2016). Following Presidential Decree No. 1004 of April 2016, which made the MCS responsible for managing the state of emergency, including the official shelters.

38 UEMPE – *Unidad Escuela Misioneros de Paz Ecuador*

it will lead to nothing except being re-victimized, threatened, coerced and mistreated even more. Several military officers allegedly took advantage of this condition and committed actions and violated the rights of the people in the shelter.” (NGO personnel).

Operational Experiences 4

Concerns about militarization of shelters

- *“The country needs to grow in this area. I believe that what happened was a test for the risk management institutions. We believe, and it is a belief shared by many actors, that the people in charge of the shelters, the Armed Forces of Ecuador, were not prepared for this work, and they also stated repeatedly that the risk management policy should have been implemented by the relevant Secretariat that is responsible for assuming this role”* (NGO personnel).
- *“Members of the Armed Forces were unable to adopt a gender equality perspective and did not understand the issue of discrimination or the different needs of women in emergency situations. They had memorized the international standards but in practice they did not follow them”.* (public official)
- *“What I have seen is that there are shelters and situations where government officials and soldiers fulfill their role by providing order and protection, but there are also some cases of soldiers who take advantage of girls, teenagers or young women. I have asked myself why the soldiers have to go and talk at the back of the shelter with a girl and not in front of everyone. I have also seen that some of them abuse their authority and generate nepotism type relationships with certain families.”* (NGO Personnel)
- *“For the Armed Forces, to move from military operations to managing people in a state of vulnerability, and not knowing anything about these issues, that causes conflicts with families and all the people who are given shelter. It’s one thing to prepare for war and another thing is to take care of people.”* (NGO personnel).

The physical spaces of shelters and SGBV

The physical spaces of the shelters were described as a major factor in the occurrence of SGBV; factors such as the distance to bathrooms, the laundry and the drying areas were reported as an issue for the safety of women and children.

The deployment of space within shelters also had implications for the vulnerabilities of LGBTI people to SGBV. One NGO worker noted that the situation of LGBTI groups had not been addressed, and that this was an area requiring work, saying that for the LGBTI population, “there is total invisibility” at a policy level and a high level of discrimination. This key informant described an issue in one of the shelters concerning boys who identified as being female and not male, which resulted in a conflict over who entered which toilet, saying, “According to the administration they were men, and had to go to the men’s bathroom, and they were forced to do so.” Informants noted that males are very hesitant to disclose LGBTI identities because it is a taboo subject and it can lead to discrimination or bullying. An international cooperation worker described the situation for LGBTI people as one of a triple level of vulnerability, noting that “if there is no access (to support) for women and minors, then it is even worse in the case of the LGBTI sector.”

The complexity of the response system to SGBV in shelters presented challenges. It was suggested by many that one key to improvements lies in training efforts. The *Shelter Assistance Model* provides that staff should receive general training so they can provide information about gaps in humanitarian assistance and protection and violent or criminal incidents that may affect the population and the stability of the shelter. They are required to have the capacity to identify the groups and people that face the highest risk and have specific needs, “people at risk of gender-based violence” (Section 3).³⁹ However, the Model does not include concrete operational guidance on responding to SGBV, and informants also reported a general lack of training and capacity by government officials with regard to SGBV prevention and response.

Operational actions on SGBV protection and gender equality. There were a number of positive actions taken to raise awareness on gender issues and SGBV in the emergency response, including:

