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A large map of Latin America is the central focus of the cover. The map is filled with a dense collage of small, square photographs. These photos depict various women in different settings: some are smiling, some are in professional attire, some are in traditional dress, and some are in more candid, everyday moments. The collage represents the diversity of women across the region.

# Women's Police Stations in Latin America

An Entry Point for Stopping Violence and Gaining Access to Justice

Nadine Jubb (Coord.), Gloria Camacho, Almachiara D'Angelo, Katty Hernández, Ivonne Macassi, Liz Meléndez, Yamileth Molina, Wania Pasinato, Verónica Redrobán, Claudia Rosas, Gina Yáñez

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## **WOMEN'S POLICE STATIONS IN LATIN AMERICA:** **An Entry Point for Stopping Violence and Gaining Access to Justice**

CEPLAES

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First edition, October 2010.

ISBN: 978-9978-93-026-7

**Project****Access to Justice for Women in Situations of Violence:**

A Comparative Study of Women's Police Stations in Latin America  
(Brazil, Ecuador, Nicaragua, Peru)  
[www.ceplaes.org.ec/AccesoJusticia/en.html](http://www.ceplaes.org.ec/AccesoJusticia/en.html)

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**Sponsors:**

The research presented in this publication is the result of a project funded by Canada's International Development Research Centre.  
[www.idrc.ca](http://www.idrc.ca)  
Ottawa, Canada

Additional funding for this publication was provided by:

**Foundation of the Open Society Institute (FOSI)**

[www.soros.org](http://www.soros.org)

**UNIFEM**

[www.unifem.org](http://www.unifem.org)

Design and Production: Trama Ediciones  
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Art Direction: Rómulo Moya Peralta  
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Preprint: Trama  
Printing: Trama

Trama  
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editor@trama.ec | [www.trama.ec](http://www.trama.ec) | [www.libroecuador.com](http://www.libroecuador.com)

Made in Quito, Ecuador, October 2010

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# Foreword

As an organization dedicated to “empowerment through knowledge,” the International Development Research Centre (IDRC) has been committed to women’s empowerment. Its diverse research programs use social and gender analysis, and on 30 March 2006, the IDRC Board of Governors approved a five-year program to specifically support research on Women’s Rights and Citizenship ([www.idrc.ca/womensrights](http://www.idrc.ca/womensrights)). This “return to rights” marked a key moment for IDRC, since we have distinguished ourselves as an agency that, while increasing its support for efforts to bring about equality between men and women, has re-affirmed its commitment to achieving more just and democratic societies.

One demonstration of this commitment was funding the project named Access to Justice for Women Survivors of Violence in Latin America, whose results have now been compiled in this book. This text is a contribution that uses empirical evidence to delve into the complex subject of violence against women, as well as the state responses provided so victims can acquire some type of redress through obtaining justice.

As we know, the problem of violence against women is multidimensional and does not have fast, easy, or singular solutions. Public policy planners face many and great challenges in preventing, providing services for, and eliminating it. This book, which evaluates the role and effectiveness of police stations for women victims of violence, fills an important void and I am sure it will be welcomed by public policy planners. Without disclosing the findings presented throughout the text, it is important to say that this study contributes to discussions on “access to gender justice” from conceptual, contextual, and strategic angles. The result is a stimulating collection of experiences that contributes to current debates on public policy and citizenship from a feminist perspective.

Like all good books, crystallizing this work required an arduous and meticulous process. The chapters began to take shape as the results were analyzed of the empirical research, which was carried out in Brazil, Ecuador, Nicaragua, and Peru between 2007 and 2008. Later, various authors participated in a stimulating regional forum held in Quito in October

2009 under the leadership of Gloria Camacho. The forum provided the opportunity to reflect on and polish the chapters that finally make up this book. We hope this IDRC-supported study, which has been so revealing, will now empower and inspire others.

As Program Specialist for Latin America and the Caribbean, I would like to extend my appreciation to Nadine Jubb and the authors, as well as my IDRC colleagues who have participated in one way or another in this project. Likewise, the citizens of Canada need to be thanked because the funding for this book came from an IDRC public grant.

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Senior Program Specialist, Women's Rights and Citizenship

IDRC, Ottawa, Canada, 18 August 2010

# **Women's Police Stations in Latin America**

**FIRST PART: REGIONAL STUDY**

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# Introduction

## INTRODUCTION

Ever since Latin American feminist and women's movements began their struggle to eliminate violence against women more than thirty years ago, the issue has been in the public eye throughout the region and at all levels. There is a growing recognition of women's rights and more commitments made to guarantee them as expressed by a wide range of actions on the part of state and social actors. At the same time, all these efforts indicate that violence against women continues to be rooted in these societies and that achieving the goal of eradicating it is a complex task. Among the most significant challenges are that the rates of different types of violence continue to be high; there is still a considerable gap between "paper" rights and "lived" rights (Waylen, 2008); and there is still little knowledge on the impact of specialized laws, policies, and mechanisms on women's lives. In effect, despite growing efforts, many women are still unable to fully enjoy their rights to a life free of violence and access to justice. Therefore, the exercise of their citizenship is limited.

The creation of women's police stations (WPS) was one of the first specific public policies introduced in several countries in the region, even before the passage of laws on domestic violence against women. In addition to being one of the main entry points to gain access to justice as well as multidisciplinary services in general, the WPS are the specialized institutions that adult women are most familiar with in their communities (Jubb et al., 2010). The WPS are institutions specialized in dealing with violence against women; among the countries studied, they are police units in Brazil, Nicaragua, and Peru (as in most countries of the region), and justice administration bodies in Ecuador.<sup>1</sup>

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<sup>1</sup> The WPS in Ecuador are in a process of transition. These former justice administration units attached to the executive branch are being converted into specialized courts. The 2008 Ecuadorian Constitution establishes jurisdictional unity; therefore, all justice administration bodies that were once part of the executive branch will cease to exist and will have their equivalent in the new organizational structure of the judicial branch.

Personnel are specialized in the sense of having had some specific training or education. At the outset, the intention was that the WPS be staffed entirely by women, but currently these policies vary. The WPS usually coordinate with other institutions in order to provide multidisciplinary services, or seek to provide a variety of services at their facilities, as is the case of the four WPS where the research for this study was carried out.

The WPS play a primordial, though not unique, role in making *de jure* rights a reality in women's daily lives. Therefore, studying how women use them may provide plentiful information valuable to an analysis of the current situation. Even with the growing literature on gender and security, justice, and violence against women, regional and international discussions only mention the WPS, with no in-depth analysis of their impact. The most pertinent issues in the regional context are as follows: (1) the perceptions, needs, and experiences of women in situations of violence; (2) everyday practice at the WPS; and (3) how WPS responses, together with interventions by other actors, contribute to the defence and exercise of women's rights.

An in-depth investigation of women's police stations in selected countries was proposed to fill this gap, where countries were chosen because they both represent different subregions in Latin America and have extensive and diverse experience with these institutions. The overall project objective that gave rise to this document is to "carry out a comparative study of Women's Police Stations in Brazil, Ecuador, Nicaragua, and Peru regarding access to justice for women in situations of violence and the exercise and respect for their rights, in order to make proposals for the improvement of public policy in this sector."<sup>2</sup> Renowned professionals and research centres specializing in the field participated in the study, in particular: the Gender Studies Unit (PAGU) of the University of Campinas (Campinas, Brazil); the Centre for Planning and Social Studies (CEPLAES, Quito, Ecuador); PATH/Intercambios (Managua, Nicaragua); and the Flora Tristán Centre and the Manuela Ramos Movement (both in Lima, Peru).

The study was carried out in three stages over a two-and-a-half year period.<sup>3</sup> The first involved a general mapping of the history and models of WPS in each selected country. The second consisted of a population-based survey of adult women in the local research site selected in each of the four countries, for the purpose of learning about their knowledge and perceptions regarding women's rights, domestic violence, and the WPS. During the third stage, primary qualitative research took place, including observation of the selected

<sup>2</sup> Further information on the project, as well as the publications of the project and other related materials of interest can be downloaded from the project website at: [www.ceplaes.org.ec/AcessoJusticia/en.html](http://www.ceplaes.org.ec/AcessoJusticia/en.html).

<sup>3</sup> The background to this study began with a regional study of existing information and an international consultation, which resulted in a working document and an annotated bibliography (Jubb and Izumino, 2002a; Jubb and Izumino, 2002b). This was followed by a preparatory process, which included collective presentations of research papers on related topics at regional forums as well as internal discussions.

WPS and interviews with WPS users, WPS operators, and other specialists on the subject. The communities selected for the primary research were: Belo Horizonte (Minas Gerais), Brazil; Cuenca, Ecuador; Ciudad Sandino, Nicaragua; and Villa El Salvador, Peru. National and regional comparative reports were produced at each stage.

All the activities in this project were made possible by financial support from the International Development Research Centre (IDRC, Canada) and their implementation was coordinated by the Centre for Planning and Social Studies (CEPLAES, Ecuador). For the “Women and Justice” Regional Forum (Quito, October 2009), in which a regional research network was created and recommendations were made to improve access to justice for women in situations of violence, additional funding was provided by the United Nations Development Fund for Women (UNIFEM), the Foundation of the Open Society Institute (FOSI, Switzerland), and the Swiss Agency for Development and Cooperation (SDC, Nicaragua office). The publication of the results of the regional study in three languages (Spanish, English, and Portuguese) was financed by IDRC, UNIFEM, and FOSI.

This study focuses on the perceptions and lived experiences of women who have gone to a women's police station (WPS) at some point along their path to ending violence in their lives and gaining access to justice. Thus, it deals with two main subjects – women in situations of violence and the WPS – and places women at the centre of the analysis. The study uses a feminist framework based on an integrated analysis of gender, intersectionality, and power.

