

08

FOOD GUARANTEE TO CHILDREN WHO HAVE SUFFERED THE LOSS OF THEIR MOTHER'S LIFE DUE TO THE CRIME OF FEMICIDE

GARANTÍA ALIMENTARIA A LOS HIJOS QUE HAN SUFRIDO LA PÉRDIDA DE LA VIDA DE SU MADRE POR EL DELITO DE FEMICIDIO

Eduardo Luciano Hernández Ramos¹

E-mail: ehernandezramos@hotmail.com

ORCID: <https://orcid.org/0000-0002-4047-2390>

Klever Anibal Guamán Chacha¹

E-mail: klever.guaman@gmail.com

ORCID: <https://orcid.org/0000-0002-3103-8162>

César Eduardo Ochoa Díaz¹

E-mail: eduarce1979@yahoo.com

ORCID: <https://orcid.org/0000-8500-5668>

Italo Fernando Silva Vijay¹

E-mail: fer-nandos23@hotmail.com

ORCID: <https://orcid.org/0000-0003-1539-5132>

¹ Universidad Regional Autónoma de Los Andes. Ecuador.

Suggested citation (APA, seventh edition)

Hernández Ramos, E. L., Guamán Chacha, K. A., Ochoa Díaz, C. E., & Silva Vijay, I. F. (2020). Food guarantee to children who have suffered the loss of their mother's life due to the crime of femicide. *Revista Conrado*, 16(S1), 59-66.

ABSTRACT

There is a tendency to know the consequences that originate with the minors when their mother has been a victim of femicide caused by the father, although the Law sanctions this crime, caused by people with social, affective, psychological or other disorders. The real victims are the minors, this makes them have to live with that feeling of orphanhood, resentment and hatred against their parent, situations that mark their lives maintaining the resentment in their personal formation. This situation in a short time interests us, with the purpose that their helplessness caused by others leads to a life in disorder, facing emotional needs, economic values. The objective is oriented to know the scope of the Human Rights, the Constitution of the Republic and the legal norms, in what refers to the unprotected minors, to understand the integral protection of the minor, daughters and sons, of people who are victims of femicide, situation that becomes serious. The purpose is to look for a means or legal mechanism of solution for the minors that have been left in the orphanage when their mother has been a victim of femicide.

Keywords: Femicide, human rights, gender violence.

RESUMEN

Se tiende a conocer las consecuencias que se origina con los menores cuando su madre ha sido víctima de femicidio causado por el padre, si bien la Ley sanciona este delito, causado por personas con desordenes social, afectivo, psicológico u otros. Las verdaderas víctimas son los menores de edad, esto hace tengan que vivir con ese sentimiento de orfandad, rencor y odio contra su progenitor, situaciones que marca la vida de ellos manteniendo el rencor en su formación persona, esta situación a corto tiempo nos interesa, con la finalidad que su desamparo causado por otros le lleva a una vida en desorden, enfrentando necesidades afectivas, económicas de valores. El objetivo está orientado a conocer el alcance de los Derechos Humanos, la Constitución de la República y las normas legales, en lo referente a los menores de edad desprotegidos, para entender cuál es la protección integral de las hijas e hijos menores de edad, de personas víctimas de femicidio, situación que se torna grave, el propósito es buscar, buscar un medio o mecanismo legal de solución para los menores de edad que han quedado en la orfandad cuando su madre ha sido víctima de femicidio.

Palabras clave: Femicidio, derechos humanos, violencia de género.

INTRODUCTION

The femicide crime, is a problem that not only it is given at the present time, because this phenomenon has its origin from the antiquity, it was faced in the year 1970 by Diana Russell who gave this expression like an alternative to the neuter term of "homicide" with the purpose of recognizing the discrimination, the inequality and the systematic violence exercised mainly by the man against the woman, violence that in an extreme way that after a systematic and progressive aggression in a mental and physical way, it culminates in the death of a woman; this problem at the moment is fully in our country identified and sanctioned by our juridical classification, but we have to see that the problem not affects only the woman that has suffered the previous offenses to her death, to the relatives of her environment, but rather we find other victims, maybe more vulnerable than the same victim of death, and these are the minor that are in orphanage and abandonment, the victim's children and that no matter how much they have to its paternal or maternal family surroundings, anything equals or it replaces to the cares of its own mothers, they are so young than they cannot defend or to claim against the aggressor for it, state or for the fact of its condition of minor than age, but that in the bottom they are who are harmed with its mother's lack that has been victim of its couple's physical aggression or spouse and that they suffer in the affective, moving, social and economic life.