- The Ministry of Defense, with support from UN Women and UNFPA, published leaflets aimed at military personnel and also a *Guide for Addressing Gender-based Violence in Emergency Settings*.⁴⁰ Its Code of Conduct for military personnel deployed during a crisis state also requires that officers in charge of guaranteeing compliance with the law must prevent and combat gender-based violence in all its forms.
- The National Ministry of Defense, the National Council for Gender Equality and the National Judicial Council jointly published the booklet titled, *Basic Recommendations for Prevention and Assistance to Victims of Sexual Violence*,⁴¹ which was designed for public officials, doctors, psychologists and volunteers in charge of providing assistance to the general population during disasters.
- The National Judicial Council’s Sub-Department on Gender and UN Women published, *A Life Free from Violence: Manual about what to do and how to act in response to situations of gender violence*.⁴² As well as recommendations for action, it included contacts in Manabí and Esmeraldas for the reporting of sexual crimes.
- The Ecuadorian Red Cross (ERC), auxiliary to the public authorities in the humanitarian field, has the mission of “alleviating and preventing human suffering from within the communities by promoting well-being and dignity in diversity, through sustained development of capacity.” It was a key player in the response to the 2016 earthquake as well as during the recovery phase. In the response phase, April to September 2016, the Ecuadorian Red Cross mobilized 5,164 people, including volunteers and humanitarian personnel, to the affected areas and provided support to 85,396 people in 108 communities, with support from the wider Movement. For example, in the community of Cabuya the first emergency workers on the ground were sister National Society Colombian Red Cross volunteers and they have continued to provide

39 *Ministerio Coordinador de Seguridad de la República del Ecuador. Modelo de Atención de Albergues, 2016, p. 13.*

40 *Ministerio de Defensa Nacional, ONU Mujeres y UNFPA, Cartilla para la Protección de la población en área de desastre naturales, Quito, abril 2016.*

41 *Ministerio de Defensa Nacional, Consejo Nacional para la Igualdad de Género, Consejo de la Judicatura, cartilla Recomendaciones Básica de Prevención y Atención de Violencia Sexual, Mayo 2016.*

42 *Consejo de la Judicatura, Subdirección Nacional de Género, y ONU Mujeres. Una vida libre de violencia: Manual sobre qué hacer y cómo actuar frente a situaciones de violencia de género. Quito, 2016.*

humanitarian assistance and training as of the date of writing this report.⁴³

- ERC has used since 2011 a specific *Manual on the Prevention of Gender-Based Violence* in its operations.⁴⁴ Prior to the earthquake of April 16, the ERC had also included gender-sensitive approaches as one of the pillars of its 2015-2019 *Institutional Strategy*.⁴⁵ In the recovery phase, ERC's work was based on the Single Recovery Plan aimed at 16 communities identified through a selection criteria process. The ERC works towards enabling communities in high risk areas to have capacity to prepare for and respond to disasters and to recover effectively and efficiently from adverse events. This work includes activities aimed at promoting a culture of peace and non-violence, with a core focus on respect for diversity, including gender diversity.
- Local and international NGOs implemented family support programs including: the prevention of family separation, abuse and inter-family and peer violence; promoting knowledge of and reflection on sexual and reproductive rights; the accompaniment and strengthening of community agents; protecting communities with a focus on gender and inter-culturalism. Most of these programs were based on community aspects, either by organizing groups or strengthening existing groups.
- Of particular note is the work of UN Women and UNFPA in the development of gender-based protection kits, providing 4,200 of these kits to women and adolescents living in shelters and Comprehensive Care Centers.⁴⁶ This was done in the framework of awareness-raising sessions on gender-based violence in coordination with MIES, MJDH-PNEVG and NGOs.

These risk management responses in relation to SGBV were important, but also ad hoc, and could have begun sooner with prior planning and resource allocation. Given the extent of SGBV and the high levels of gender inequality in Ecuador, constant and intensive training on these issues is also needed for all personnel in the risk management system.

43 Press Release. "Ecuadorian Red Cross commemorates a year of humanitarian work in the zones affected by the earthquake". Quito D.M., 10th of April, 2017. ERC-CRP-026-2017.

44 ERC. (Undated, circa 2011). *Manual de Prevención de la Violencia de Género*.

45 ERC. 2015-2019 Institutional Strategy.

46 Kits include: a whistle and a fictional story about the importance of using it; a rechargeable torch with a crank; toilet door; a comic that covers the issue of SGBV; condoms; and information on the protection mechanism, including names of protection institutions, addresses and phone numbers.