From this perspective, four hypotheses were developed that, taken together, constitute the central argument of the national reports and this comparative study. They are:

- Women in situations of domestic violence, the WPS, and other actors have diverse perceptions of access to justice that do not always coincide with formal and institutional conceptions, nor do they always refer to imposing a penalty.
- The paths taken by women are different and are related to the opportunities and options they have, such as using the WPS, other institutions, or their support networks, in order to leave the violence and/or gain access to justice.
- The responses of the WPS and some other actors are influenced to a certain extent by traditional concepts of gender and the family, and thus, they do not necessarily coincide with women's expectations, or guarantee an end to the violence and access to justice.
- The WPS have contributed to making the problem of violence against women visible as a public, collective, and punishable matter; furthermore, they offer



women new opportunities to defend their rights, but do not necessarily contribute to eliminating or reducing violence, or guaranteeing access to justice for women.

The perceptions and experiences of women in the four localities demonstrate that WPS contributions to the defence and exercise of their rights have been mixed. Several users stated that the WPS contributed to achieving their objectives and they would return to the WPS if they were to face another episode of domestic violence. However, not all end up living entirely free of violence, and only very few abusers are punished. It is precisely due to these ambivalent results that two objectives are proposed: learn more about the WPS and their impact, and apply the results to the formulation of recommendations intended to improve relevant public policy at both the national and regional levels.

In addition to research tasks, the project team established and maintained relations with key actors at the local, national, and regional levels throughout the project. This coordination and communication contributed to the scientific rigour of the research, for example, by taking into account the assessments of key actors and specialists in the national and comparative analyses. Further, this opened the door for their contributions to public policy recommendations based on the results of the study. Coordination took place in each local site and country according to the specific situation at the time of the study. The most significant contributions are described in what follows.

In Brazil, the research took place in a situation of national and local transformation as concerns the implementation of the law on domestic and family violence against women (Maria da Penha Law). The Gender Studies Unit of the University of Campinas (PAGU, UNICAMP) has contributed to this process by means of numerous presentations of the main findings, conclusions, and recommendations at academic and public policy forums in Belo Horizonte and other places in the country, with the aim of contributing to improve the performance of the WPS and related institutions and services. In particular, relations were established and maintained with top WPS authorities in the state of Minas Gerais and the coordinator of the local network. Research results have been used to improve the performance of the WPS and other actors in Belo Horizonte and the collaboration between them. The national reports have been delivered to several key national actors and are available at the project and PAGU web sites.

In Ecuador, the Centre for Planning and Social Studies (CEPLAES) carried out advocacy activities in Cuenca throughout the duration of the project, meeting with representatives of the local WPS and other specialized services that make up the local network. In early 2009, when in the framework of reforms to the Ecuadorian judicial system it became known that these institutions, and other justice administration bodies that were also part of the executive branch, were to be eliminated nationwide, CEPLAES in conjunction with

the Observatory on Women's Right to a Life Free of Violence carried out a nationwide advocacy and lobbying campaign. It gained a great deal of support and led to the inclusion of a specialized institution for domestic violence in the new Organic Code of the Judicial Branch (2009). This was achieved using a variety of strategies, such as public demonstrations, alliance building and strengthening with key civil society and state actors, communications and mass dissemination, and lobbying members of the constituent assembly. The research results were used in this process to underpin the proposals. One of the activities was a forum held in Cuenca in March 2009 with 25 WPS officials and members of the local network. Currently, both organizations are working on and have introduced proposals to the executive and legislative branches with the aim of ensuring that the new Criminal Guarantees Code, or any reform to the existing Code, ensures the rights of and guarantees access to justice for women who suffer gender-based violence.

In Nicaragua, PATH/Intercambios contributed to the re-organization of the interinstitutional network in Ciudad Sandino through consultations with the WPS and other key local actors. At the national level, it has been collaborating with the Inter-Agency Gender Committee to coordinate cooperation programmes geared towards improving access to justice, with a particular interest in reactivating the National Commission of Struggle against Violence towards Women, Children, and Adolescents. The National Forum held in September 2009 brought together over one hundred representatives of key actors from the WPS, national and local state institutions, and representatives of the women's movement. The conclusions of this research project and two other, related studies were presented. As a result of discussions in thematic working groups and a plenary debate, an agenda for future actions was built and several actors committed to support its implementation. The proceedings of the event were published in both print and digital form to facilitate dissemination of the conclusions and recommendations.

In Peru, the Flora Tristán Peruvian Women's Centre and the Manuela Ramos Movement have strengthened interinstitutional relations with several national and local state actors. At the National Forum (September 2009), the findings of the research carried out with government and civil society actors were presented. Also, suggestions were compiled in a comprehensive proposal that includes recommendations for the following lines of action: specialized education, budgets and institutional organization, institutional gender evaluation/audit, system of services and the creation/strengthening of specialized units, transformation of the WPS, and coordinated work with other institutions and organizations that provide violence services. As a partial outcome of this advocacy effort, in 2010 the head of the Family Division (DIVIFAM) of the Seventh District in Lima became the chief of the Directorate of Family, Participation, and Citizen Security of the National Police (DIFARPASEC), a specialized body with systemic, technical, regulatory, and executive

functions at the national level of the National Police of Peru (PNP), which is currently in charge of coordinating the DIVIFAM, as well as prevention activities and direct services for family violence, among other responsibilities.

At the regional level, CEPLAES, as lead organization, organized the “Access to Justice for Women in Situations of Violence” Regional Forum in Quito (October 2009), with the objectives of presenting and debating the preliminary conclusions of the research and their links to current issues of interest in the region, thus laying the foundation for formulating policy proposals during the forum.<sup>4</sup> Some eighty persons participated from the four countries involved in the study – including ten Ecuadorian provinces – and five other countries in the hemisphere. Those in attendance represented: the WPS, feminist and women’s organizations, Afro-descendant and indigenous women’s groups, battered women’s shelters, professionals, national and local governments, intersectoral networks against violence, human rights organizations, regional and international organizations and agencies, and research centres and independent researchers. In addition to disseminating pertinent information and all the materials produced on the project web site, the results and recommendations have been shared at several national and regional events, among them being planning sessions for the security, justice, and gender programs of UNIFEM and the United Nations Development Program (UNDP); the Global Network of Women’s Shelters; contributions to the design of a system of indicators for doing follow-up to the Belém do Pará Convention in Central America (an initiative of the Inter-American Institute of Human Rights, IIDH); and academic and public policy forums at various levels, including the International Centre for the Prevention of Crime (ICPC), the Latin American Studies Association (LASA), and two regional knowledge fairs organized by the United Nations. CEPLAES has also replied to several international requests for information. Project results have been disseminated through various local, national, and international media.

This report is structured in two parts. The first includes the general framework of the study, the regional comparative analysis, and conclusions and recommendations. The second part consists of country chapters that summarize the most important findings and conclusions of the research undertaken at the respective sites.<sup>5</sup>

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<sup>4</sup> The proceedings of the regional forum have been published and are available for downloading on the project’s web site. The proposals made at both the regional and national forums are brought together in this text as recommendations.

<sup>5</sup> The complete national reports are available online on the project web site. These, as well as the national and regional reports of both the mapping study and the population-based survey, are the main inputs for this final comparative report. To make for easier reading, references to the final national reports are included in the text only in cases of a direct quote. The national studies may be found in the bibliography as follows: Brazil (Pasinato, 2010); Ecuador (Camacho et al., 2009); Nicaragua (D’Angelo and Molina, 2010), and Peru (Macassi León et al., 2010).

## METHODOLOGY

The study was carried out by a regional team made up of the main researchers in each country and the regional coordinator. A national team was formed in the individual countries, and, in some cases, the research work was done in collaboration with local organizations to facilitate and enrich the research, as well as, where applicable, to strengthen local capacity. The design of the study, the methodology, and the national and regional analysis of findings was carried out in a participatory manner by all the members of the regional team. In the four local sites selected, the same process was followed and instruments applied according to criteria defined by the regional team, although, if necessary, small modifications were made to adjust them to local realities.

The first phase of the project involved the national and regional mapping studies. The mapping study of each country had a national scale and covered the history of the Women's Police Stations (WPS), from their founding to the present day. The research drew on secondary sources (existing studies) and interviews with key persons. Due to the limited amount of information found on the personal experiences of WPS users, attention was focused on the WPS themselves.

In the second component, a population-based survey of women ranging from 19 to 50 years of age was carried out between September and October 2008. A weighted random sample was used. The level of confidence was 95% and the margin of error was  $\pm 5\%$ . Experts were hired to determine the sample size and carry out the survey. The national teams trained the interviewers on issues concerning gender and violence, as well as the use of the ethics protocol. A total of 1,635 women were surveyed: 416 women in Belo Horizonte (Brazil), 432 in the canton of Cuenca (Ecuador), 462 in Ciudad Sandino (Nicaragua), and 325 in Villa El Salvador (Peru).

The third component consisted of qualitative primary research in the four local sites, in which the following methods were used: in-depth and exit interviews with WPS users; non-participant observation of each of the WPS; interviews with WPS authorities and operators, as well as professionals who provide specialized services, representatives of pertinent organizations and institutions, and other local experts. Relevant secondary information was also gathered and analyzed for each case. In each locality, in-depth interviews were held with between 15 and 25 WPS users and exit interviews with 30-35 women immediately after receiving WPS services.

The selection of countries and local sites for the research was based on several criteria. Countries were chosen based on their location in different subregions of Latin America, the length of time the WPS had been operating, and variations in WPS models among the countries. Brazil was selected because the first WPS in Latin America was established

there, and thus, it has a lengthy experience, as well as because of the large amount of WPS and the diversity of models. Two neighbouring countries in the Andean region were chosen – Ecuador and Peru – where the WPS have existed for a comparable length of time but the models are very different. In Ecuador, the WPS are justice administration units, while in Peru – as in Nicaragua and Brazil – they are part of the police. The models of Ecuador and Peru also differ from each other because of the various ways in which the WPS have collaborated with other actors, both in the past and present. Nicaragua is the only country in Central America with extensive WPS experience, and in the past there were interinstitutional and intersectoral models for both direct services and management. Another criterion for country selection was the presence of feminist research centres with extensive experience in gender and violence against women, which would be interested in using the results of the research to make proposals to improve relevant public policy and were willing to participate in the project within the framework initially designed.