Our legislation has recognized and expressed form this type of situations and it has captured it in the penal juridical classification, taken it into account in the international norms; for that to counteract the violence against the women, National and International Organisms exist, which look for to eradicate any type of violence, guaranteeing the effective enjoyment of rights to all without discrimination some, in our State, the Constitution of the Republic, guarantees the effective enjoyment of these rights without caring gender conditions, economic or of any other nature.

With regard to the protection of the rights of the minor, there are National and International Instruments equally, which guarantee the execution of the rights of the minor, and mainly to guarantee their integral, even more development when they are in abandonment.

Our purpose is to know the reach of the human rights, the Constitution of the Republic and the legal norms, in the relating thing specifically, to those non protected children, to understand which is the integral protection of the daughters and sons, of people femicide victims, since it is a crime of hate the murder to a woman; situation that is serious restitution, because they are present many previous elements to the murder like it is a group of actions

of violence: torture, mutilations, burns, sexual violence, among other, in such a way that the purpose is to look for, to look for a means or legal mechanism of solution for those children that have been in the orphanage as a consequence of this crime, and this way to fulfill one of the fundamental principles of the Constitution of the Republic, like it is the integral protection of the minor, instituting benefits to them on the part of the aggressor or author of the crime or its ascending or descending relatives in the fourth degree of consanguinity.

As antecedent of this phenomenon, we can see that in the societies, in the world have suffered their evolution in their behavior so much individual as collective, facts that it has allowed us to have knowledge and being witness of these structural changes of the society, as for the positive aspect as much as in the negative, in this last one, we see that the man and the woman that live making a low couple, the figure of the marriage together or of an union in fact, believe in the right of certain man and of being owner of that couple's social situation, ending up dominating the woman that has been considered as a being from remote times that will always be to help, taken care protection and the man's control; situations in under the social evolution, we see that is suffering the necessary changes as for the woman it is considered in equality of social, cultural conditions, and that their rights are respected, situations that have made that the man or owner of the control in that family society, don't accept these change and seek to make value their rigorous principles, moment in which leaves to appear mean feelings, arriving in fact to the facts contrary to the norms and healthy customs, and it frames inside what is known as the femicide crime.

The Convention of Belém Do Pará (Organization of the American States, 2015), inside their declarative context, says that femicide understands each other the violent death for gender reasons, either that it takes place inside the family, domestic unit or in any other interpersonal relationship, in the community or on the part of any person.

Also, Lagarde (2004), in this respect emits their "femicide" concept and he defined it as the act of killing a woman for the fact from their ownership to the feminine sex, also conferring him a political meaning with the purpose of denouncing the lack of answer of the State in these cases and the nonfulfillment of their guarantee obligations. That makes different to the femicide crime with that of a man's homicide, and even with the homicide common of a woman, it is that, through the violent death, is sought and to perpetuate the patterns that culturally have been assigned to what means to be woman: subordination, weakness, feelings, fineness, femininity.

Starting from the years 80, the feminist movement and of women around the world has undertaken persistent fights, actions and investigations that allow to the societies and the States to charge conscience about the systematic violence that suffers the feminine population, for discrimination reasons and subordination conditions. These efforts have achieved that the violence is recognized against the women like a serious problem as regards human rights. Although at world level the femicide, being a generated violence, it is a not very grateful reality in Latin America, this problem begins to be seen in the decade of the 90, in reason of the deaths of thousands women, this made that the legislations took its look to the conflict and in an international way, about the mortal risk that the women live for the fact of being women, while diverse carried out studies have allowed to know better this problem (Carcedo & Ordoñez Laclé, 2010).

The first study about the deaths of women made in Latin America by Carcedo & Sagot (2000), emit this concept like femicide, from a political positioning that allows to confirm the directionality and the specificity this way of violence; being their results how their knowledge is excellent and in great measure looking for the avoidable means to end up finding the causes of feminine mortality; an investigation in the Chilean society published in the year 2004, allows to point out that half of the studied murders of women, happened in Santiago's metropolitan region in the years 2001 and 2002, they corresponded to femicides, for that the authors, conclude that this phenomenon obeys a limited conceptualization of the violence against the women that in turn it underlies in the obstacles faced to obtain unified information and it is complete in this respect (Red Maturana, 2004).