Part 6

Findings and recommendations

6.1 Findings on good practices

Despite gaps in Ecuadorian law and policy frameworks for SGBV protection and gender equality in disasters, many positive and concrete actions were taken in the emergency response and recovery phases of the 2016 earthquake that can potentially be formalized and used again in future emergencies.

Services to affected communities

- Training workshops on SGBV as well as on sexual and reproductive health and rights were held for the population living in shelters. Through such workshops, people were made aware of the importance of the body, its sanctity, being able to say no and the right to say no. Other issues were raised such as economic empowerment.
- Coordinated psychosocial care was provided. Adequate attention was paid by government staff in the field to the psychosocial impact on children, which are often neglected in disaster responses. There were no children separated from their families and there were few orphans as a result of the earthquake.
- SGBV protection kits were delivered to women and adolescent girls living in shelters.
- The Center for the Comprehensive Assistance of Victims of Domestic and/or Sexual Violence was opened in Pedernales, which was the city most affected by the earthquake. The Ministry of Justice promoted the opening of the Center through the signing of an agreement with the Creando Futuro Foundation.
- The Judicial Council promoted the remote justice units' service in the different communities affected by the earthquake. This action was not immediate, however, because the infrastructure of the legal system in the area suffered major damage as a result of the earthquake.
- The National Police responded positively by ordering that primarily women police officers should patrol the official shelters. Key informants felt that the engagement of female police as a part of a gender sensitive strategy helped to decrease the risk of SGBV. Female police formed around 95% of the police personnel in the shelters.

Implementation of policies and guidance, coordinated institutional responses that directly addressed the problem of SGBV

- The *Guidelines for Action and Assistance for Cases of Gender-based Violence in Manabí and Esmeraldas* (Ministry of Justice) were implemented within shelters and in other spaces such as schools, with support from INGOs.⁴⁷
- Post-earthquake implementation of the *Guide for Addressing Gender-based Violence in Emergency Settings* (Ministry of Defense, with support from UN Women and UNFPA).⁴⁸
- Use of the *Basic Recommendations for Prevention and Assistance to Victims of Sexual Violence* (Ministry of Defense, National Council for Gender Equality and National Judicial Council),⁴⁹ for public officials, doctors, psychologists and volunteers in charge of providing assistance to the general population during disasters.
- Publication of *A Life Free from Violence: Manual about what to do and how to act in response to situations of gender violence* (National Judicial Council's Sub-Department on Gender and UN Women).⁵⁰

Coordination of the humanitarian response

- In coordination with the Ministry of Justice, MIES, MSP, MIDENA, Ministry of the Interior and CNIG, SGBV training and awareness actions were developed for the humanitarian response. This training was based on the Technical Comprehensive Care Guidelines for Gender-Based Violence issued by the Ministry of Public Health, designed for public officials, Armed Forces personnel and the National Police.
- The creation of the GBV Subgroup within the framework of the Protection Cluster was essential as a space for articulating the humanitarian response to SGBV with the joint participation of governmental institutions, civil society organizations and multi and bilateral cooperation. The contributions made to the OIM DTM gender inequality alert, joint field missions with other UN system agencies and different government institutions are notable.

6.2 Findings on gaps

SGBV protection in the risk management frameworks

The 2016 earthquake in Ecuador showed that in general there is not sufficient institutional capacity for gender analysis in disaster response efforts, as these do not include gender perspectives in their norms and procedures, and do not address the issue of SGBV. The specific needs and concerns of women and other groups, and their potential to contribute to

47 *Ministerio de Justicia, Derechos Humanos y Cultos. Ruta de Atención a Víctimas de Violencia de Género en Manabí y Esmeraldas.* Ecuador, Julio 2016.

48 *Ministerio de Defensa Nacional, ONU Mujeres y UNFPA, Cartilla para la Protección de la población en área de desastre naturales, Quito, Abril 2016.*

49 *Ministerio de Defensa Nacional, Consejo Nacional para la Igualdad de Género, Consejo de la Judicatura, cartilla Recomendaciones Básica de Prevención y Atención de Violencia Sexual, Mayo 2016.*

50 *Consejo de la Judicatura, Subdirección Nacional de Género, y ONU Mujeres. Una vida libre de violencia: Manual sobre qué hacer y cómo actuar frente a situaciones de violencia de género. Quito, 2016.*

disaster risk management, are not required to be taken into account as part of preparedness, response and reconstruction efforts.

