



Research article

Justice for rural women: An exploratory analysis of institutions and mechanisms to access justice in Chimborazo, Ecuador

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ABSTRACT

Access to justice is a fundamental principal of the rule of law. With this in mind, this research aims to analyze the mechanisms and barriers that women from rural areas in the province of Chimborazo, Ecuador, face when seeking justice. This investigation adopted a qualitative method approach, and was comprised of exploratory fieldwork as well as descriptive documentary analysis. The findings indicate that in this province, rural women's access to justice is facilitated through various government institutions and university legal clinics. These entities collaborate to spread awareness and offer direct legal assistance. However, despite these efforts, challenges persist, including the lack of specific data on the affected women's localities and the need for broader dissemination of available legal pathways. The study concludes that addressing these shortcomings is essential to further bolster the province's legal infrastructure and better address the intricate needs of its female population, particularly those from rural backgrounds.

1. Introduction

Access to justice is a foundational principle of the Rule of Law. In the absence of such access, individuals cannot voice their concerns, exercise their rights, challenge discrimination, or hold decision-makers accountable. Consequently, the United Nations has sought to underscore the right to equal access to justice for all — for instance, through the Declaration of the high-level meeting on the rule of law, adopted by the General Assembly on September 24, 2012. To this end, it has urged all member states to reaffirm their commitment to undertake all necessary measures to provide fair, transparent, efficient, non-discriminatory, and accountable services that enhance access to justice for all members of vulnerable groups [1].

Thus, within the framework of international law, States have actualized their efforts through binding legal instruments — such as the Convention on the Elimination of All Forms of Discrimination Against Women — to ensure access to justice, particularly for individuals in vulnerable contexts. Historically, this has been the case for women globally.

According to the European Institute for Gender Equality [2], in terms of legal procedures, access to justice entails providing those who wish to protect their acquired rights with: clear and suitable information about the spectrum of these rights and how to exercise them; an accessible structure, both in formal and practical terms, to obtain this information and act upon it; the effectiveness of this structure in practice; and assurance of its utility and integrity.

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However, despite the aforementioned efforts, the reality remains that meaningful justice is still beyond the reach of approximately 5.1 billion people, which is two-thirds of the global population [3]. In this context, women and marginalized groups are particularly disadvantaged within the justice system, as they often encounter unique social and institutional barriers to accessing justice, such as biases within justice institutions, social stigma, psychological trauma when pursuing legal claims, and a lack of gender-sensitive procedures [4–7].

In the case of Ecuador, access to justice has been one of the fundamental pillars that, as a Rule of Law state, has been set forth on its path towards achieving an inclusive democracy. In this regard, the state has sought to ensure women's access to justice and protect their rights through various legal instruments, such as laws — like the Law against Violence towards Women and the Family —, decrees — as is the case with Executive Decree 397 “General Regulation of the Comprehensive Organic Law to Prevent and Eradicate Violence against Women” — and its Constitution.

By way of illustration, the Magna Carta stipulates in its Article 75 that “Every person has the right to free access to justice and effective, impartial, and expedient protection of their rights and interests, adhering to the principles of immediacy and swiftness; under no circumstance shall they be left defenseless” [8]. Likewise, it establishes in its Article 66, clause 3, subclause b, that the State has the duty to recognize and guarantee the right to personal integrity for every person in a situation of disadvantage or vulnerability, including women. Moreover, in its third chapter, from Articles 86 to 88, the Constitution outlines various jurisdictional actions to ensure women's access to justice through constitutional means.

Despite the achievements made, UN Women, the entity of the United Nations dedicated to promoting gender equality and the empowerment of women worldwide, asserts that there are still various areas that need to be consolidated so that the majority of women can find themselves in a position where they can demand their rights, obtain legal assistance, or present their cases before the courts without obstacles [9].

2. Literature review

2.1. Theoretical foundations and the state of the art on women's access to justice

The right to access justice implies that women have the possibility of adequate protection of their rights. Moreover, it is a matter of strengthening and building democracies; therefore, gender justice serves as a benchmark for the State's actions [10]. Access to justice is understood as the existence of facilities that enable all individuals, without any discrimination, to enjoy all the resources and services that ensure their safety, mobility, communication, and understanding of judicial services, thereby guaranteeing prompt and effective justice [11,12].