In Ecuador, the murder to women was classified as simple homicide or murder, but starting from the year 2014, the National Assembly of Ecuador (2014), gave a look to the Organic Penal Integral Code which in its article 141. - is the Femicide and it imposes a pain or sanction; as we see, the artificial norm conjugates two aspects, the normative one that bears a sanction to the aggressor, and the emotional or psychological that is product of the man's ego against its couple, this behavior of violence towards the women takes place as ancestral cultural command where prevailed the father or man with privilege, being the husband owner of the woman that in countries like ours took in its marriage its husband's last name, depending is, socially, culturally and economically, they were devoted since under the care of its children and of its home but excluding its male children of the homelike tasks.

The gender violence is a historical problem in Ecuador, for what a interinstitucional plan is believed to eradicate these

practices against the women, girls and adolescents of the country and of the community GLBTI, understanding each other that the maximum expression of gender violence is the femicide that is to put an end to the life of a person for the fact of being woman; begins, for the mistaken notion that a woman is guilty in an intrinsic way and therefore deserves to be punished to express her emotions in the social, cultural, economic and sexuality.

DEVELOPMENT

Inside our juridical classification, the femicide, is the result of the extreme violence carried out against the women by its gender condition that reflect the existence of inequitable, unequal relationships and based on the power that the man exercises in his condition or a patriarchal society that arises of the sociocultural patterns, essential situation for those that one gives the femicide whose consequence, is the death of a woman whose process is the abuse and threats, depending on the cases.

In our country the word femicide, is specified as crime in the Organic Penal Integral Code (COIP), in the article 141, which manifests us that the person that, as a result of relationships of power manifested in any type of violence, of death to a woman for the fact of being it or for their gender condition, will be sanctioned with exclusive prison from twenty-two to twenty-six years". (Ecuador. National Assembly. 2014)

The violence against the woman is a problem that persists in the world, it is sustained by the number of accusations that one knows, depending on the population in each country, for what the problematization has achieved an important social attention; however, the elaboration of a diagnosis modernized on the nature, the prevalence, the causes and the consequences of the violence against the women, it is a pending task in most of the countries of the region.

This way it was defined on December 20, 1993 by the Organization of the United Nations, the Declaration is emitted on the Elimination of the Violence against the Woman, through the Resolution 48/104, in which recognizes that the violence against the woman constitutes a manifestation of historically unequal relationships of power among the man and the woman that have driven to the woman's dominance and their discrimination on the part of the man and handicapped the woman's full advance, and that the violence against the woman is one of the fundamental mechanisms for those that it is forced the woman to a subordination situation regarding the man". (Organization of the United Nations, 1993)

This instrument in the article 1, says that to understand the violence against the woman, to all act of violence based

on the ownership to the feminine sex that can have a damage, physical, sexual or psychological suffering as a result for the woman, as well as the threats of such acts, the coercion or the arbitrary privation of freedom, so much if they take place in the public life as in the private life". (Organization of the United Nations, 1993)

It establishes that the physical, sexual and psychological violence against a woman, takes place in the family, in the work, in educational institutions and in other places, and it is tolerated by the State, expressed also that the Organs and specialized Organisms of the System of the United Nations, they will contribute in its respective competition spheres, to the recognition and exercise of the rights and to the application of the principles settled down in the Declaration, in view that the Pan-American Organization of the Health (OPS) it has rejected considering that the violence against the women is an emergency of public health, since it is a reality that affects the physical, mental and social integrity of the women and it constitutes, also, an extreme negation of the right to the freedom, to the human dignity and the health like a subject part of the right to the life". (Organization of the United Nations, 1993)

The Interamerican Convention to prevent, to sanction and to eradicate the violence against the woman (Organization of the American States, 2015) is the first international juridical instrument that points out to the violence against the woman like a form of specific violence, product of the historically unequal relationships of power between women and men and it defines it as: any action or behavior, based so much on their gender that causes death, damage or physical, sexual or psychological suffering to the woman, in the public environment as in the private one.