Prior preparation on gender equality and SGBV in risk management

At the time of the disaster, many responders were not aware of the increased risk of SGBV, or of the need to ensure that assistance and forms of participation did not discriminate on the basis of gender. While it was possible to distribute information, and increase awareness through meetings, it was not possible to instantly develop capacity to deal with these issues, so in practice many responders were not skilled in detecting SGBV or preparing for this possibility.

The absence of contingency plans to guarantee the provision of services for SGBV survivors during disasters meant that women, children and adolescents, as well as LGBTI people, did not directly receive official information on how to report cases of violence in shelters, refuges or other areas in the earthquake-affected provinces.

Responding to increased SGBV and specific population needs

The disaster itself, the loss of homes and the subsequent displacement led to an increased risk of SGBV, especially in emergency refuges and shelters. Policies and specific laws to prevent and punish acts of SGBV in disaster situations are important, but require enforcement. Actors in the field were the determining factor in the way SGBV was perceived and cases were handled. With the exception of agencies that have gender-sensitive approaches included in their mandates, government institutions working on the ground did not generally consider the specific risks or needs of women, girls, children and LGBTI people in their relief activities following the earthquake.

In affected communities, women were mainly confined to traditionally female gender roles as mothers or caregivers, and were largely excluded from community spaces where decisions were made on planning and organizing emergency assistance. As a result, the specific needs of women, such as sanitary towels, contraception, medication for menstrual cramps or post-natal care, among others, were not taken into account after the emergency occurred.

It is also necessary to engage men and boys in raising awareness and challenging cultural barriers. For example, it is necessary to challenge the perception that only women and girls are victims of SGBV. While women and girls are disproportionately affected, men and boys can also be survivors of SGBV, and LGBTI men are especially vulnerable.

Interactions between the risk management system and the violence protection systems

After the earthquake, there was very little inter-sectoral coordination at national and local levels between the entities responsible for gender policies and SGBV protection, and those responsible for the risk management system.

According to testimonies collected in Pedernales, not all public institutions provided an effective response to cases of SGBV, either in judicial process or in the management of survivors' privacy and confidentiality within the shelters, which resulted in some cases of re-victimization after people filed reports.

At the time of conducting the case study, the consultants found there was an overall lack of publicly available government reports made either during the disaster or in its aftermath (from police or other government agencies). This may reflect the hampered functioning of law enforcement services and overall government administration under the stresses of the major emergency. While shelter administrators are required to keep an information record based on the norms established by the protocol issued by the Ministry of Public Health, the researchers were unable to find any consolidated registered information which would have allowed for the monitoring and follow-up of survivors by different institutions.

Institutional coordination of non-governmental actors

The presence of civil society organizations, cooperation agencies, public institutions and other assistance actors increased in the provinces of Manabí and Esmeraldas after the earthquake (see Annex for the list of key actors). Although the Country Humanitarian Team had a local structure in Manabí and Esmeraldas, the coordination of national and international NGOs was limited. It will be important in future responses that the work of NGOs and non-UN international responders is recognized as part of the coordination mechanism to ensure the overall response is in accord with the needs of affected communities, and with the national and local government operations.

Community experiences of the effectiveness of SGBV prevention and support

The community that was consulted for this case study did emphasize the presence of public institutions, cooperation agencies and national and international NGOs and the ERC. They received significant support in the form of food supplies, setting up tents and ensuring a potable water supply. However, the organizations that provided psychological and legal support in cases of violence identified inherent weaknesses of the institutional framework for SGBV, such as the multiple agencies that make the complaint procedure and the judicial process very complex. This became more so in the disaster situation, which damaged the infrastructure of public institutions

in general, as well as impacting key staff through personal losses and injuries, which affected the regular provision of services. For example, “... in the Judicial Council of Manabí, the staff team had to be reconvened ... many of the officials had to leave the area of the disaster with their families.” (public official)

Data needs

At present, there is a lack of sex and age-disaggregated data that identifies and documents gender differences and possible risks, needs and capacities in the short and long term, which are needed to further inform programs. Audits that analyze the impact of gender on the emergency response have not so far been conducted.