Currently, the right to access justice is considered a *jus cogens* norm that imposes an obligation on States to adopt the necessary measures to make it effective [13]. Similarly, the principles of equality and non-discrimination based on gender are in the same category, establishing both as maximum standards for *pro persona* protection (in this case, for women) [14,15].

Furthermore, International Human Rights Law establishes a series of obligations for States related to the judicial function and the rights of women [16]. This includes ensuring equal access to justice for all individuals within their territory, which involves: a) ensuring due process — for which the State must take into account the inequalities related to gender, ethnicity, age, disability, etc. — and b) establishing judicial guarantees that consider the needs of all individuals. These guarantees should allow them, among other things: i) to be part of the judicial process on equal terms, ii) not to be revictimized in the judicial process, iii) to be accepted and protected as witnesses, iv) to participate in and understand the process, v) to enjoy fair administrative services on an equal basis, and vi) to have access to judicial information that guides the user and facilitates decision-making without sexist biases [17].

Access to justice is increasingly recognized as a critical dimension in addressing gender inequality [18]. The lack of access to justice can impact the social, emotional, and financial situation of women and their families [12]. Regrettably, there are still numerous global experiences that attest to the challenges women face in their struggle for access to justice. Thus, for instance, the discussion on access to justice becomes extremely intricate when focusing on women in Islamic countries like Iran. In this regard, several Iranian activists (especially those in exile) believe that the lack of substantive justice for women in this country is the result of political and legal Islam [19]. In another case, within the Norwegian Sami communities, it has been reported that one of the most significant reasons women choose not to seek legal assistance or report violence is that they lack trust in the state apparatus [20].

Several studies have also examined the actions taken by African states to respond to the challenge of providing justice to women by enacting or amending laws and policies. However, as is commonly observed, rights-based strategies mean little or nothing for women who are hindered from accessing justice due to a myriad of factors, including illiteracy, poverty, discrimination, and marginalization [21–23].

Throughout Latin America, indigenous and rural women also have encountered significant barriers to accessing justice, both within indigenous systems and in the official state sector [24–26]. As frequently observed, the vast majority of these women face triple discrimination due to their gender, ethnicity, and socio-economic marginalization [27]. While the barriers they often confront are largely context-specific, a series of common factors can be identified that impede their access to justice, such as poverty, violence, discrimination, and racism [28,29].

Nevertheless, despite the growing importance of access to justice, even enshrined in the Sustainable Development Goals (specifically SDG no. 16) [30], only a few studies have addressed the issue for the Ecuadorian context. These studies, however, have primarily focused, from a theoretical and comparative legal perspective, on studying the degree of protection that women in Ecuador have against the economic and patrimonial violence they suffer [31], the protection of their labor rights [32,33], and the legal comparison of legal regulations between Ecuador and other Latin American countries on the prevention and eradication of violence against women

[34].

Nonetheless, the analysis of equitable access to justice for disadvantaged groups in Ecuador, especially women from rural areas, has hardly been examined thus far. Therefore, this study addresses this research gap by focusing on the following question: What are the mechanisms and barriers to justice access for women from rural localities in Ecuador?

2.2. *Situating our research*

To address this question, the context of the Chimborazo province is taken as a case study. This province in the Andean region of Ecuador, historically affected in its social, economic, productive, and cultural conditions, which result from the structural asymmetries expressed in territorial and social aspects, particularly in indigenous and rural communities [35], according to the figures from the 8th Population and 7th Housing Census of Ecuador by the National Institute of Statistics and Censuses, has a population where the quantity of women 137,394 (52.7%) predominates over men 123,488 (47.3%) [36]. Within this percentage, the statistics of the National Council for Gender Equality indicates that 29.71% of the total population of the province consists of women residing in rural areas, which, in turn, represents more than half of the female population of Chimborazo (52.14%) living in these zones [37].

The selection of Chimborazo for this research was based on the fact that, despite access to justice and public defense are crucial elements for upholding human rights and social equity, various publications warn of a growing trend in different types of violence to which women in this province are exposed [38–40]. In this regard, for instance, data from the National Survey on Family Relationships and Gender-based Violence against Women and Femicide indicate that the overall prevalence of violence against women in Chimborazo reaches 51.9% [41].