On the other hand the Articulation Regional Feminist of human rights and Justice of Gender have thought about to develop a strategy of political incidence, social control and recoverableness for the inclusion and execution of the standards of human rights and of Justice of Gender in the environment of violence and sexual violation against the women, in the judicial processes in each one of our countries, with the purpose of contributing to a bigger validity and executions of the human rights and the gender justice, proposing an action coordinated to reach a regional and national participation of women's organizations able to impact in the recognition of the rights of the women and to investigate their execution.

The Letter of the United Nations, affirms that the based human rights are sustained in the dignity, the human person's value and in the equality of men's rights and women, that the States has the obligation of guaranteeing men and women the equality in the enjoyment of all the

economic, social, cultural, civil and political rights; that the discrimination is condemned against the woman in all its forms, they suit in continuing by all possible means appropriate and without delays, a politics guided to eliminate the discrimination against the woman, with the commitment of applying the principle of the equality and its practice, adopting appropriate measures, legislatives and of another character, with the corresponding sanctions that forbid all discrimination against the woman.

The Great Letter of Ecuador (Constituent National Assembly, 2008) in its third article, apparent that the State has the juridical duty of guaranteeing the effective enjoyment of rights to all the citizens, without discrimination some, mainly, to guarantee the integral development and to promote the good to live, like it expresses the numeral 1; 5; and 8; where is sent to: To guarantee without discrimination some the cash enjoys the rights settled down in the Constitution and in the international instruments, in particular the education, the health, the feeding, the social security and the water for their inhabitants. To plan the national development, to eradicate the poverty, to promote the sustainable development and the equal redistribution of the resources and the wealth, to consent the good to live; and, to guarantee their inhabitants the right to a culture of peace, to the integral security and to live in a democratic society and free of corruption.

The constitutional norm teaches us the rights of freedom, it prescribes this way the art. 66, the same one that should be accepted by the rulers and those who governed, especially for these last ones that are the common citizens and currents that we are part of this society and where is that nucleus called family composed by a man and a woman who have united with the purpose of to be helped and to be protected, but it is exactly the scenario where the emotions and human passions play a very important paper so that wastes away this crime type, since the sociocultural conditions have varied behind from a time to this date that is already the condition mentioned so that the crime is made that is analyzed, it is for it that our Constitution recognizes in the mentioned norm; the right to the inviolability of the life, won't have death penalty; the right to the personal integrity that includes, a life free of violence in the public and private environment, allowing that the State welcomes the measures to prevent, to eliminate and to sanction all form of violence, especially the one exercised against the women, girls, children and adolescents, bigger mature people, people with disability and against all person in disadvantage situation or vulnerability; identical measures will take against the violence, the slavery and the sexual exploitation; and, the prohibition of the torture,

the forced disappearance and the treatments and cruel, inhuman or degrading hardships.

This conflict that is very sharp in the South American towns, of the Middle East and Asian towns, according to the data that emits the United Nations, this crime of the femicide drags other collateral victims, therefore it doesn't finish with the woman's death, let us consider better than it is only the beginning of a new social problem, and that its actors are the descendants that have been in its majority orphans, being these the victim's children, smaller than they are without protection, in reason of its mother's death and of the man that is in most of cases the same father, taking this way a load to other people the other ones consanguineous or tune that are the grandparents of the minor or their bigger siblings that have in the event of having them that necessarily to become their protectors without having acquired responsibility of the procreation; existing cases in those that the children dad's list and mom assume, stopping these to live own individuality and putting under an obligation to transform into people that work to be able to acquire an entrance for the daily sustenance of their siblings, refusing to their own educational and professional progress, what takes even to have in their personality physical and psychological dysfunctions, because of a crime that have not made and that it has caused them serious damage in their life.

It is so one has the International Convention on the Boy's Rights; this convention talks about the minor and it is where are recognized as subject of right, but it also converts direct or collateral people mature on-line branches, in subject with responsibilities, the same ones that have not been part of its concept of life, but that the circumstances forced them to face the consequences of a fact made by other people; it is for it that the undersigned States of this Agreement, they are those that acquire the obligation of guaranteeing their execution in direct form, instructing the Governments that it is obligation that these rights are implemented from the corresponding Constitutions and that the same ones are developed in the secondary legal norms, so that their application is full and effective.