6.3 Recommendations

For the government and legislature

1. Based on existing constitutional and international rights that are part of Ecuadorian law, gender equality and the right to a life free from violence should be integrated as a priority in all planning and national budgeting instruments under the coordination of the National Planning Secretariat (SENPLADES) and in coordination with the CNIG and PNEVG. The goal is to ensure the implementation of normative, policy and institutional frameworks as a system for prevention, protection and sanctioning crimes of SGBV. There is also a need to highlight all the possible manifestations of violence against LGBTI people, and to incorporate into legislation offenses relating to those forms of violence that have not been criminalized (e.g. discriminatory violence and abuse based on sexual identity, sexual exploitation, psychological violence, and human trafficking);
2. Organize a process of participatory development of a normative framework for gender-sensitive disaster risk management policies and their respective systems through coordination with the SGR. This should use a human rights-based and differentiated approach, so that programs are formulated and prevention, response and recovery projects take into account the specific needs of the affected population. The system should consider: emergency and contingency plans in accordance with local contexts; gender and SGBV awareness-raising activities and training for public officials, Armed Forces personnel and police forces, as well as the general population; production of information material on specific disaster and vulnerability situations such as SGBV; and mechanisms for the coordination of cross-sectoral national planning with the specific gender equality institutions;
3. Include in the new risk management law currently under consideration, provisions that promote gender equality and sensitivity to the needs of diverse groups in all policies, strategies, projects, procedures and activities related to disaster risk management. These should include gender-responsive risk assessments, risk reduction, response, recovery and reconstruction, as key targets, and a mandate to include SGBV as a priority security issue in all disaster risk management activities;

4. Mandate a minimum level of representation of women in all RM committees, advisory bodies and working groups at national and local level. Make it an official requirement that the CNIG and at least one relevant women's non-governmental organization be part of all national and local RM committees within the RM System, along with the ERC, and that the percentage of women on national and local RM committees must be more than 30%;
5. Establish a mechanism to create ongoing institutional links between the RM System and key social security actors such as the health sector, National Police and the justice system, through national and local strategies that coordinate and agree on actions to prevent and respond to SGBV in the disaster context. Part of this could be implementation of the Organic Law on Health requirements for intra-governmental collaboration on a health sector Emergency, Mitigation and Assistance Plan in the Case of Disasters, to align with the National Disasters and Emergencies Plan (Articles 35-27);
6. Identify, collect, analyze, disseminate and exchange qualitative and quantitative information and a basic set of indicators, disaggregated by sex, age, disability and other related vulnerability factors. This data-gathering should be articulated with INEC and carried out in coordination with the RMS and PNEVG, focused on the experience of organizations and reported cases of SGBV following the April 2106 earthquake, especially those who remained in temporary shelter for many months. This information will allow for the reduction of the risk of SGBV by highlighting the relationship between pre-existing inequalities in the distribution of responsibilities in paid and unpaid work, access to and control of resources, participation in decision-making processes and vulnerabilities during all kinds of events;
7. Strengthen the normative and public policy frameworks for SGBV, under the coordination of the PNEVG and in collaboration with diverse civil society actors in order to formulate appropriate public policies in normal times and during disaster periods. This implies the adoption of the following measures:
 - i. evaluate the PNEVG after ten years of implementation;
 - ii. unify the system for recording and monitoring cases of SGBV so that it can cross-reference information with data from the Victims Register;
 - iii. launch a new phase of the public communication campaign under the PNEVG to transform cultural patterns that perpetuate inequalities and SGBV, resulting in other expressions of violence becoming visible, including those that occur in disaster contexts;
 - iv. formulate an action and attention protocol for SGBV in normal times and for disaster scenarios; and
 - v. create an inter-institutional mechanism for action vis-à-vis SGBV;
8. Incorporate psychological and differentiated care for women, men, and children in the public health services under the coordination of the MSP