The selection criteria for the local sites in each country were defined jointly by the regional team, and then each national team applied said criteria to identify a locality in their own country. Requirements were as follows: the WPS had been operating for at least five years; it was involved in intersectoral collaboration; it was located in an urban centre; it was representative of other WPS;<sup>6</sup> the research centres had not previously worked with the WPS selected; and representatives of the WPS and other actors were willing to participate in and/or support the research.

An ethics protocol guided the entire research process. It was based on international standards for research on violence against women (Ellsberg and Heise, 2007; OMS, 2001) and was adapted according to the requirements and needs related to specific research topics and the context of the places studied. Likewise, it reflected the integrated analytical framework of gender and power that underlies this study. It was based on four fundamental considerations: the safety of informants, confidentiality, scientific rigour, and the creation of benefits.

The creation of benefits was an essential aspect during the application of the instruments and after processing the findings. During the research, specialized information was provided to the women surveyed (for example, information brochures containing a directory of local services). At the beginning and closure of the components, each national team normally met with specialists to present the design or initial findings, and receive their comments and input. The activities held to present, debate, and disseminate the national and comparative research results, as well as the advocacy initiatives

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<sup>6</sup> Given that the research is mainly qualitative, quantitative criteria of representativeness could not be applied. Therefore, the guiding precept was that the particular WPS not be the best or worst in any particular aspect.

undertaken in some cases, are explained in this introduction. Of particular note are the national and regional forums held to communicate and discuss the project results and recommendations.

## ANALYTICAL FRAMEWORK

In this section, the critical concepts that form part of a feminist analytical framework of gender, intersectionality, and power are developed. The framework will then be applied to studying women's police stations (WPS) and their contributions to facilitating access to justice and the elimination of violence.<sup>7</sup>

One of the principal ideas that underlies the feminist analytical framework of this investigation is the concept of *gender* as a main category of analysis through which power is exercised, expressed, or articulated (Scott, n.d.). Understood as an analytical category, gender can be used to study how the specific signifiers attributed to it are constructed and how these are mobilized through the state or other entities to impose certain forms of power. One example is the fundamental division of the political: the dichotomy between the public and the private. Here, the public is valued and assigned to men as their domain, while the private is undervalued and is the space to which women are relegated. This division is deeply rooted, but is not universal or inevitable, and has been modified in recent decades. Various social movements have challenged this dichotomy, especially feminist and women's movements. However, they must confront an established power that resists such changes and attempts to re-assert a conservative understanding that includes, among others, the family-values perspective.

Gender is more than an analytical category and is not only relevant in terms of the state. It is a category for articulating power at any level or sphere where 'the political' is expressed. It is "a constitutive element of social relations based on the differences that distinguish the sexes" (Scott, n.d.: 23). Gender meanings are constitutive of men's and women's identities and their interpersonal relationships, where the limits of possible meanings are shaped through political processes (Slater, 1998)<sup>8</sup> that occur at all levels, from the individual to the state. Despite the imposition of these limits, the key question does not have to do with *if* people have agency in the face of power structures, but *how* they exercise it in a specific context and what resources (defined in a very broad sense) they have at their disposal to do so.

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<sup>7</sup> This is an adapted version of the analytical framework found in the Regional Mapping Study (Jubb et al., 2008).

<sup>8</sup> Slater (1998) distinguishes between "the political" and "politics," yet he states they are intimately interrelated. Politics has to do with political parties, elections, parliaments, representation, etc., while the political is not necessarily confined to the limits of the political sphere. "The political, then, is a living movement, a kind of 'magma of conflicting wills' or antagonisms; it is mobile and ubiquitous, going beyond but also subverting the institutional settings and moorings of politics" (Slater, 1998: 388).

Although the principles provided by Scott are fundamental, they do not comprehend other forms of signifying power that are relevant to Latin America and the subject of this study. Collins (2000) proposes the intersectionality of gender with other systems of oppression, for example, ethnicity, class, and sexuality, to understand how women experience discrimination and oppression in different modalities and levels of intensity. Her concept of “matrix of domination” can be applied to the diverse and interconnected relations of power and inequity that underlie social relations and the political.

The concept of *violence against women* used here is grounded in this foundation, which is why it is vitally important to recognize that violence against women is an expression of unequal power. It is “a dramatic expression of gender inequality and asymmetry” (Rico, 1996: 9). One of the most recognized and inclusive rallying cries used by feminist and women’s movements is the need to take a human rights-based approach to this topic. From this angle, various specific rights can be recognized, for example, the rights to a life free of violence and access to justice. Thus, the state is seen as a possible perpetrator of human rights violations against women and also as responsible for the acts of third parties. Therefore, it bears responsibility for preventing, investigating, and punishing violence (Naciones Unidas, 1993c, cited in Rico, 1996). Rico’s proposal is consistent with the basis provided by this feminist perspective, in the sense that it proposes the need to recognize women as authors of change processes. “Social changes required for women’s rights to be respected must situate women at the centre of those transformations, with their diverse forms of thinking, feeling, and acting” (Rico, 1996: 7).

It should be pointed out that the term ‘violence against women’ is used in this study instead of ‘gender-based violence’ to reflect the fact that the intersectionality of gender with other forms of oppression makes it possible for different forms of violence to exist that do not affect all women equally. For example, according to Bograd, “intersectionalities colour the meaning and nature of domestic violence” (Bograd, 1999: 276). These are also reflected in the diverse forms of violence that Latin American women face, while the term recognizes there can be various perpetrators, from individuals to institutional actors. Although a broad range of expressions of violence is subsumed, this study specifically addresses domestic violence, as it is part of the scope of the WPS in all four countries. It is important to clarify that the term *domestic violence* is used to refer specifically to intimate partner violence perpetrated against women. It is not equivalent to ‘family violence’ – a term used often in national legal and regulatory frameworks and other contexts – since the latter includes other members of the family and does not necessarily reflect a gender analysis. The problem in using this term is that it lends itself to a family-values perspective.

Finally, the expression *women in situations of violence* is used in accordance with a new approach that has emerged among feminist movements in the region that proposes the need to not categorize the position or ontology of women exposed to violence as either 'victims' or 'survivors.' It is a form of expressing both structural power relations that construct said 'situation' as well as the agency women have and can use to leave the situation. While it is true that by being in a situation of violence women do not lose their agency, this approach also recognizes that violence impedes women from fully exercising their citizenship.

This study uses the definition of violence against women stipulated in the Belém do Pará Convention as its point of reference, which is: "any act or conduct, based on gender, which causes death or physical, sexual, or psychological harm or suffering to women, whether in the public or the private sphere" (OAS, 1994).

This Convention and its definition of violence are recognized as *the* legal norm or framework and the standard by which to assess legislation and other instruments at the national level. This decision was taken for two reasons. On the one hand, the Belém do Pará Convention has been ratified by all Latin American countries that are members of the Organization of American States (OAS), and therefore is legally binding in the four countries studied. That is to say, it can be used to ascertain whether the state is complying with its acquired obligations. On the other hand, this Convention, approved in the context of the regional and world preparatory processes for the Fourth World Conference on Women in Beijing (1995), lays the foundation for the regional legal/normative framework in a way that reflects many elements of the feminist perspective. For example, it refers explicitly to violence against women, while it makes visible and gives equal importance to the public and private spheres.

The concept of *access to justice* used in this study is rooted in the same gender and power analysis, as well as an analysis of the state and citizenship. According to the integrated gender, intersectionality, and power framework, a concept of access to justice based only on individual responsibility cannot provide justice for women in situations of violence. Rather, both the responsibilities of the state and women's rights must be recognized, just as Rico (1996) proposes in her concept of violence. A conceptualization of access to justice that reflects "a mere declaration of the possibility of all persons to use the designated conflict resolution mechanisms in accordance with the legal system in each country" (Facio, 2004: 6) does not capture the situation that women face in their homes, society, and in relation to the state. The problem is that this "possibility" implicitly assigns responsibility to accessing the system of justice to the individual and, consequently, does not recognize the state's obligation to provide access through the passage of laws and implementation of policies, institutions, and mechanisms appropriate for women. According to Facio, access to justice has to be understood in a dual and complementary



form that recognizes both rights and responsibilities. “It is a human right that involves both the state’s responsibility to provide a public service as well as the exercise of that right by the inhabitants of that state” (Facio, 2004: 6).<sup>9</sup>

Facio’s dual proposition needs to be adapted to integrate an approach that contemplates the multiple sites where intersectional, gendered power is exercised and fluid political processes occur. One relevant proposal is Goetz’s (2007) concept of *gender justice*, which “can be defined as the ending of – and if necessary the provision of redress for – inequalities between women and men that result in women’s subordination to men.” This concept is developed around three aspects of gender injustice that need to be rectified, all of which reflect the issues addressed here. These are: accountability, recognition of the need to ensure gender justice for injustices committed in diverse settings by a variety of actors, and women’s agency.

These various feminist concepts entail a complex conception of the state as defined by a number of different aspects. The first relates to access to justice in particular. The state is simultaneously recognized as an actor that: can violate human rights; has the obligation to rectify gender injustices committed by its own agents; and must defend and promote women’s agency. Second, the state is a complex set of institutions (instead of a black box) that imposes order in various ways and can represent different interests (Brodie, 1995; Corrigan and Sayer, 1985). A third aspect of the state’s complexity is that these multiple bodies can represent, whether individually or as an aggregate, the multiple and even contradictory interests of the state (Pringle and Watson, 1992), which are themselves produced by the effects of political processes.