This Organism defends the boy's superior interest, for this way to be able to safeguard the life, the physical, psychological and social integrity of the minor that are in vulnerable situations, under the approaches that... In all the concerning measures to the children that take the public or private institutions of social well-being, the tribunals, the administrative authorities or the legislative organs, a primordial consideration to that it will be assisted will be the boy's superior interest. The States Leaves they commit to assure the boy the protection and the care that are necessary for its well-being, keeping in mind the rights and its

parents' duties, tutors or other people responsible for him before the law and, with that end, all the legislative measures and appropriate office workers will take.

In order to guarantee those rights, the Fund of the United Nations for the Childhood (2014), takes measures as: to strengthen support programs to the families so that they complete their responsibilities of the children's upbringing; to elaborate global national programs of prevention, detection and children's treatment that have been abandoned or mistreated physical or sexually; to guarantee that all the children to those that it is deprived of their family environment have access to appropriate forms of alternative cares that respect their rights fully; that it spreads to protect the right to the health, the nutrition and the education, as well as they are entitled to the protection, unless object of violence and exploitation and to a sure and protective environment.

This is an action plan that manifests that the children that live in specially difficult circumstances, like is the orphanage and children of the street, given refuge children or displaced, hard-working children, subjected children to the yoke of the prostitution or the sexual abuse, and children with disabilities and delinquent children, are entitled to be taken care by the State, lending them the essential necessities for their survival and effective development of their personality, granting them a form of worthy life and a future in all the senses.

With the result that the death of a progenitor or the minor mother increases the vulnerability of the children for the abuses and the exploitation that are object; because the orphans run bigger risk that others of suffering all kinds of abuses, what takes them to be pressed to make acts that alone they can be carried out for older, like it is the case of marrying to an early age or forced to work to help their tutor economically.

The children to who it has been deprived of an appropriate family environment are entitled to the protection, attendance and special alternative cares that it is sought that the state grants them through attendance in Institutional Centers, to where the minor arrive for diverse causes as the poverty of their parents who thought that was the only way to make sure that their children had food, clothes and roof.

As we have already shown previously, our homeland, Ecuador, guarantee the rights for the citizens, the effective enjoyment of these rights is given without discrimination some, in which is the same State, as the apparent thing in the Art 3 parenthesis 1, has the purpose of guaranteeing without discrimination, some enjoy the rights settled down in the Constitution and in the international instruments, in

particular the education, the health, the feeding, the social security and the water for its inhabitants (Constituent National Assembly, 2008).

In Ecuador, the right to the Good one to Live, understands each other as the sustained economic growth of the towns that constitutes in the social sustained progress in the world economic system and seen as the only road to reach the "development" understanding as the satisfaction of the population's growing necessities and the capacity of generation of wealth through the increase of the production of goods and services; this is a constitutional principle based on the 'Sumak Kawsay', which picks up a vision of the world centered in the human being, like part of a natural and social environment.

Their essential conception is the satisfaction of the necessities, the attainment of a quality of life and worthy death, loving and to be loved, the healthy bloom of all and all, in peace and harmony with the nature and the indefinite continuation of the human cultures; understands to have free time for the view and the emancipation, and the freedom, opportunities, capacities and the individuals' real potentialities are enlarged and flourish so that they allow to achieve simultaneously that the society, the territories, the diverse collective and individual identities, are seen at the same time to the man like the universal human being and matter, it values as objective of desirable life (Ecuador. Secrete National of Planning and Development, 2009).

It is foreseen in the Constitution of the Republic (Ecuador. Constituent National Assembly, 2008), which guarantees a life worthy of all the citizens, because it constitutes the public policies high-priority area and of the state investment, guarantee of the equality and social inclusion and indispensable condition focused to feeding, education, health and sure habitat.

The society and the family are responsibilities of the State who should promote in a high-priority way their development and in a special way the integral development of the minor, assuring the full exercise of their rights, assisting mainly at the beginning of the superior interest and preparing their rights will prevail on those of other people, expert their development as the process of growth, maturation and unfolding of their intellect and of their capacities, potentialities and aspirations in a family, school, social and community environment of affectivity and security; with the result that the constitutional norm has to manifest in its art. 45 that the State will recognize and it will guarantee the life, included the care and protection from the conception. The girls, children and adolescents are entitled to the physical and psychic integrity; to their identity, name and citizenship; to the integral health and nutrition; to the

education and culture, to the sport and recreation; to the social security; to have a family and to enjoy the family and community coexistence; to the social participation; to the respect of their freedom and dignity; to be consulted in the matters that affect them; to be educated in a high-priority way in their language and in the cultural contexts characteristic of their towns and nationalities; and to receive information about their progenitors or absent relatives, unless it was harmful for their well-being. The State will guarantee its freedom of speech and association, the operation free of the advice student and other associative forms". (Ecuador. Constituent National Assembly, 2008)