as a permanent policy priority, so that the population – in normal times – can enjoy the right to a maximum level of health, understood as a state of well-being. These services should be scaled up with additional human and financial resources during disaster periods, also supporting emergency operators in all areas with the goal of contributing to a prompt recovery for the community, to ensure both general psychosocial care for affected populations (which help reduce the stresses that lead to increased violence) and specific care for SGBV survivors;

9. Guarantee, under the coordination of the SNGR and in partnership with the PNEVB, the CNIG and local governments, the security of the affected population living in official shelters and informal refuges. Activities seeking to address security concerns and risks must be implemented from the start of the shelter initiative, throughout their planning, operations and until their closure, with particular attention to SGBV prevention and mitigation. For example, it is necessary that the shelter operators comply with the minimum standards established in the Sphere Manual and the IASC Guidelines.⁵¹ Likewise, it is recommended to ensure female participation and decision-making in camp organization, taking into consideration both the proportion of women participating in decision-making, and what types of roles they are asked to take; and
10. Formulate a proposal for the restructuring of shelter management under the coordination of SNGR, assuming the monitoring and control of activities in camps and similar sites as a role for government and national civil authorities, with support from international organizations, national and international NGOs as required. This includes the coordination of camps as humanitarian spaces to provide effective assistance and protection; and the management of shelters as an integrated response to guarantee the provision of assistance and protection to displaced persons, with suitable mechanisms for ensuring gender equality and SGBV protection.

For the IFRC and National Societies

1. Taking into account the findings of the report regarding the importance of mainstreaming a gender equality perspective in all aspects of disaster risk management, as well as the risk of exacerbated inequalities in communities affected by disasters, and in view of the need to raise awareness among the general population, it is recommended that IFRC and ERC aim to provide best practice models in this area, including:
 - i. Training of ERC staff and volunteers in gender equality and SGBV in order to identify possible cases in a timely manner and refer them to the relevant entities.
 - ii. Use of tools for operational planning and standard operating procedures during disasters and recovery processes that include gender equality perspectives actions. These should also be used with informal post-disaster shelters. Available tools include: the ERC *Manual on Prevention of Gender-Based Violence*,⁵² the IFRC *Minimum standard commitments to gender and diversity in emergency*

51 The Sphere Humanitarian Charter and Minimum Standards for Humanitarian Response. 2011. Geneva: The Sphere Project.

52 ERC. *Manual de Prevención de la Violencia de Género*.

programming,⁵³ and the *IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*.⁵⁴

2. Taking into account the results of the focus group discussions in the field, it is recommended that the IFRC and the ERC:
 - i. Pay particular attention to meeting the different psychosocial support needs of women, men and children in response operations and in providing support for recovery. Include female specific products, such as contraceptive pills, condoms and sanitary towels in personal hygiene kits.
 - ii. Ensure that community-level training is accessible for both men and women, taking into account the community dynamics and workloads assumed in the home, including childcare.

For civil society and the international humanitarian community

1. Help to build a genuine culture of disaster risk prevention based on principles of equality, non-discrimination and collective responsibility by incorporating this topic in school curricula and awareness raising campaigns aimed at the whole community. These campaigns should highlight the diversity of men, women, children, young people and the elderly so that disaster risk is reduced and the gender equality issue is present in daily activities.
2. Strengthen the spaces for dialogue within the smaller localities so that disaster risk management integrates gender considerations and SGBV, and is incorporated into the community actors' agendas along with public interest issues that are fundamental for local equitable development.

53 Minimum standards on gender and diversity in emergency programs. 2015. IFRC.

54 *Guidelines for the integration of interventions against gender-based violence in humanitarian action*. 2015. IASC.