Furthermore, from an academic perspective, examining the tools and barriers to justice access for women in rural areas of the Chimborazo province in Ecuador is of paramount importance. Rural regions often display unique socio-cultural dynamics, potentially causing differentiated access challenges compared to urban settings. Moreover, understanding these nuances can shed light on systemic inequities faced by rural women, who may encounter compounded disadvantages due to gender and geographical isolation. Such an inquiry not only enriches the academic discourse on justice access [42–45] but also informs policymakers and practitioners, ensuring that interventions are tailored effectively to meet the needs of this specific demographic. In a broader context, ensuring equitable justice access aligns with global commitments to uphold the rule of law and foster inclusive societies.

2.3. *Significance of the study*

In framing this study, we underscore the significance of investigating the mechanisms and barriers to accessing justice for rural women as pivotal categories of analysis. Access to justice is inherently linked to the empowerment and protection of women's rights, particularly in the context of rural areas where unique challenges may impede their ability to seek legal redress. By delving into the mechanisms that facilitate access, we aim to identify the avenues that effectively empower rural women in securing justice.

Conversely, our theoretical exploration also identifies persistent barriers hindering rural women's access to justice. Understanding the barriers is essential for devising targeted interventions that address the specific challenges faced by rural women. Inadequate adaptation of assistance pathways, coupled with a lack of information dissemination, poses formidable obstacles. These barriers contribute to a nuanced understanding of the systemic challenges that women encounter when seeking justice in rural settings. By incorporating mechanisms and barriers as central categories of analysis, this research strives to provide a comprehensive and context-specific exploration of access to justice for rural women in the province of Chimborazo.

3. **Methodology**

To address the stated objective a qualitative research approach was adopted with a design consisting of an exploratory field and descriptive documentary work. The choice of a qualitative methodology can be theoretically justified based on several key considerations, such as contextual understanding [46–48] and Feminist Epistemology [49,50].

Qualitative research allows for a deep and contextual understanding of the unique socio-cultural, economic, and legal contexts in which women in rural areas seek justice. Ecuador, like any country, has specific cultural nuances, legal frameworks, and social structures that shape women's experiences with the justice system. A qualitative approach enables researchers to explore these contextual factors comprehensively. Furthermore, a qualitative approach is often congruent with feminist epistemology, which recognizes the importance of acknowledging women's voices and experiences [49]. Feminist qualitative research aims to address gender inequalities, amplify women's perspectives, and shed light on how structures of power, including legal systems, impact women's lives [51]. This theoretical stance is particularly relevant when investigating justice access for women.

3.1. *Data collection*

Data collection was carried out in two stages. In the first, problem-centered interviews were conducted with seven legal professionals, between June and August of 2023. All of them were responsible for the three National University of Chimborazo Legal Clinics in the city of Riobamba (the capital city of the Chimborazo province). All interviews were conducted face-to-face, recorded and transcribed.

In the second stage, an analysis was conducted on various documentary sources stemming from interviews with representatives of different justice institutions in Chimborazo, such as the Public Defender [52], authorities from the Municipality of Riobamba, and the

Judiciary Council [53–55]. This also included the 2022 report on services provided by the Public Defense of Chimborazo [56], a research report on the scope of justice services in the rural territories of the province [57], and a report on obstacles to accessing justice from the Center for Support and Protection of Human Rights [39].

The data analysis, for the interviews, involved digitizing and reviewing the content to eliminate any errors, redundancies, or irrelevancies. Then, the statements obtained from the open response questions were analyzed qualitatively and inductively grouped into broader categories. For the documentary analysis, the findings were also inductively grouped into broader categories: mechanisms and barriers to access justice for rural women in Chimborazo.

4. Results

4.1. Access to justice mechanisms

Based on the analysis of the collected information, one of the key mechanisms for ensuring access to justice for women, including those residing in rural areas, is the Public Defense of Chimborazo. To this end, this institution provides legal advice and free representation through a specialized unit dedicated to victims of violence. As stated by the Public Defender of this province, to ensure women’s awareness of and access to these services, the organization collaborates with educational institutions. They organize fairs and talks aimed at educating individuals about the various types of violence that exist and the tools available for accessing justice.