The measures to assure, the attention to smaller than six years that guarantees their nutrition, health, education and care newspaper in a mark of integral protection of their rights; that prohibit the work of smaller than fifteen years that will be implemented political of progressive eradication of the infantile work, and won't be able to think in their right to the education neither to be carried out in noxious or dangerous situations for their health or their personal development, it will be respected, it will recognize and it will support their work and the other activities whenever they don't attempt to their formation and their integral development, preferable attention for the full social integration of those who have disabilities, the State will guarantee its incorporation in the system of regular education and in the society, protection and attention against all type of violence, abuse, sexual exploitation or of any other nature. Limitations and sanctions will settle down to make effective these rights, protection and special attendance when the progenitor, or both, are private of their freedom, protection, care and special attendance when they suffer chronic or degenerative illnesses.

As we see these rights are granted to the minor with the purpose of protecting them of the social facts that have come affecting substantially, this endemic problem in our society, being necessary a true social transformation and a concientization of the progenitors, so that the minor are entitled their properly guaranteed, this one will be able to achieve provided the conceptual changes of the society are the first ones in changing their form to act and to think, it stops this way to achieve a full development of these rights and to maintain a protected childhood and with health so much mental as physics, it lists for the new challenges that it presents the life when they arrive to their mature.

The Constitution of the Republic (Ecuador. Constituent National Assembly, 2008), instrument the appropriate legal body where the rights and the constitutional guarantees for this vulnerable group is plasmed, with the purpose that all the state, completes them in well of the

minor, we have this way our Code of the Childhood and Adolescence (Ecuador. National Congress, 2003) that has come suffering the necessary changes according to the time and to the constitutional changes, to implement and to develop these rights; in such a way that this legal body, spreads to protect and to guarantee the enjoyment and exercise of the rights, duties and the girls' responsibilities, children and adolescents of our homeland, contemplating a mark of freedom, dignity and justness, certain that is duty of the State this guarantee and execution of these rights.

The parents are the main holders and the minor representatives, as well as they are those in charge of the alimentary obligation, education, housing, health and other, still in the cases of limitation, suspension or privation of the native imperium; after their progenitors and with the purpose of fulfilling the principles that we have come enunciating, in the event of having absence, impediment, inadequacy of resources or discapacity of those forced main, the ascendancies are forced or descending in a subsidiary way who certainly count with economic capacity, these are the grandparents; brothers and sisters that have turned 21 years; uncles and aunts who will complete the function that their parents have been denied or that they have not been able to correct.

In this artificial norm the Assembly has defined and established the clear and high-priority pauses to define and to execute political, plans and programs that support the family to fulfill the responsibilities, this is plasms the execution of the boy's superior interest like a principle guided to satisfy the rights of these, preparing that the whole public and private administration fulfills these lineamentos in an exceptional way. But in this juridical classification, we can understand that the rights of the prescribed minor, in none of them contemplate the benefit that should have those minor that are victim of having the murder or their mother's femicides, to be protected although it is certain that the criminal should be punished by the penal juridical norms by the fact of giving death to a person, in this particular case against her spouse who has been their children's mother and that this act is punished by the law and sanctioned appropriately, we do with a lot of concern that the Code of the Childhood in none of their dispositions has foreseen to correct or to remedy the emotional, psychological, social and mainly economic situation in that the smallest orphans who can in certain cases to be protected by their relatives or tune, but they are without protection for the public institutions and the State.

For this fact, we see the necessity that pertinent legal norm exists to protect these minor, as an indemnity to the damage caused by the father who was surely execution

to condemnation, but that in some way he has the obligation of correcting the damage that indirectly cause in his children when having given dead to the mother of these minor, for them, it is necessary that it is determined clear politicians of as making this repair, more even when we know that in our penal juridical classification, the integral repair exists, based in we should think it of an indemnity to the minor that have been harmed so much emotionally as psychologically for the caused damage.