Annexes

Annex 1: Summary of Constitutional provisions on SGBV

Constitution Article No.	Provision
19 & 46	Prohibits violence or expressions that promote violence in advertising and media outlets
35	“Elderly adults, children, adolescents, pregnant women, people with disabilities, people in jail and those that suffer from catastrophic or highly complex diseases will receive priority and specialized assistance in public and private spheres. The same prioritized assistance will be provided to people in a situation of risk, victims of sexual and domestic violence, child abuse and natural or man-made disasters. The government will provide special protection to people with dual vulnerabilities”
46 (4)	Protection and assistance for all types of violence, abuse, or sexual exploitation of children and adolescents
66 (3)	Measures to prevent, eliminate and sanction all forms of violence, particularly against women, children, adolescents, elderly people, people with disabilities and any person in a situation of disadvantage or vulnerability...[and] against violence, slavery and sexual exploitation
77	Excludes cases of domestic, sexual and gender-based violence from the rule that no one can be called to testify against a close relative in criminal proceedings
81	Special and expeditious procedures to judge and sanction crimes of domestic and sexual violence, hate crimes and any crime committed against children, adolescents and young people, people with disabilities, elderly and people that due to their situation require increased protection
156	An integrated rights protection system that specifically takes into account the principles of equality in terms of diversity and non-discrimination, and also prioritizes protection against violence, stating that local councils have to develop coordinated actions with specialist rights protection agencies at all levels of government
331	Prohibits violence in the workplace
340	Incorporates risk management into the health, education and housing sectors
347	Prohibit violence in the school environment
389	“...the state will protect people, communities and the natural environment from the negative effects caused by natural or anthropogenic disasters through risk prevention, the mitigation of disasters, recovery actions and the improvement of social, economic and environmental issues with the aim of minimizing conditions of vulnerability”
390	Decentralization of risk management to the territories, with each municipality or province responsible for risk management within their geographic area.

*A number of organizations approached for interview were not available within the project timeframe.

Annex 2. List of key organizations interviewed

The Centre for Assistance to Victims of Violence
 Ecuadorian Red Cross
 Frontier Women's Development Committee
 Gender Equality, Department of Access to Justice, Judicial Council
 Ministry of Justice
 National Gender Equality Council
 National Plan for the Eradication of Gender-based Violence
 Network of Integrated Assistance Centers and Houses for Female Victims of Violence
 Ombudsman's Office
 SOS Children's Villages Pedernales
 Terres des Hommes
 United Nations Population Fund (UNFPA)
 United Nations High Commissioner for Refugees (UNHCR)
 United Nations Children's Fund (UNICEF)
 Unit for Ecuadorian Peace Missions School (UEMPE) (Blue Helmets peace operations training)
 UN Women