One example of how the state imposes certain interests in a subtle way – but with significant consequences – is presented by Fraser (1989), who demonstrates that the purpose of some government programs is to convert women into “passive clients of administrable needs,” where the “experts” define women’s needs. Morgan (1981) also illustrates how the state, through its programs and policies, converts “battered women” into passive “program clients.” These critiques do not necessarily refer to programs with a family-values perspective, but they do illustrate how policies designed ‘for women’ do not necessarily guarantee gender justice, nor do they always promote women’s agency or the exercise of their citizenship. In fact, they can be understood as examples of what Corrigan and Sayer (1985) call “moral regulation.” States govern in different ways: they do not only impose order through the use of armed force, but can also do so through interventions that make it so a determined order – for example, the division between public and private – is perceived as normal, natural, or obvious. Therefore, any analysis of legislation or

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<sup>9</sup> These assertions are also included in the regional norms.

institutional regulations must always consider that, first, they are not neutral, because they represent certain interests or perspective(s) defined through political processes; and, second, these impositions can be resisted by creating and implementing alternative proposals, even though they must confront the barriers placed by those same political processes.

In fact, the recent insistence on states' *due diligence* provides proof of the ongoing conflict among different and contradictory interests. Over the last three decades, on the one hand, there have been ever more initiatives and increasing numbers of actors involved in the fight to eradicate violence against women, while, on the other hand, considerable efforts are made to cover up violations of women's human rights and the actors responsible. As an illustration of the former, states' due diligence is made explicit in the Belém do Pará Convention, while the UN Special Rapporteur on Violence against Women published a report articulating international standards. The latter stresses that due diligence is not confined to the state's obligation to guarantee due process in those cases that make it to the justice system, but rather includes among state responsibilities the need to prevent violence and "transform the societal values and institutions that sustain gender inequality." In addition, the Convention also indicates the responsibilities of other social actors (Commission on Human Rights, 2006). In synthesis, a wide scope of state obligations is defined from a strategic viewpoint that reflects the need to make deep cultural changes in order to eradicate violence.

*National and local intersectoral commissions* or networks constitute one of the ways proposed to put into practice an integrated and comprehensive approach that has the potential to encompass several of the elements raised here, including the participation of social actors in prevention and other aspects pertinent to eradicating violence. Community collaboration can and must involve diverse actors, including the state, feminist and women's movements, and other civil society groups that have a legal obligation or a specific mission with respect to this matter. Burt et al. (1997) propose that a shared commitment is a fundamental aspect of collaboration. The objective of a community-based approach, according to them, can be summarized as providing the best quality of services to victims, ensuring perpetrators are held accountable, and creating public confidence. They maintain that community collaboration can contribute to achieving the following: permanent changes to policy and practice; consistent treatment of victims and perpetrators; more options and resources for victims in the justice system and social services; improved public knowledge about violence against women; and reduced unmet needs. According to this same proposal, one basic principle for establishing a commission of this type is the creation of a joint vision regarding violence against women, in which violence is recognized as a social problem that must be dealt with by the entire community (Burt et al., 1997: 165-6). In addition to these basic elements required for

providing integrated and comprehensive responses, the presence and collaboration of all specialized services and institutions is needed, just as it is also indispensable to provide a broad range of responses that include prevention, joint follow-up to individual cases, training to operators and professionals, definition of service protocols, community outreach, advocacy, and oversight.

The goal that underlies the feminist struggle against violence and for gender justice is, ultimately, for women to exercise their *citizenship*, one of the basic concepts of political membership. According to Arendt (1951), it deals with the most fundamental right, which is “the right to have rights.” This concept has to do with recognizing the persons in a polity and defining the scope of their rights and responsibilities (Meer and Sever, 2003). However, the challenge posed by this concept is to include everyone, without the inclusion of some persons (or groups) being predicated on the exclusion of others. One way of practicing exclusion is captured in the recognition of the tremendous gap between citizenship by right and in practice.

One way to avoid these exclusions is to redefine the parameters beyond *being* a citizen to constitute it as *doing* citizenship. Emphasizing the practice more than the ontology is a means of recognizing women's collective agency. In Latin America, as in other regions, citizenship is more than an identity; this recognition is the result of a long, and ongoing, history of struggle (Lister, 1998). In other words, feminist and women's movements in the region have built an “active gendered citizenship” (Meer and Sever, 2003; Molyneux, 2007), both through their own practice as well as the rights they have won. They have had an influence on transforming the meaning of citizenship and, therefore, the relations among male and female citizens, state entities, and other actors, as well as the *raison d'être* of the state itself (Fraser, 1989). This is proven by the new emphasis on due diligence, social oversight, and other means of ensuring that the state meets its responsibilities towards women and other social actors.

These collective battles open the way for individual women to take on this fight in their daily lives, particularly – but not exclusively – to live a life free of violence, which can be put into practice through specific processes at the individual level that have certain key elements. First, for individual women in situations of violence to exercise an active citizenship, they need to know their rights, believe in and own them, and find ways to exercise them (Camacho, 2003). This individual process, as well as the collective one, is political in the sense proposed by Slater (1998): is it carried out in the midst of diverse interests and perspectives that are interwoven in various ways, according to the specific context. For example, rights and justice can be conceptualized in different forms that do not necessarily reflect the legal and regulatory framework; therefore, if women do not receive adequate information about the rights contemplated in the legislation, it is

understandable that they may not take on these rights or adopt this approach. Second, another requisite is that any proposal regarding rights needs to be grounded in a historical and socio-economic framework so that it will be relevant to women's complex and diverse realities. As Friederic (2009) and Goetz (2007) emphasize, gender justice must be fought for in the midst of diverse expressions of unequal power relations, from a perspective that recognizes the intimate connections among different arenas, for example between the legal and the socio-economic. This approach brings one closer to the diverse and interrelated obstacles that women from different sectors must overcome as part of the gradual construction of a new framework from which to develop and exercise their self-conception as citizens.

This analysis of women's police stations and their contributions to access to justice and eradicating violence against women is based on these key concepts, as well as the relations and processes that bring them to life. The first step in applying this framework is to acknowledge that the inauguration of a new unit in a police or judicial institution does not mean that a new issue is beginning to be addressed, but rather is a recognition of how institutions are embedded in the dominant cultural values and power relations of their surroundings, especially those that sustain discrimination and violence against women. Feminist and gender analyses of the police and other state security institutions in particular stress how these institutions – for example, in their forms of exercising authority and enforcing order – are rooted in certain gender myths.<sup>10</sup> Consequently, proposals for reforming police institutions (Denham, 2008; UNDP and UNIFEM, 2007), and other judicial and security-sector institutions (Valasek, 2008), place emphasis on the need to modify the institutional culture and values through changes to both public services and internal policies.<sup>11</sup> Incorporating intersectionality in the WPS comprehends several elements: affirmative action so that all women are informed regarding services, accessibility (language, culture, location), differentiated services according to specific forms of domestic violence (Bograd, 1999), and establishing appropriate forms of recognizing judicial pluralism (Goetz, 2007). This process is even more complicated, since these changes must be made both in the legal and regulatory framework, as well as their application. This entails that all operators must transform both how they understand their obligations as well as how they implement them.

Recalling that state entities have diverse positions in relation to gender justice – they are instruments for defending women's rights, while they may simultaneously be perpetrators of rights violations and responsible for violations by third parties – women's

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<sup>10</sup> See for example, McCoy (1995).

<sup>11</sup> One of the most comprehensive approaches to the topic of gender and organizational change (Levy, 1996), recognizes that institutions must fight for women's rights both internally and externally; for example, in the services it provides the public, as well as its institutional regulations and personnel policies.

police stations not only participate in state efforts to assert women's rights, they are also a place where different gender perspectives and interests confront one another. As such, there are positions like that of Nelson (1996), which argue that fulfilling the purpose of the WPS is almost an impossibility due to the contradictory interests it represents. Santos (2008) maintains that the limited way in which the WPS respond to feminist demands regarding violence only allows for a "contradictory citizenship." Other analyses interpret the interweaving of different perspectives as involving emergent and changing approaches that may not necessarily be in conflict; however, the WPS must be watched over to ensure they meet their obligations (Jubb et al., 2008). Contributing towards this end, Batres (1997) argues that a state entity, in this case the WPS, cannot be an instrument for eliminating violence until the myths that agents believe and are reproduced through institutional policies, laws, and the ways in which operators treat women in situations of violence have been overturned.

In accordance with the feminist framework developed above, as well as what is stipulated in the Belém do Pará Convention, the WPS have the obligation to guarantee access to justice, which involves protection, investigation, punishment, and the reparation of violations of women's rights, according to their specific jurisdiction. They also need to contribute to the prevention and eradication of violence. A fundamental requirement to ensure compliance with this obligation is the consistent application of the legal and regulatory framework. With respect to WPS users, these institutions must contribute to women's citizenship so they recognize themselves as subjects who have the right to have rights. This means that operators of the WPS (and those of all institutions) must provide services starting with supporting women in their processes to learn about their rights and exercise their agency. Also indispensable is the recognition that: (1) women know what they need (Sullivan and Keefe, 1999) and (2) the role of the WPS is to help women establish control of the situation (Batres, 1997). They also need to contribute to the consistent application of the legal and regulatory framework as regards aggressors, without filtering this responsibility through family-values or other biases that contribute to impunity. Another requisite is that reforms to internal regulations must ensure that all aspects of the regional legal framework are put into practice. A final element is the active and ongoing participation of the WPS in intersectoral networks or commissions where they build and implement a shared vision regarding access to justice and the elimination of violence that includes programs for prevention and other aspects of a strategic focus that contributes to transforming the discriminatory values underlying violence.

Using these guidelines, the WPS may find ways to meet its own obligations in a more integrated, effective, and consistent manner, as well as contribute to enabling women in situations of violence to exercise their citizenship.

## **HISTORICAL CONTEXT <sup>12</sup>**

The establishment of women's police stations (WPS) in the four countries included in this study, namely Brazil, Ecuador, Nicaragua and Peru, as well as in others in the region, has its roots in social and political processes.<sup>13</sup> One is the struggle by feminist and women's movements to break the silence on domestic violence, demand integrated and comprehensive services, and defend women's rights. The other is the recognition of the state's obligations to provide access to justice and to prevent, punish, and eliminate violence against women. The two are interrelated and have been carried out at the local, national, regional, and international levels. As is described in what follows, in a relatively brief period, women's right to a life free of violence has been formally recognized and several mechanisms have been created so they can exercise that right, among which the WPS play an important role.