Similarly, it was identified that another mechanism facilitating access to justice for women in Chimborazo is the establishment of the Technical Table on Justice and Gender. This entity, led by the Provincial Court of Justice of Chimborazo in coordination with the

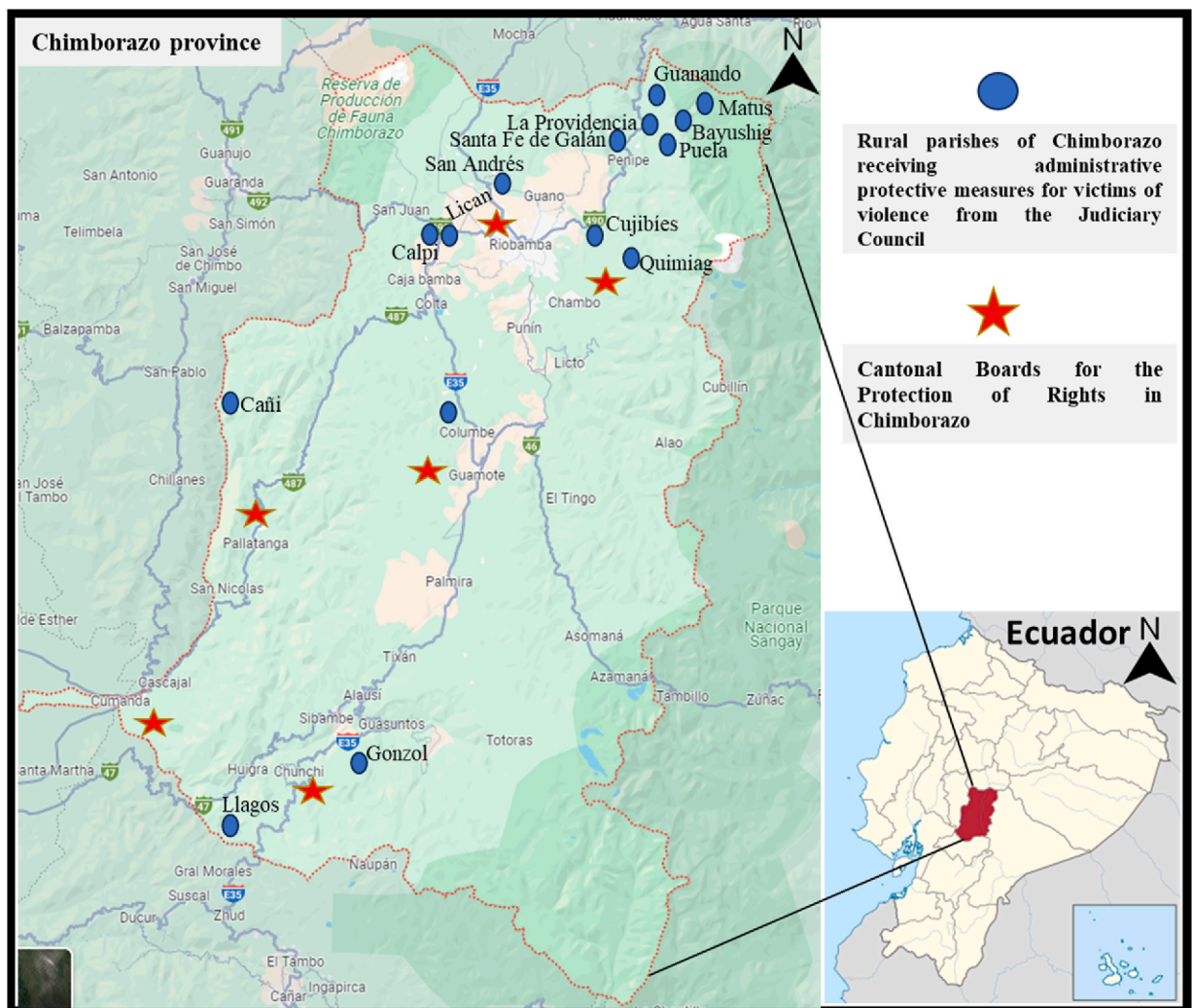


Fig. 1. Geographic map of the localities in Chimborazo where legal assistance is offered to women victims of violence. Elaborated by: J. Alvarado-Vélez from Google maps.

Judiciary Council, has implemented initiatives such as the gender violence care roadmap. This roadmap includes care protocols that institutions committed to eradicating gender violence in the province should adhere to. Additionally, the entity conducts campaigns against violence targeting women in the province. Through these actions, justice authorities aim to inform women, including those in rural areas, about the process to access justice. This ensures that they can report instances of victimization, aiming to prevent further harm.