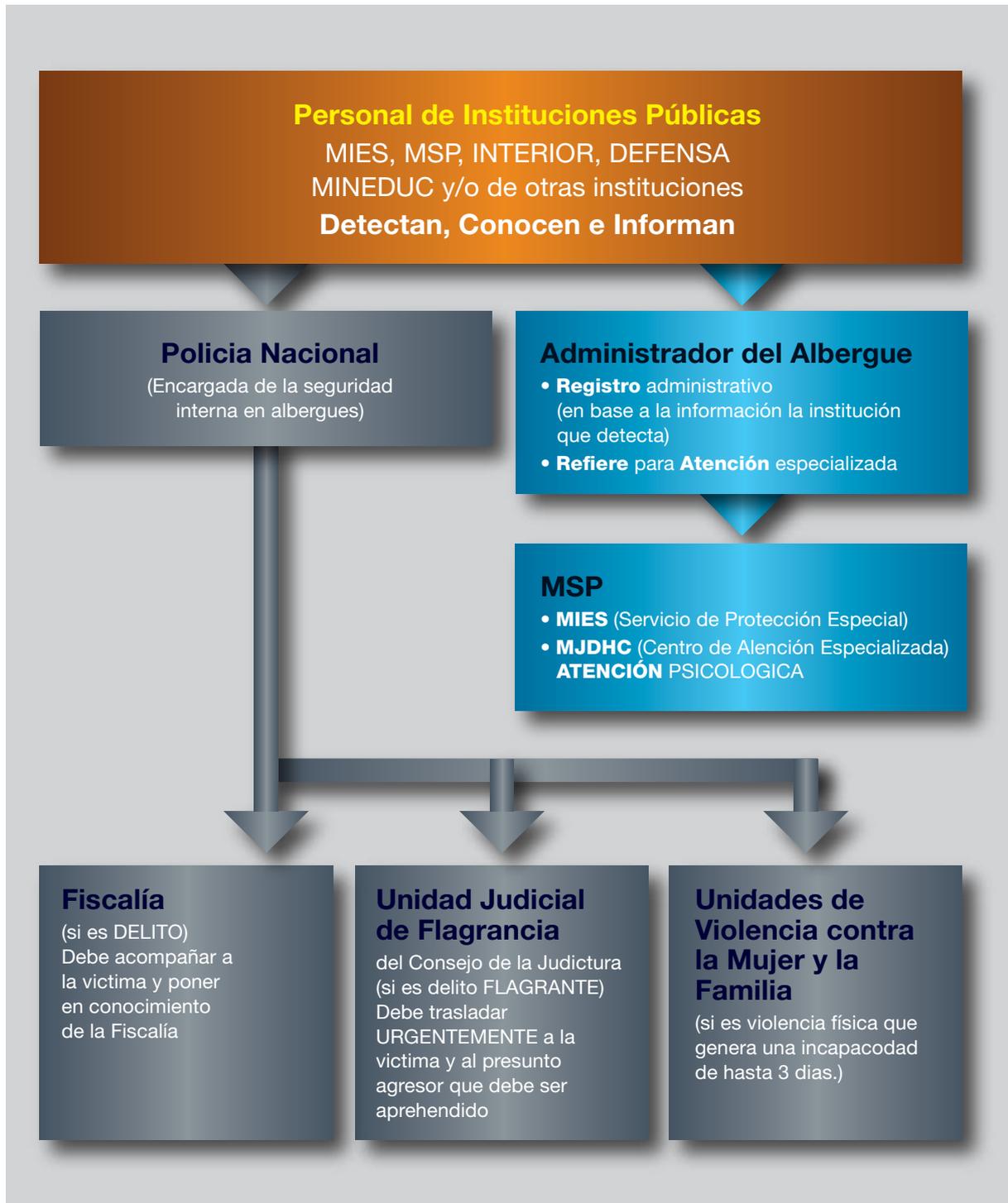
Annex 3. List of key actors in the 2016 earthquake response*

Red Cross Movement and NGOs	
Acción Contra el Hambre	Habitat for Humanity PROGAD
ADRA Ecuador	HIAS
SOS Children's Villages	Oxfam International
Asylum Access	Plan International
CARE Ecuador	International Education Network (RIE)
Catholic Relief Services	Save the Children
Child Fund International USA	Techno Ecuador
CISP	Terre de Hombres Ecuador
ERC, IFRC	World Vision Ecuador
Diakonia	
Bilateral and multilateral cooperation agencies	
UNHCR, UNFPA, JICA, OCHA, IOM, UN Women, UNICEF	
Women's organizations	
Creando Futuro Foundation	
Nuevos Horizontes Movimiento de Mujeres de Jipijapa Mujeres en Acción por el Cambio Foundation	
Integrated Women's Development Forum (FODIMUF)	
Protection Council of Calceta	

* This is not a complete list of the many organizations that supported the response and recovery phases in the provinces of Esmeraldas and Manabí. (Sources: UNHCR, UN Women, Shelter Cluster).

Annex 4. Flow chart on SGBV survivor assistance in the shelters

Developed by the National Plan for the Eradication of Gender-based Violence



Source: MJDHC, PNEVG, Assistance mechanism for survivors of gender-based violence in shelters in Manabí and Esmeraldas. Ecuador, 2016.

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The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity / The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality / It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality / In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence / The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service / It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity / There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality / The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



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