

AN INTER-SECTORAL APPROACH TO GENDER VIOLENCE: THE EXPERIENCE IN PERU

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Presentation

During the last two decades, governments in Latin America and around the world have been required to formulate and implement institutional and legal guarantees for eradicating violence against women, particularly in the area of family violence.

Peru was one of the first countries in the region to have Commissioner's Offices on Women and a Law on Family Violence. These innovations were considered to be a reference point for the development of similar experiences in other Latin American countries.

Currently, there are clearer international standards for measuring the performance of governments with regard to gender violence, and these are backed by international instruments that are now equally applied to Peru.

International and National Normative Frameworks in Peru in the Area of Violence against Women

Partner-related violence against women is a serious problem in Peru. In a recent study by the congressional Commission on Women, it was indicated that 98.8% of women of low socioeconomic classes living in the country's capital city say that among the women they know well, at least one is suffering abuse.¹ The Peruvian government has therefore developed a normative framework, as well as policies and intervention strategies for this problem.

Under the auspices of world-wide consensus, positive obligations for States are increasingly being defined, with the aim of eliminating family violence, considering that human rights related to equality, security, liberty, integrity and dignity include the eradication of violence against women in all its modalities and expressions.

Peru has ratified the most important international treaties with regard to the elimination of violence against women. The Convention on the Elimination of All Forms of Discrimination Against Women was signed by Peru in 1991 and ratified in September 1992. While this Convention does not include in its text any clear reference to situations of violence against women, the concept of discrimination that is proposed considers situations or norms affecting women in a significant or disproportionate way to be discriminatory. And the case of gender violence applies here.

In addition, the committee for monitoring compliance with this Convention (more commonly known as CEDAW) has acknowledged that family violence—one of the most widespread forms

¹ María Jesús Espinoza. *Violencia en Lima y el Callao* (Violence in Lima and Callao), *Congreso de la República*, Lima, January 2000.

of gender violence—is a problem of discrimination against women that impedes the exercise of their human rights and hinders their development.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem Do Para) was ratified by Peru on April 10, 1996.

Violence against women within a couple relationship has been recently regulated in Peru during the last decade of the 20th century. Peru's National Constitution of 1993 considers, for the first time in our legislative history, that individuals have the right to psychological integrity. This has served as the foundation for developing a normative framework related to psychological violence, and it has also contributed to making psychological violence a more visible problem and has demanded legal actions in response to situations characterized by this type of violence.

Peru's National Constitution of 1993 specifies that the human individual is the supreme objective of the society and the State, and this implies that it is everyone's obligation to respect and protect the individual. This is important because it defines the protection of the individual as a priority above the need to maintain the family united.

In addition, Peru's Constitution specifies that each individual has the right to life, to his/her identity, to his/her moral, psychological and physical integrity, as well as unrestricted development and well-being, and furthermore it establishes the right of the individual to be free from moral, psychological or physical violence, and from being subjected to torture or inhuman or degrading treatment. As said earlier, for the first time in Peru's legislative history, psychological integrity is included within the set of the individual's fundamental rights. Previously, individuals only had their right to physical integrity guaranteed.

Especially noteworthy is the specification in the Constitution of 1993 that no one should be victim to moral, psychological or physical violence, nor subjected to torture or inhuman or degrading treatment—since it is extremely common in situations of family violence for humiliation and inhuman treatment to accompany physical, psychological and emotional violence. This constitutional provision also specifies that anyone may request the immediate examination of the individual allegedly wronged whether or not the individual is able to go to authorities.

Peru's Civil Code considers that physical or psychological violence can be invoked as the cause for separation or divorce. In 1997, based on an action of unconstitutionality promoted by the People's Defense, the Civil Code was modified (Sentence by the Constitutional Court, 13-05-97) in the part which granted judges the possibility of evaluating whether or not the cause of physical or psychological violence applied, in view of the customs of the parties.

Peru's Penal Code of 1991 does not consider family violence as a specific crime, however the family relationship between victim and aggressor constitutes an aggravating circumstance in the case of homicide, injuries and rape.

General Health Law No. 26842 of July 15, 1997 specifies that public health is the primary responsibility of the State. And in Article 11, it is established that every individual has the right to recuperation, rehabilitation and promotion of mental health. Applicable to situations of violence, it is also stated in Article 13 that every individual has the right to a certification of his/her state of health when it is considered convenient. In Article 11, family violence is also considered a mental health problem.