### **The Regional and International Context**

The creation of women's police stations can be situated in the context of an important social transformation that began in the late seventies: changes in gender relations and the recognition of women's rights. In a period marked by significant changes and revolutions in the social, economic, and political spheres that also affected existing gender roles, the feminist and women's movements undertook a sustained struggle to shift the public agenda and achieve the recognition of women's rights by the state and society at large.

The Latin American feminist and women's movements began to place emphasis on violence against women in the seventies, as part of a broader agenda to transform the organization of gender in society so as to eliminate inequalities. Demands to eradicate violence were diverse and interrelated. From the outset, one common concern was the struggle to break the silence, in particular around domestic violence, and convert it into a matter of public interest. Another issue has been the delivery of direct services by the state and/or NGOs, such as shelters and/or integrated and comprehensive services, including legal, psycho-social, medical, forensic, and socioeconomic assistance. Concerted efforts have also been made to change public policy, laws, and the Constitution so that women's rights are recognized and the state assumes its role and provides mechanisms and services to defend said rights.

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<sup>12</sup> This section is adapted from Jubb et al. (2008).

<sup>13</sup> This section situates the comparative regional analysis of the WPS in both of these processes. The national chapters contain a summary of the specific situation in each locality. Other data pertinent to the various WPS models can be found in chapter 3.

Women have mobilized not only at the local or national levels, but also regionally and internationally. At the First Latin American and Caribbean Feminist Meeting, held in Bogotá, Colombia in 1981, the 25<sup>th</sup> of November was declared the International Day for the Elimination of Violence against Women. Today, this date is celebrated in most countries of the world, a sign of how the relevance of this issue has spread and how successful advocacy by feminist and women's movements has been. The organization and influence of women in Latin America and many countries in the world had a significant impact on states and international government organizations. In 1975, the United Nations Decade for Women began with an inaugural international conference in Mexico and activities continued as part of this initiative until the 1995 Beijing Conference and beyond. Simultaneously, other conferences, agreements, and UN resolutions also recognized women's rights. The first of these was the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1979. While CEDAW does not make explicit reference to domestic violence, it recognizes that women have equal citizen rights and commits states that have ratified it to eliminate discrimination against women in marriage and family relations, as well as the public sphere. The right to a life free of violence was later incorporated as a General Recommendation and in the work of the CEDAW Committee, thus recognizing that violence against women is linked directly to discrimination. Another important milestone was the Vienna Declaration and Program of Action (1993), an instrument that explicitly identifies women's rights as an integral part of human rights, in particular the right to protection from domestic violence.

In 1994, member states of the Organization of American States (OAS) signed the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women at Belém do Pará, Brazil. The Convention describes the rights of women, the duties of states regarding these and inter-American protection mechanisms. This Convention has been ratified by all member countries in Latin America, and is therefore binding in all of them. As concerns the rights recognized by the Belém do Pará Convention, its preamble states that "violence against women is an offence against human dignity and a manifestation of the historically unequal power relations between women and men." It recognizes women as subjects of rights and declares that living in situations of violence hampers the full exercise of their other rights.

These instruments have been backed by resolutions and mechanisms intended to ensure implementation. In particular, follow-up committees and mechanisms were established for CEDAW and the Belém do Pará Convention. Also, declarations and resolutions have been signed by country representatives to the UN General Assembly on the elimination of violence against women as well as specific crime prevention and criminal justice measures. Further, the UN Security Council has issued resolutions on women, peace, security, and more specifically on rape and sexual violence in situations of armed conflict. The UN

has a Special Rapporteur on violence against women, its causes and consequences, who has recently placed emphasis on different ways to put these obligations into practice, for instance, through a report on due diligence and the design of indicators. This body of international conventions and commitments has created a “global women’s rights regime” (Kardam, 2004) that defines state obligations to defend those rights.<sup>14</sup>

The construction of these regional and international standards on women’s rights also had a virtuous influence on the strengthening of the feminist and women’s movements, as they constitute an important recognition of their claims. International non-governmental organizations as well as bilateral and multilateral agencies have all lent their support to the implementation of women’s rights by providing technical and financial support to feminist and women’s organizations, as well as collaborating with governments interested in complying with said rights. A fundamental task of the movements was to promote the signing and ratification of regional and international instruments by the various countries. Another aim that continues to demand their efforts is the reform of the ‘national rights regimes’ through the formulation, passage, and implementation of laws, public policies, and programs, as well as the creation of new institutions. The initiatives of the feminist and women’s organizations have been diverse and include the following: advocacy on various state and government programs and legal reforms, programs implemented by women’s NGOs, the writing and dissemination of parallel reports to regional and international entities, as well as critical analyses of public policies that hamper the exercise of women’s rights.<sup>15</sup>

Today, the struggle of the feminist and women’s movements to end violence against women is said to be the most successful in the region (Molyneux, 2007), due to the formal changes achieved as regards recognition of the state’s obligation to protect women’s rights. Before analyzing compliance with these duties, it is worth examining what obligations states actually have adopted in the region.

## State Responses

In the four countries studied, the pressure exerted by feminist and women’s movements urging states to undertake legal and other reforms aimed at eliminating violence served as a catalyst for the creation of the WPS. The instauration of a global and regional women’s human rights regime was also an elemental part of the context.

<sup>14</sup> There are now also a number of documents on ‘good practices’ regarding gender, security, and justice, such as the following: Inter-American Commission of Human Rights, 2007; Denham, 2008; Division for the Advancement of Women, 2005; ICCLR, 1999; UNDP and UNIFEM, 2007; and Valasek, 2008. However, they make relatively little note of the WPS.

<sup>15</sup> There are also feminist critiques of the possibility of implementing women’s rights by means of gender mainstreaming strategies. Cornwall et al. (2007) is an example that addresses development issues in general; Whitworth (2004) deals specifically with security issues.



In some countries, government institutions responsible for gender and women's policies were already carrying out specialized programs and working to change public policy and laws regarding violence against women. In Ecuador, the National Women's Directorate (DINAMU) had certain programs, for instance, an emergency telephone line, direct service delivery, research, and training workshops. For its part, the State Council on the Status of Women (CECF), an intersectoral body formed in the state of São Paulo, Brazil just after the return to democracy, had begun transforming public policy. It later participated in negotiations with the Civil Police to define the jurisdiction and attributes of the first WPS, participated directly in the specialized training provided to the policewomen who staffed said WPS, as well as other activities.

(Re-)democratization was a significant event in the context within which the WPS emerged in three of the four countries studied. In Brazil, Nicaragua, and Peru, the changes leading to the (re-)establishment of democracy included reforms to police institutions; as part of this process, the inauguration of the WPS was seen as a measure to improve its image (Peru) or as part of modernizing the institution and signalling its autonomy from the government (Nicaragua). The WPS came into being just before these institutional changes (Peru) or shortly thereafter (Brazil, Nicaragua), with the intention not only of expressing a commitment to women's rights, but also as part of a search for ways to disseminate the new police mandate as an institution serving the public. This was not the case in Ecuador, where democratization had occurred earlier (1978). Furthermore, it must be considered that in Ecuador these are not police stations, but rather justice administration units that are, at this time, still part of the executive branch.

In fact, the initiative leading to the creation of the first WPS in the region came from the state itself. While the Brazilian feminist and women's movement were exerting pressure on the São Paulo state government to respond to their demands regarding violence against women, they had not specifically requested the establishment of a WPS. Instead, it was an idea suggested by the State Secretary of Public Security. Some feminists and the women's movement supported the proposal, but their demands went further: beyond merely punishing violence, they insisted the state should provide integrated direct services – that is, social, legal, and psychological assistance – for women in situations of violence. Therefore, some authors contend the state response was one of “restricted absorption” (Santos, 2008) of feminist proposals.

This early experience in São Paulo had a positive influence on the other countries in the region and other Brazilian states, as it encouraged feminist and women's movements to propose the creation of WPS and governments to respond to these demands. The information (dates and places) on the establishment of the WPS in each of the countries and local sites selected can be summed up as follows:

- In Brazil, the region's first WPS was founded in São Paulo in August 1985. The first WPS in Belo Horizonte, called the Specialized Police Station for Crimes against Women (*Delegacia Especial de Crimes Contra a Mulher*, DECCM), was founded in November 1985. There are now 475 units nationwide.
- In Peru, the first Women's Police Station (*Comisaría de Mujeres*, CM), opened in Lima in 1988. The Villa El Salvador unit began providing services in 2002. There are now 27 WPS in the country.
- In Nicaragua, the first Police Station for Women, Children, and Adolescents (*Comisaría de la Mujer, la Niñez y la Adolescencia*, CMNA) began operations in Managua in 1993. The WPS in Ciudad Sandino was created in 1995. There are currently 37 units throughout the country.
- In Ecuador, the first five Women and Family Justice Units (*Comisaría de la Mujer y la Familia*, CMF) were established in 1994 in Cuenca, Esmeraldas, Guayaquil, Portoviejo, and Quito. The unit selected for this study was the second to open in Cuenca (2004). By 2009, there were 34 of them in Ecuador.

## Legal Frameworks and National Policy

The Women's Police Stations were the first or one of the first state responses intended to combat violence against women in the region. Even today, after several legal reforms and the implementation of various government programs and policies on the matter, the WPS continue to be the most relevant specialized institution in the judicial sector and one of the most important overall.

When the first WPS were created in each of the countries, there was no specific law on violence against women or domestic violence. This means the WPS were established in one branch of the state to punish violence, while other laws, institutions, and even branches of the state, including individual authorities and operators of the WPS themselves, did not recognize violence against women as an issue of the public sphere, much less a crime. In fact, there were even contradictions between the purpose of the WPS and certain legal provisions. In Ecuador, for example, during the first year of existence of the WPS, women could not press charges against their aggressor/husband because the Criminal Procedures Code then in force expressly prohibited complaints to be filed between married couples, between parents and children, or vice-versa. This situation meant alternatives had to be found in order to provide services for women and allow them to file complaints.