Continuing with the analysis, it was noted that the Decentralized Autonomous Municipal Governments, through the Cantonal Boards for the Protection of Rights present in the province (in Riobamba, Pallatanga, Cumandá, Chunchi, Chambo, Guamote, and Guano), also carry out initiatives and serve as entities dedicated to offering immediate administrative protective measures to various vulnerable groups. Among these groups are women seeking assistance from rural localities.

It is noteworthy that, in this province, several public institutions (including the Cantonal Board for the Protection of Rights of Riobamba, national commissaries, political tenancies, and police departments) have entered into agreements with the Judiciary Council to provide administrative protective measures to victims of violence. Through this arrangement, beneficiaries, solely based on their account of events and without the necessity of filing a formal complaint, receive attention to their requests for protective measures without the mandatory requirement to physically visit a judicial unit, as this process is conducted virtually. This mechanism, in addition to assisting women in urban areas, has also been beneficial for women from rural parishes of Chimborazo (such as Bayushig, Matus, Gonzol, Llagos, Cañi, Columbe, La Providencia, Guanando, Calpi, Cubijies, Quimiag, Lican, San Andrés, Santa Fe de Galán, and Puela) in accessing these justice services (Fig. 1).

Furthermore, additional actors contributing as supplementary mechanisms to public legal defense in facilitating women's access to justice include universities, leveraging their free legal clinics. Presently, the Public Defense office in the province of Chimborazo is bolstered by four legal clinics affiliated with two universities in the city of Riobamba: three from the National University of Chimborazo, a public higher education institution, and one from a private university.

Concerning the impact of these university legal clinics as mechanisms for access to justice for rural women, it is noteworthy that, while the efforts of both institutions have enabled these women to access legal services to varying degrees, the clinics of the National University of Chimborazo provide the broadest scope of assistance. With two accredited offices specializing in various fields such as civil, family, women, childhood, and adolescence; tenancy; labor; human mobility; lands; and domestic violence, they also cater to women from rural areas in Riobamba, Penipe, and Chambo. Furthermore, as per the records of the Public Defense, this university is the sole institution registered in Ecuador with a free legal clinic located within a correctional facility (in Riobamba), where women are also incarcerated. The clinic is accredited to address matters related to penalty execution and human mobility.

4.2. Barriers to accessing justice

While in this province individuals can access free legal advice and representation services from the specialized area for victims of violence of the Public Defense of Chimborazo, the figures reported by this institution in their annual accountability reports do not specify the localities from which the affected women hail. Instead, these reports only refer to the number of services provided to women in general (which, in 2022, amounted to 3879 cases, that is, 63.21% of the total) or their self-defined ethnicity (which, for instance, in 2022, reported a total of 1173 individuals self-identifying as indigenous, or 19.11% of the total, of which approximately 741 were indigenous women).

Based on interviews with the lawyers supervising the legal clinics of the National University of Chimborazo, it was determined that, while the Public Defense extends support to female victims from rural areas, the annual statistics released by this institution encompass cases for which they are not strictly the primary providers of legal services. In reality, these figures are inflated by the significant number of cases processed annually by these legal clinics.

Another structural barrier impeding women, particularly those from rural areas, from accessing justice is the insufficient adaptation of assistance pathways for reporting cases of violence in their rural territories. Additionally, contrary to the assertions made by the Public Defense, the report from the Center for Support and Protection of Human Rights "Surkuna" suggests that, in rural areas of provinces like Chimborazo, there is a lack of comprehensive or appropriate dissemination of information regarding the steps rural women victims of rights violations should take at each institution. Consequently, the aforementioned report reveals that a significant percentage of these women are unaware of the appropriate assistance pathways and approach various institutions without knowing what to do or what incidents can be reported.

5. Discussion

In the present study, we examined the mechanisms and barriers to accessing justice for women from rural areas of the province of Chimborazo. In this context, the findings indicate that in this province, there are public institutions that currently serve as mechanisms or means for rural women to access justice. This confirms that Ecuador has adopted the recommendations made by the Inter-American Commission on Human Rights to establish entities and resources so that female victims of violence from rural areas can access justice [58]. Consistent with previous research, the presence of specialized public institutions plays a significant role in defending the rights of women in general, as well as other socially vulnerable groups like women from rural areas [59,60].