Specific Legislation on Family Violence

On December 24, 1993, Law 26260 was enacted, establishing the policy of the State and the society in relation to family violence² with a preventative, non-criminal focus. In an attempt to achieve the best normative framework possible in this area, a number of modifications have been made to this provision, the last one in July 2000. An important legal advance is the repeal

² This law has been in effect since December of 1993.

of the provision in Law 26872 on Extra-official Conciliation and its regulation D.S. No. 001-98-JUS which considered family violence to be a reconcilable matter.

In contrast to the interest in continually improving the normative framework, there are a number of problems in the implementation of norms. For example, in the course of court actions, there is evidence that the agreements reached by judges and public prosecutors tend to end up placing obligations on victims of violence such as: cooking, attending to her children, behaving like a married woman, not arriving late from work, and not going to public places with single women. While in the case of aggressors, they are simply pardoned and obliged to not repeat the same acts.

In addition, in accordance with the law, doctors working in the health sector are given the faculties to grant medical certificates, which in the case of family violence have full probatory value. However, doctors are afraid to grant these certificates, since they think they will be cited by the courts and obliged to assume extra costs and lost time.

There are also many complaints with regard to police action, although according to the Specialized Defense Office on Women's Rights, the police tend to respond rapidly, thus modifying the irregularity that had been detected.

Experiences in Inter-sector Work in Peru

1. *Specialized services*

In Peru, experiences in multi-sector coordination and actions for confronting family violence have a long history and go back to the creation of the First Commissioner's Office on Women in Peru, dated August 1988. In effect, the scheme for the functioning of that office included a lawyer from the Department of Justice and two lawyers from nongovernmental organizations. The other professionals (psychologists and welfare workers) were from the police department. This format continues to be respected in the current Commissioner's Offices on Women.³

In this area, the government has recently expressed interest in improving and creating specialized programs. In fact, since March of 1999, the State, through the Department on Women, has been promoting Integral Service Modules for cases of family violence which have been named "Women's Emergency Centers."

These modules have been implemented with support from a number of sectors: the Department on Women, the Public Prosecutor's Office, the Department of Justice, the Interior Department (on which the Commissioner's Offices on Women depend) and the Department of Health.

These Women's Emergency Centers serve to focus on a number of services related to family violence in a single physical location, thus facilitating the steps that women must follow, reducing the time required for each step and the costs involved. Currently, there are 33 Women's Emergency Centers in the country.

Another program that addresses the problem of violence is the MAMIS Program (Service Module for Child and Sexual Abuse) which is an interdisciplinary program functioning in health centers that coordinates actions in detecting, addressing and registering cases of family violence.

2. *Policies and programs for inter-sector coordination in the area of family violence*

The Law on Family Violence establishes that State policies and actions will be coordinated by the Department on Women. A national coordinating entity has been named and in this case is the Department on Women and Human Development.

³ Currently, there are four Commissioner's Offices on Women in metropolitan Lima and one in Callao, in addition to seven others functioning in other parts of the country. It should be emphasized that each police department also has a Specialized Section on Women and Family.

The Peruvian government's interest in eradicating family violence was also expressed when it established the year 2000 as the Year of the Fight Against Family Violence through D.S. 044-99-PCM. In this way, it was acknowledged that family violence is a serious problem that damages the peace and integrity of the family and infringes on the rights of particularly women and children. It thus constitutes an obstacle to equality, peace and development in the country, and it is up to the government to reinforce actions underway and dictate integral measures aimed at preventing, addressing and resolving the problem of family violence.

In September of 1998, the Supreme Resolution No. 074-98-PROMUDEH created the Group for Promoting Homes Free from Family Violence (*Grupo Impulsor de Hogares Libres de Violencia Familiar*—GRUPFAM) as a temporary program for evaluating the results of the implementation and dissemination of the text of Law No. 26260 on the Protection Against Family Violence and the corresponding regulations, as well as the achievements through actions taken within the framework of affirming family values.

On April 26 of this year (2001) the National Program Against Family and Sexual Violence was created within the Department on Women and Human Development, as the entity responsible for designing and carrying out at the national level the preventative actions and policies and support for persons involved in acts of family and/or sexual violence.