Since the foundation of the WPS there have been substantial constitutional and legal changes. However, these may reflect different interests, perspectives, or levels of commitment regarding violence against women, especially domestic violence. All countries signed and ratified CEDAW and the Belém do Pará Convention. For their part, in Brazil and Ecuador, the Constitutions were also reformed to explicitly make violence against women unconstitutional, while in Nicaragua and Peru, the Constitutions make reference only to the physical and mental integrity of all persons. Legislation on domestic violence in particular was passed one year after the founding of the WPS in Ecuador, but not until twenty years later in Brazil. Even after the first legal reforms, it was often necessary to wait for later reforms before domestic violence was included as a specific crime, instead of being charged and tried as a generic personal injury offence. Another important element that reflects a certain perspective on violence and the family is the fact that relevant laws in Ecuador, Nicaragua, and Peru can be applied to any member of the family to a certain degree of consanguinity or affinity. Thus, domestic violence against women is not recognized in a differentiated manner.

It cannot be said that the reforms achieved in defence of women's rights are the outcome of an evolutionary and linear process. Despite the regional and international obligations to which the states are signatory, the political will of any given government – that is to say, the different interests represented therein – has significant bearing on the formulation of public policy and its implementation. At one end, there is the Brazilian experience. Here, the current national government has, over the past five years, introduced a mechanism, policy, and plan to address violence against women in general and support the WPS in particular, including a budgetary increase, where before there was no national policy in place. At the other is Nicaragua, where the current government has yet to convene a meeting of the National Commission of Struggle against Violence towards Women, Children, and Adolescents.

That said, in all four countries, a wide range of programs, policies, laws, and plans have been created around violence against women, with varying levels of impact. There are national interinstitutional and intersectoral commissions that have designed national plans against violence, and there are laws and protocols in both the health and judicial sectors that provide specialized services in cases of violence against women, including dedicated courts. But these experiences are still only partial and their quality and impact have yet to be assessed.

The existing framework of laws and policies indicate that, as a result of these many reforms, significant process has been achieved towards recognizing and defending women's rights so they might gain access to justice, fully exercise their citizenship, and live free of violence. However, the fact that the WPS are still the most important or one of the most important state responses, means that much more must still be accomplished

before states fully implement their commitments in an integrated and comprehensive system that provides all the services, programs, and institutions needed to gain access to justice as well as prevent and eliminate violence against women from a gender and power framework, where the main strategy is to attack this practice at its roots, namely the gender-based discrimination that makes it possible.

### **National Data on the Prevalence of Domestic Violence**

The high prevalence rates of domestic violence provide a critical ingredient as concerns the rationale for this study. The regional average prevalence rate stands at somewhere between 30% and 40% (United Nations, 2009); nevertheless, the gaps in coverage regarding these data indicate there is still a significant degree of silence on the matter.

In Ecuador, Nicaragua, and Peru, national prevalence data exists; in Brazil, similar data is expected to be made available shortly for the first time. Thus far, the only existing prevalence data for Brazil can be found in the Multi-Country Study carried out by the World Health Organization (García-Moreno, 2005), which is not nationwide. It found that in the city of São Paulo, 42% of women who have ever been married or partnered have experienced one or more emotionally abusive acts at the hands of their intimate partners; 27% have experienced physical violence; and 10% have lived through sexual violence at some point in their life. The ENDEMAIN survey (CEPAR, 2004) conducted in Ecuador found that among women who were at one point married or lived with their intimate partner, 41% reported having suffered psychological violence and verbal abuse, 31% cited physical violence, and 12% sexual violence. In Nicaragua, the ENDESA survey (INIDE-MINSA, 2007) revealed that 48% of ever married or partnered women had suffered verbal or psychological abuse, 27% stated they had suffered physical violence, and 13% sexual violence at the hands of their (ex-)husband/partner at some point. Finally, in Peru, the ENDES survey (INEI, 2010) showed that 68.4% of women had at one point been subjected to a form of control by their partner or husband, while 23% had been humiliated in public; 39% reported physical violence, and 8% had suffered sexual violence.

Notwithstanding the advances made in terms of the legal and institutional frameworks, these figures indicate that women continue to suffer domestic violence in all countries of the region. The vast majority of these acts go unpunished, and women who seek access to justice face a host of obstacles. From a comprehensive gender, intersectionality, and power approach, creating frameworks alone is insufficient if these are not embedded in social processes to transform the values, attitudes, and behaviour of authorities and operators of state institutions, as well as social actors, which breathe life into power structures. In the comparative study that follows, the reliability of this statement is tested.

# Chapter I

## Perceptions Regarding Violence and Access to Justice

The analytical framework is applied in this chapter to consider the views on violence and access to justice of the main actors of this study, adult women – both women of the general population and users of women's police stations (WPS) – and WPS operators in Belo Horizonte (Brazil), Cuenca (Ecuador), Ciudad Sandino (Nicaragua), and Villa El Salvador (Peru). It focuses on analyzing the main perspectives and how these are reflected in the perceptions, discourses, and behaviour of the two subjects, and how these perspectives weave or merge together in different ways to create specific meanings of key aspects regarding access to justice. It also examines how these meanings are produced through certain experiences, as well as the possible implications of these perceptions for the defence and exercise of the rights of women in situations of violence. The main argument is the following: *women in situations of domestic violence, the WPS, and other actors have diverse perceptions of access to justice that do not always coincide with formal and institutional conceptions, nor do they always refer to imposing a penalty.*

### INTRODUCTION TO THE PERSPECTIVES

This section identifies the basic elements of each perspective, which will later be used to analyze how these conceptions blend together and change their meaning. The four main perspectives are called: feminist, family values, formal legal/institutional, and informal fairness approaches.

*The feminist conception* is grounded in an integrated gender, intersectionality, and power analysis of violence against women. This perspective recognizes how the variable gender, intersected with other power structures, can create inequalities at all levels and in every social sphere, especially, but not, as exerted by or through the state. These inequalities underlie the different forms of violence against women as well as the obstacles to eradicating this practice. Therefore, an analysis of the WPS from this

perspective is needed so they can contribute to guaranteeing access to justice for women in situations of violence, in accordance with their specific areas of jurisdiction. This perspective identifies state obligations regarding access to justice and the prevention and elimination of violence, while it places women in situations of violence at the centre of the framework in order to stress that solutions based on transforming gender values and power structures must be rooted in a commitment to contributing to women's individual and collective empowerment as subjects of rights. Its aim is for women to live free of violence, fully exercising their citizenship.<sup>16</sup>

*The formal legal/institutional perspective* is based on all the current, relevant legislation and related items. Therefore, it encompasses international and regional conventions on human rights, the Constitution, laws, regulatory framework, and policies related to violence against women. This legal framework governs the performance of the WPS and is the fundamental input for protocols and operating regulations applied in these institutions. Each of the four countries has its own legal/regulatory framework that defines the official route for accessing justice. This perspective is not singular or static in practice; in fact, this perspective is likely more variable than the others, since there can be important differences, and even contradictions, among the concepts stated in the different laws and regulations in the same country, even though all form part of *the* legal/institutional framework. Likewise, this perspective cannot be positioned within one theoretical source or another, because laws and other instruments are social constructions that reflect the interests of those who write, pass, and enact them. In general, laws and other legal texts do not define the causes of violence. The Belém do Pará Convention is used in this study as the basic reference point – especially as the standard for the legal/institutional perspective – because it has been ratified by all four countries included in the study and is legally binding. Brazil's recent law on domestic and family violence against women (Maria da Penha Law) is the only second-generation law in this group, in other words, overall it reflects much of the content of said Convention. By contrast, the relevant laws of the other three countries do not necessarily reproduce fully the stipulations of the Convention.

*The family-values perspective* is perhaps the most traditional and antagonistic to the feminist one. According to this approach, the main subject is the family; preservation of the family unit is of the highest priority, and is placed over and above the rights and interests of individuals (Sagot, 2000), in this case, particularly those of women. Women are considered to be the main people responsible for keeping the family united, as well as the ones responsible for the care and well-being of its members, and they must do so without concerning themselves with their own empowerment or autonomy (Bandeira,

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<sup>16</sup> The feminist conception is further developed in the analytical framework of this study.

2005). From this perspective, violence against women can be understood as a threat to the family unit, not women's rights and integrity. Thus, the objective is to restore unity, and this is the task of all members, especially the wife/mother. From an extreme position, women might even be blamed for permitting this violation of the family, without recognizing her situation of disadvantage, while trying to ignore the violence against her in particular, and minimizing its seriousness and implications. This entails ignoring or delegitimizing the structural causes of violence as well as the practices that sustain and facilitate the impunity of the aggressors, those who have disrespected women's rights. According to a more classic version, the family is located in the private sphere, where it is assumed that power relations do not operate. As such, any conflict is naturalized, and is not considered either a public matter or subject to any law. However, in yet another version of this perspective, the state can be engaged to assist in maintaining the naturalization of the family (Jubb, 2001), as in assigning to the state the role of facilitating family unity through social welfare policies. Further, from this more moderate angle, violence at the heart of the family is unacceptable and the perpetrator may even warrant punishment, but even so, some amount of blame is almost always attributed to the woman. According to this approach in general terms, in a situation of family violence, it is the family that has been damaged; therefore, any solution must lead to reuniting the family and the problem must be dealt with internally. That said, external actors can be called upon to support this process.

*The informal fairness approach* is a mixed perspective that contains elements of both the feminist and family-values conceptions, as well as other meanings. The Peru study identifies it this way:

Users' notions of justice are located on a moral plane. That is to say, they recognize that the ongoing aggressions they suffer are an injustice and they wish to leave this situation. In this sense, the women who go to the women's police station expect immediate and effective services. But effectiveness for them is not focused necessarily on filing a complaint and the consistent start of a judicial process. What women most want is for the violence to stop, or at a minimum, that they be recognized as subjects of rights (Macassi León et al., 2010: 80).