Furthermore, while the statistics suggest that women from Chimborazo generally make use of the services of these public institutions, the reported figures do not clearly specify from which localities the affected women hail. The lack of appropriate statistics by Ecuadorian institutions is a recurring issue [61,62] and has, indeed, been highlighted in other studies as a hindrance to development [63]. Specifically, concerning the topic of women's access to justice, this could affect the ability to effectively monitor progress in the

implementation of public programs and policies designed to address the legal needs and demands of rural women adequately. On this matter, the Economic Commission for Latin America and the Caribbean has indicated that gender statistics are crucial to measure progress towards gender equality and the full and equal enjoyment of all human rights and fundamental freedoms by women and girls [64].

In terms of practical implications stemming from the findings of this study, it is crucial to distinguish between those pertinent to the entities involved in the justice system and those directed towards policymakers. Firstly, justice-related institutions, especially those catering to rural women in Chimborazo, should acknowledge the significance of their organizational structure, their role within the legal framework, and the specific geographic context of their operations. To enhance their effectiveness, these institutions may consider embracing innovative approaches and technologies that facilitate broader outreach and engagement with the target demographic. Embracing such a paradigm shift towards technological solutions could help surmount various obstacles in providing accessible justice [65].

However, this transformation would necessitate a concurrent focus on professionalization, potentially resulting in a shift away from some traditional aspects rooted in rural contexts. Consequently, there is a delicate balance to strike – the integration of technological advancements should be harmonized with preserving the core values and commitment to rural areas to prevent any unintended 'degeneration' of the justice system. Secondly, for policymakers, these insights underscore the need for comprehensive strategies that encourage and support the integration of technology into the justice system, ensuring that the benefits are harnessed without compromising the foundational values of accessibility, fairness, and community engagement [66].

This study has one significant limitation. As an exploratory study, this research may be constrained by the absence of a more extensive dataset, limiting the depth of analysis and exploration of nuanced aspects within the studied phenomenon. In light of this limitation, a key implication for future research emerges. For instance, incorporating additional real-world case studies could enhance the comprehensiveness of understanding, enabling a more thorough examination of the intricacies involved.

6. Conclusions

Based on the analysis conducted, the role of Chimborazo's public justice institutions in promoting access to justice for women, including those residing in rural areas, stands out. Furthermore, it is observed that the implementation of mechanisms such as the Technical Committee on Justice and Gender, along with the active role of the Decentralized Autonomous Municipal Governments and the Cantonal Boards for the Protection of Rights, have strengthened the legal infrastructure in the province. Moreover, it is noteworthy that universities play a key role by offering free legal clinics, expanding the legal support network and even reaching populations in detention centers. These multiple interventions demonstrate a cohesive and multifaceted effort to ensure equitable access to justice for rural women in the province of Chimborazo.

However, while the Public Defender's Office of Chimborazo provides crucial free legal advice and sponsorship services for victims of violence, there is a significant gap in the specificity of their annual data, failing to pinpoint the exact localities from which the affected women come. Even though these figures suggest a high incidence of attended cases, it has been ascertained that many of these numbers stem from cases handled by legal clinics of universities. Additionally, a concerning structural barrier has been identified for women in rural areas, highlighted by the inadequate adaptation and dissemination of care pathways in these territories. In fact, it is observed that many women in rural areas, when facing acts that infringe upon their rights, are unfamiliar with how to navigate the legal system, which potentially exacerbates their situation and vulnerability.

In light of these findings, while Chimborazo's public justice institutions and academia demonstrate commendable strides in advancing women's access to justice, especially in rural areas, there remains a discernible void in data specificity and the broader dissemination of care pathways. Addressing these shortcomings is essential to further bolster the province's legal infrastructure and better address the intricate needs of its female population, particularly those from rural backgrounds. It is recommended that future interventions prioritize granular data collection and heighten awareness initiatives to bridge these gaps effectively.

Ethics statement

The study was conducted according to the guidelines of the Declaration of Helsinki and approved by the Universidad Nacional de Chimborazo with the reference number UNACH27-7-2023. Participants were fully informed about the objectives of the study and were assured that all data would be treated confidentially. Consequently, all participants provided verbal consent.

Data availability statement

Data will be made available upon request.

CRedit authorship contribution statement

Julio A. Alvarado-Vélez: Writing – review & editing, Writing – original draft, Validation, Supervision, Methodology, Investigation, Formal analysis, Data curation, Conceptualization. **Danny I. Silva-Conde:** Writing – review & editing. **Gabriela Yosua Medina-Garcés:** Writing – review & editing. **Vinicio Mejía-Chávez:** Writing – review & editing.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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