Inside that policies, we could indicate that when a minor has his private progenitor of the freedom because of a femicide crime, they will receive protection and special attendance of the State, by means of high-priority modalities of attention in education, feeding, cares, labor protection and others that assure the right to the family and community coexistence.

In Ecuador from the year 1998, implemented several help have been come on the part of the shift governments in benefit of the families of scarce economic resources, with the purpose of compensating the diverse economic facets that it has suffered the country, benefits these, that the state has fixed as social politics in well of the poor homes and that, in the measure of the time, they have gone changing gradually according to diverse orders so much economic as political of the shift governments, being need to understand that this help or call voucher has had holding diverse, it has been it stops in some way to fulfill the obligations of the state, especially with the principle of good one to live, surrendering to the families of scarce economic resources and that theyb don't have a fixed source of revenues it stops in turn to fulfill the obligations of lending foods, education, wardrobe and others to their children.

CONCLUSIONS

The femicide is the result of the extreme violence carried out against the women by its gender condition that reflect the existence of unequal relationships based on the power, of a patriarchal society that arises of the sociocultural patterns, this crime, not only harms the woman, because there are other victims, like the minors, the children that are in the orphanage, putting in vulnerability the primordial rights of the minor.

To stop the violence against the women, national and international organisms exist, which look for to eradicate any type of violence, guaranteeing the effective enjoyment of rights to all without discrimination some, in our State, the Constitution of the Republic, guarantees the effective enjoyment of these rights without caring gender conditions, economic or of any other nature.

With regard to the protection of the rights of the minor, there are national and international instruments equally, which guarantee the execution of the rights of the minor, and mainly to guarantee their integral, even more development when they are in abandonment.

The fixation of an economic as integral repair in the smallest children's of femicide victims favor, means that looked for to help the minor, in the course of their life so that they have a worthy life and it integrates, it would be fulfilling this way the guarantee of the integral development and allowing the reconstruction of the life of them, it stops somehow to avoid the caused psychological damages and to incline to the effective enjoyment of their rights.

REFERENCES

- Carcedo, A., & Ordoñez, L. (2010). Femicidio en Ecuador. Comisión de Transición Hacia el Consejo de las mujeres y la Igualdad de Género. <http://scm.oas.org/pdfs/2012/CIM03334A-2.pdf>
- Carcedo, A., & Sagot, M. (2000). Femicidio en Costa Rica 1990-1999. Instituto Nacional de las Mujeres.
- Ecuador. Asamblea Nacional Constituyente. (2008). Constitución de la República del Ecuador. Registro Oficial N. 449. https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf
- Ecuador. Asamblea Nacional. (2014). Código Orgánico Integral Penal. Registro Oficial N. 180. https://tbinetnet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ECU/INT_CEDAW_ARL_ECU_18950_S.pdf
- Ecuador. Congreso Nacional. (2003). Código de la Niñez y Adolescencia. Registro Oficial N. 737. <https://www.acnur.org/fileadmin/Documentos/BDL/2014/9503.pdf>
- Ecuador. Secretaría Nacional de Planificación y Desarrollo. (2009). Plan Nacional para el Buen Vivir 2009-2013. SENPLADES https://www.planificacion.gob.ec/wp-content/uploads/downloads/2012/07/Plan_Nacional_para_el_Buen_Vivir.pdf
- Fondo de las Naciones Unidas para la Infancia. (2014). Protección de la infancia y derechos civiles. https://www.unicef.org/spanish/specialsession/about/sreport-pdf/sgrep_adapt_part2c_sp.pdf
- Lagarde, M. (2004). ¿A qué llamamos feminicidio? Estudios de género. https://xenero.webs.uvigo.es/profesorado/marcela_lagarde/feminicidio.pdf
- Organización de las Naciones Unidas (1993). Declaración sobre la Eliminación de la Violencia contra la Mujer. Resolución, 48(104), 20. https://observatorio-justiciaygenero.gob.do/documentos/PDF/normativas/NOR_declaracion Eliminacion Violencia mujer.pdf
- Organización de los Estados Americanos. (2015). Convención de Belém Do Pará. Protocolo para Prevenir, Reprimir y Sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional. https://www.nl.gob.mx/sites/default/files/interioresbelemytrata2015_0.pdf
- Rojas, S., Maturana, C., & Vargas, G. (2004). Femicidio en Chile. Corporación La Morada.