Although there is some recognition of women's rights, as well as the need for violence to be punished, these are not rooted in the formal legal/institutional approach, but rather in an informal or moral conviction regarding what is 'fair' or 'right.' Their vision of 'fairness' is grounded in a harmonious marriage; it covers both the elimination of violence as well as the re-establishment of a united and respectful partnership and family. Consequently, references to women reflect elements of the feminist perspective insofar as the importance of knowing and exercising their rights is emphasized, women are recognized as a collective subject, and violence is considered unacceptable. As regards

aggressors, the concern is stopping their assaults, while at the same time making them see that what they did was wrong and they must not continue. This can be achieved by “teaching” them or even “intimidating” men in the WPS itself, instead of following the formal police/judicial procedures of imposing a penalty, especially imprisonment, because this would put family unity in jeopardy. While this perspective recognizes the relevance of certain services and procedures for their contribution to re-establishing a ‘fair’ intimate partnership, at the same time, this approach may also restrict their choice of options, and thus, the exercise of their rights.

Although some of these perspectives can be analyzed separately from one another in theoretical terms, the fairness approach serves to illustrate that in women’s discourses and actions, as well as those of WPS operators, they are dynamic. First, they are expressed, interwoven, and they converge in countless forms.

It needs to be pointed out that, in this moment, the approaches or forms of conceiving of violence against women analyzed thus far are not expressed in isolation or autonomously. On the contrary, most times these are interwoven or superimposed, or in some way cohabitate within institutions and peoples’ subjectivity, in a dance of contradictions, identifications, and tensions, that hinder the implementation of institutional practices to the detriment of women’s rights (Camacho et al., 2009: 69).

One of the risks of this dynamic is that these confusions may have the effect of reducing women’s capacities or opportunities to live without violence or gain access to justice. Second, in both of these sets of actors show clear indications of change processes, of tendencies towards changing their perspectives can be identified, even though these processes may be extremely complex.

## **WOMEN’S PERCEPTIONS OF THEIR RIGHTS, VIOLENCE, AND ACCESS TO JUSTICE**

The argument advanced in this section is that women – both those of the female population as well as users of women’s police stations (WPS) in each local research site – have limited knowledge and perceptions regarding their rights, which tend to be partial and imbued by a family-values or fairness approach. These have an important influence on the responses they want from the WPS, and especially contribute to shaping a view on punishment and other aspects of justice that do not comply with the legal and regulatory framework. While it can be detected that women’s collective understanding



in the four localities are products of macro-level change processes, transformation in the perceptions of the women interviewed can also be noticed, which occurs through processes of learning about their rights as well as believing in and owning them.

One fundamental fact for assessing their knowledge is the proportion of the female population who has received training or guidance regarding women's specific rights. Of the four sites, only in Belo Horizonte (Brazil) has a majority of women surveyed received training one or more times (53.9%). In the other sites, the percentages were smaller: 42.3% in Ciudad Sandino (Nicaragua), 33.5% in Villa El Salvador (Peru), and 23.3% in Cuenca (Ecuador).<sup>17</sup> At least three relevant points can be made based on these answers. First, a considerable number of women have received information about their specific rights; however, it has only reached an overall average of about a third of the female population of the four sites. In general, it could be argued that this data indicates the results of actions taken in recent years and decades to inform women regarding their rights and current national and international laws. As concerns the relatively higher figures of Belo Horizonte and Ciudad Sandino, these may reflect a greater or more significant presence of feminist and women's movements in both sites, as well as the local and state governments in the case of Belo Horizonte, all of which have publicized information about the relevant laws (Delgado, 2003; Ellsberg, 2000; Pasinato, 2010).

Third, this data can be used to explore if significant differences exist among women regarding who has received information. Their responses show that in each site there are one or more gaps among women linked to the intersectionality of other power structures with gender. Significant differences can be identified as regards age, ethnicity, socioeconomic status, education level, and area of residence; however, none of these gaps appear to be constant in all four research sites. In Belo Horizonte, Ciudad Sandino, and Villa El Salvador, women with higher levels of education have more likely received training one or more times. In Ciudad Sandino and Villa El Salvador, there is a difference based on age group: women aged forty and over have received less information regarding their rights in comparison with women between 19 and 39 years old. In Belo Horizonte, difference on the basis of ethnicity or colour was identified, where white women (according to how they self-identified) have more information or received more training about their rights than mulatto<sup>18</sup> or black women. In Villa El Salvador, women of higher socio-economic status have greater access to information or training. In Cuenca, a slightly greater percentage of urban women has received training one or more times in comparison with rural women, as training events are held rarely in rural areas. Nevertheless, it is

<sup>17</sup> Throughout the regional report, any discussion of statistics or other aspects of the population-based survey carried out for this study are taken from the regional survey report (Jubb et al., 2010). Further analysis of the survey results can be found both in that report and the regional papers (Camacho and Hernández, 2009; D'Angelo and Molina, 2009; Pasinato and Santos, 2009; Macassi León et al., 2009).

<sup>18</sup> Mulatto/a or brown refers to skin colour. It is used to designate someone who is of mixed Afro-descendant and white heritage.

perhaps of greater significance that in this site, three-quarters of women (75.2%) have not received any training on this issue. This data indicates that the inequalities faced by many women in the intersection of gender with other power relations affects not only how they suffer domestic violence, but their access to information. It can be surmised that those with less information will have greater difficulty in exercising their rights, which highlights yet another dimension of inequality.

Women also have limited knowledge of their rights and access to information with respect to the law on violence and the WPS. On the one hand, the vast majority know there is a law on domestic violence in their country: 94.7% in Belo Horizonte, 91.5% in Ciudad Sandino, 82.5% in Villa El Salvador, and 79% in Cuenca. In each local site, more women are familiar with the WPS than they are with the law: 99.6% in Ciudad Sandino, 98.6% in Belo Horizonte, 98% in Cuenca, and 84.6% in Villa El Salvador. This is an indication of the very high level of visibility of the WPS in these four communities, for example, through the media. The relatively lower response in Villa El Salvador can be explained by the fact that another specialized institution, the Municipal Office of the Public Defender for Children and Adolescents (DEMUNA), has been promoted more by the government than the WPS (Macassi León et al., 2010).

On the other hand, when asked in the survey to explain “why the law against violence is useful,” respondents’ answers reveal their partial knowledge of the law and also articulate their perceptions regarding the rights it guarantees. The three most frequent replies are: “protect women from violence,” “help women in situations of violence,” and “prevent violence.” Of all the options, protection was the answer chosen far more than the other options in all four sites: 74.6% in Cuenca, 62.8% in Ciudad Sandino, 62.7% in Belo Horizonte, and 56.7% in Villa El Salvador. Their selection of this answer contrasts with those regarding punishment and restitution. Less than 10% of the women surveyed in all the sites (and less than 5% in Ciudad Sandino), consider that the law is useful for punishing aggressors.<sup>19</sup> They do not either have detailed knowledge regarding the work of the WPS. Only in Belo Horizonte do the responses selected for who can receive services in the WPS and what services it provides are quite similar to their field of jurisdiction. The enormous gap between protection on the one hand and punishment and restitution on the other suggests the influence of certain perspectives, such as those that prioritize staying married.

This information indicates general tendencies across the four sites, as well as specific experiences in each. There is a marked emphasis on protection, whereas punishment

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<sup>19</sup> The percentages of women surveyed who think that “the law on violence against women is useful for punishing men who assault their wives” are: 9% in Villa El Salvador, 8.1% in Cuenca, 6.8% in Belo Horizonte, and 3.5% in Ciudad Sandino.

and reparations are often not a priority for women. The highest response rate regarding protection was found in Cuenca, which could reflect not only the fact that the WPS in Ecuador grant protection measures to the vast majority of users and they do so in a rather timely fashion, but that is widely known by the local population.

The four national reports also underline that the women who visit the WPS do not have much information regarding their rights or aspects of the legal and regulatory framework when they begin their path. "In general, women have little or no information regarding procedures [at the outset] but they gradually acquire [this knowledge] along the way, depending on their needs" (D'Angelo and Molina, 2010: 66). For this reason, they generally do not know all the possibilities available to them, or the limitations, which could affect their perceptions in a much broader sense as well as their decision-making regarding available options. This is partly due to insufficient dissemination of information regarding the work of the WPS, which is mentioned in all the studies, and with greater emphasis in the case of Villa El Salvador.

The meanings women assign in particular to protection and punishment require further attention. When the survey respondents were asked about their motives for going to the WPS in a hypothetical situation of violence, protection was the second most frequently selected answer after "file a complaint" in three of the sites, and the most popular response in Cuenca. The latter confirms the tendency noted above. The in-depth interviews with users further reveal that they seek protection above all in the informal sense of looking for help, more than a particular measure; however, some do mention the protection measures stipulated in the law.

To show their support for me in some way, so the other person can also see the police is supporting me. Because we have this concept that they are the authority, they represent our protection, or getting something stopped (Pilar, age 50, secondary school incomplete, itinerant saleswoman, Villa El Salvador).

But for many of these women, gaining access to justice also means that someone in authority will "lend them an ear," that is to say, will listen to them without passing judgment, someone who will believe what they say –not the aggressor's version – and, above all, someone who will help them to see that they are not to blame for what has happened and they are right in defending themselves. [...] "I wanted them to understand me a little bit at least. I went there [and] I didn't even know what I was going to ask for. But yes, I wanted them to help me, to protect me" (Azucena, age 29, urban area, mestiza, secondary school incomplete, clothes washer / domestic worker, Cuenca; cited in Camacho et al.; 2009: 85-86).

These quotes demonstrate two aspects of protection that are paramount for women. In the first testimony, Pilar is looking for an immediate response directed towards her

intimate partner to stop the attacks, without specifying what type of measure; in the second, Azucena refers to services aimed at the women themselves, and the importance of feeling they are being listened to and understood. Even though formal protection measures are much more accessible in Cuenca, the women there place a great deal of importance on informal responses designed to support them. Although it could be argued that this second aspect (listening) is not explicitly defined in the legal and regulatory framework, the regional standards and the concept of gender justice do stipulate that it is fundamental for women to know their rights and their recognition of themselves as subjects of rights in order to defend and exercise said rights.