This constitutes an enormous step forward in terms of government actions, establishing a program and designating resources for providing services in response to this problem, and doing so at the national level and in an integral manner. The program provides resources for improving the functioning of shelters operating from the initiatives of the civil society and municipal governments, as well as for the installation of 30 new temporary shelters during the course of this year. As well, a special program for the rehabilitation of victims and aggressors is being designed, in the integral framework in which this program has been conceived.

3. National Multi-sector Working Group for Preventing and Addressing Family Violence

In the area of inter-sector coordination, it is worth highlighting the creation of the National Multi-sector Working Group for preventing and addressing family violence—a group that has functioned since 1997.

This is a tripartite program for coordinating actions and reaching objectives of an inter-sector and interinstitutional nature, at the national level. Represented are all the public sectors with responsibility for addressing family violence from their particular mandates. Thus, members of the Working Group include, for example: the Department of Education through its Office for Integral Prevention of Violence; the Department of Health with two representatives, one from the Mental Health Institute and the other is the National Coordinator for the Women, Health and Development Program; the Department on Women with two representatives, one from the Program Against Family and Sexual Violence and a representative from the administration of the area on Women; the Department of Justice represented by a member of the National Commission on Human Rights; a Family Public Prosecutor representing the Public Prosecutor's Office; and also participating is a representative from the Congressional Commission on Women.

Representing international assistance agencies are: the Pan American Health Organization (PAHO) which promoted this experience as part of the Project on the Prevention of Violence Against Women and Girls; the United Nations Population Fund (UNFPA), and the United Nations Children's Fund (UNICEF). In addition, campaigns have been supported by UNIFEM-Quito.

Nongovernmental organizations are represented by the "Flora Tristán" Peruvian Women's Center which worked together with PAHO in the creation of this Working Group, as well as the National Women's Network and the Latin American Committee on Women's Rights (CLADEM-Peru).

The Working Group developed its first three-year plan for 1997-2000 which guided actions during that period, and it has currently approved its second three-year plan for the 2001-2003 period.

One of the strategies that has had the most impact was the promotion of similar Coordinating Working Groups to be established at the level of the country's provinces, giving each Department the responsibility of promoting these groups in the given areas. The initiative was rapidly accepted throughout the country, and currently there are Working Groups in the entire country, and in some regions, including in provinces and districts,⁴ including rural districts.

We can affirm that among the factors that led to the rapid expansion of this experience were: the commitment from various government sectors in the fight against family violence; the fact that non-governmental organizations already had work experiences in the various locations: the need to plan joint strategies since fragmented work has little impact; and the interest from municipal governments, churches and universities in becoming involved in addressing this problem, once they became aware of the startling dimensions of the problem.

And without a doubt, a factor that had a significant impact on the widespread nature of this experience was the absence of an exclusive format that excluded groups from participating. This gave the process a certain flexibility and allowed for introducing names, members and specific objectives in accordance with the needs in each area of the country.

And it is important to mention the efforts by many individuals who, from their own concrete experiences, gave life to the project and kept it alive, demonstrating what can be done when efforts are united.

Since the Working Group was formed, it has managed to successfully promote campaigns against family violence. The 16 days of activism in the name of women's human rights campaign has become a major framework for the work undertaken. Working groups report hundreds of activities including marches, posters, conferences, training workshops, fairs, etc. which are held simultaneously across the country. The production of material by the National Working Group is insufficient, but it is supplemented by material developed at the local level.

When campaigns are carried out, each sector makes a commitment to promote certain actions that are supported by other sectors, and therefore the impact achieved is greater. The awareness that the actions of one sector will facilitate the work of another constitutes an important factor in keeping sectors working together.

In December of 1998 the Working Group promoted and obtained the signing of a formal commitment by the Departments of Health, Justice, Education and on Women, to contribute actions for the prevention of family violence in Peru.

Coordination of the Working Group is on a rotation basis. The Group meets monthly, and its efforts are focused on a plan agreed upon at the beginning of each year.

Conclusion

Multi-sector work has the potential for creating a strategy for overcoming traditional differences and competition among the various government sectors. It is also a challenge, because beyond the responsibilities that each sector has at the national level, they must come to agreements as to other responsibilities in terms of territory and areas to cover. It is clearly not easy to establish the focus for joint work, but what is important is that beyond the natural limitations of money, time and resources, experience shows that it is possible to have a significant impact on the situations leading to family violence when there is a clear political decision that points the way.

⁴ A district is the smallest political division in the country.