The meanings related to punishment are even more complex and also differ from the regional standards, both in terms of the collective understanding revealed in the survey and the individual perceptions of the women interviewed. On the one hand, the survey respondents believe almost unanimously that abuse must be punished “according to the law” when they are asked directly.<sup>20</sup> This almost complete rejection of domestic violence is backed by the fact that more than 90% consider violence against women unjustifiable for any reason, not even if a woman has not taken proper care of their children or has been unfaithful to her partner.<sup>21</sup> On the other hand, in various non-directed questions, punishment is not usually selected as a response option. Furthermore, when asked what kind of punishment should be applied, the answers show that their perceptions do not match the legal definitions in each country. Many of the women surveyed express that the punishment should vary according to the damage caused, or propose sentences that do not involve serving time in jail or are not included in the criminal code (in the case of Nicaragua), such as mandatory community service. This data confirms that women do not know the details of the legal and regulatory framework, in this case, as concerns punishment. It also proves that there is a generalized condemnation of violence against women, but more based on a moral conviction, in the sense of ‘it’s not right’ and ‘nothing justifies violence,’ than in formal, legal terms (Jubb et al., 2010).

The contradiction identified regarding punishment can be understood when placed in context. That is to say, when asked in abstract terms if they are in favour of punishment, women’s almost universal reply is affirmative. But later, when asked if they would file a complaint and want their own partner to be punished in a hypothetical situation in which they themselves were assaulted, their response expresses a great deal of uncertainty. For example, in answer to the question “if your partner/husband abused you, what

<sup>20</sup> The answers to the question “if a man hits his wife, should he be punished according to the law?” are: 98.5% in Ciudad Sandino, 97.8% in Belo Horizonte, 96.9% in Villa El Salvador, and 96.5% in Cuenca.

<sup>21</sup> It should be pointed out that in Cuenca and Villa El Salvador, the acceptance rate of the second reason decreases by about 10% in comparison with the other rationales, suggesting a slightly greater presence of a traditional view on controlling women’s sexuality. See Jubb et al. (2010) for further details and discussion.

kind of help would you seek?" relatively few said they would "get the man arrested" in comparison with their earlier response regarding their views in general or abstract terms: 13% in Cuenca, 19.5% in Ciudad Sandino, 24.6% in Villa El Salvador, and 39.4% in Belo Horizonte.<sup>22</sup> This contradiction points directly to the great distance between discourse and practice. It is particularly relevant when referring to oneself or someone close, since women calculate closeness, their feelings, and other considerations when they decide to take action. As such, this reveals the complexities of women's perspectives, both in moral and formal terms. It is also key to identifying the informal fairness approach, where on the one hand, women defend their own rights, but on the other, do not want to do anything detrimental to their husband. As such, this is an interwoven conception influenced by both the feminist and family-values perspectives.

This interwoven and complex interpretation of how the women surveyed perceive their rights and the punishment of their partner, where one would assume punishment to be highly unlikely, is confirmed by another survey question. When asked "what do you consider to be more important, a life free of violence or family unity?" the answers provided by the female population in these sites clearly demonstrates how these perspectives mix together or confront each other, where in some aspects they clearly reflect one or another of the main perspectives, and in others they blend together (graphic 1).

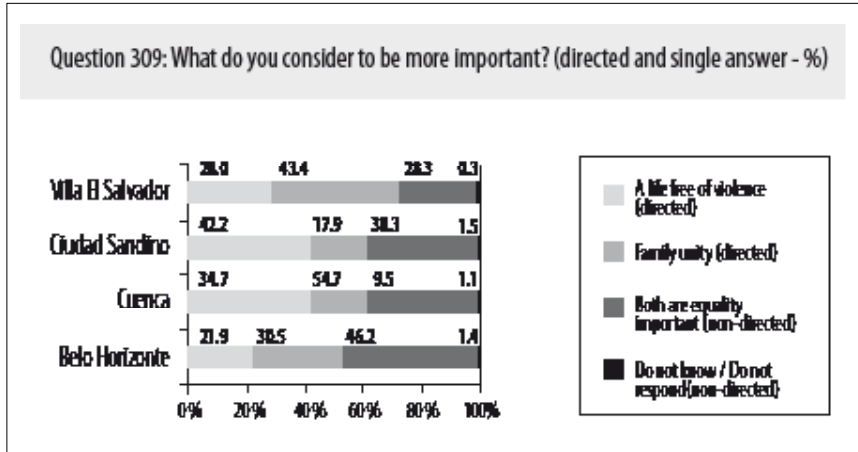
Taking the responses from the four sites as a whole, it could be surmised that the women surveyed reject or question the exclusionary division made when asking them to choose between one of the two options – a life free of violence or family unity – because both are equally important for their personal well-being. This could also be an indirect critique of the assumption that one option or the other needs to be selected, which is rooted in a feminist perspective in particular. Nor does it mean that they think, based on a family-values approach, that family unity must be maintained at any cost, including having to tolerate violence. In effect, their answers show how the women in all four sites assert the possibility of living both options at the same time, or that at least this would be the ideal situation.

This apparent contradiction can also be identified in the discourses and paths of the women interviewed. One way in which it comes to life is illustrated in the popular phrase that refers to finding a solution "the good way." Variations of this phrase are used by WPS clients in both Cuenca and Ciudad Sandino, while a similar notion can also be identified in Villa El Salvador. In other words, women search for a cordial solution through which

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<sup>22</sup> Here and in various questions, the survey respondents in Belo Horizonte select the option of having their own aggressor arrested or filing a complaint much more than in the other sites. This may be explained by the fact that, when the survey was done in Belo Horizonte, the state government of Minas Gerais was carrying out a massive radio campaign designed to encourage women to file a complaint in cases of violence (Pasinato and Santos, 2009).

### Graphic 1: Perceptions Regarding a Life Free of Abuse and Family Unity



Source: Jubb, Nadine, et al. 2010. "Conocimientos y percepciones sobre el derecho a una vida sin violencia y las Comisarías de la Mujer en América Latina: Informe regional de una encuesta poblacional con mujeres adultas." Quito: CEPLAES.

the conflict can be resolved and the intimate partnership can be maintained, without any confrontations and sometimes without involving outside parties. The latter refers in particular to the WPS or other institutions of the police/judicial system, because the man could be arrested or imprisoned. An important part of this kind of solution would involve the aggressor realizing that he had behaved unacceptably, but without ever pressing charges, much less imposing a penalty. On the contrary, "the bad way" signifies a process that probably involves other parties, such as the WPS, and may include or end in hostile or aggressive interactions. It can be said that this expression captures many elements of the family-values perspective. The Villa El Salvador study refers to a similar conceptualization when it points out that sometimes women feel they have committed a "guilty transgression" when they file a complaint or make a public denunciation, for not fulfilling their duties as a 'good wife' (Macassi León et al., 2010: 5). "The good way" and "the bad way" are not just sayings, they are also expressed indirectly in the accounts of many women in all the research sites when they tell of their doubts as regards filing a complaint and seeking a formal punishment, while at the same time wishing to maintain the relationship with their intimate partner.

When many women file a complaint, they do not necessarily seek a formal punishment, instead, this act may have various interrelated meanings. For example, some of them visit the WPS so the operators will carry out an informal proceeding with their partner. They may request one type of measure that is educational and constructive, in which the operators provide him with guidance regarding how he should treat his partner. The other response sometimes requested is a form of punishment not legally sanctioned, but is minor and preventative, such as getting the WPS operator to intimidate their partner or even “teaching him a lesson.”

I wanted them to give him a good scare. In addition, I wanted them to call him in and have a conversation with him, and explain to him that women shouldn't be beaten. [...crying a lot...] Woman, ... I don't know even know how I'm going to be able to tell you this... 'Family is for always, not just sometimes, as you well know.' I wanted them to talk to him and tell him to stop humiliating me and saying horrible things about me (Francisca, age 42, black, primary school incomplete, housewife, Belo Horizonte).

The first time, they should scold him and tell him he shouldn't do that. Arrest him, even just throw him in jail (Marita, age 49, advanced technical degree, promoter, Villa El Salvador).

The two women quoted have made up their mind to put an end to the violence, but they also wish to continue their intimate relationship, albeit with a much different dynamic. It needs to be highlighted that the WPS do not have the authority to carry out the procedure proposed by Marita, that is, preventative detention without a judicial process. In her discourse – and also those of other women – this alternative is not the same as a formal penalty, because it is used as a punishment in the moral sense, or as a way of teaching with an iron fist.

In addition to the popularity of informal measures as an alternative to imposing a penalty, many women in all four research sites associate access to justice with a variety of services. Both in the survey and interviews, the women show that their expectations include a wide selection of responses. For example, those surveyed indicate that if they were in a situation of violence, the five types of support they would most seek are: psycho-social services, legal advice, information and guidance, the arrest of their intimate partner, and removal of the aggressor from the home. It is interesting to note that in three of the sites, psycho-social services are the most frequent responses both as regards what services they would seek in general and those they would particularly expect to receive at the WPS. However, in Belo Horizonte, the arrest of their intimate partner is the most frequent answer, followed by psycho-social counselling.

It is worth taking a moment to consider that both the women surveyed and those interviewed believe the WPS should provide psychological counselling. These opinions indicate their wish to be listened to without being judged, as well as their need to strengthen themselves and reduce the effects produced by the violence. Indeed, these changes are indispensable steps towards making more radical and definitive decisions, such as filing a complaint, obtaining justice, and ending the marriage or intimate partnership.

I believe women should be accompanied. This could be done in the same way it is now, but if a psychologist and a social worker were there [at the WPS] and were by the person's side while filing the complaint – do you know what I mean? – then women would leave feeling much more secure, we would feel more sure of ourselves. Because the fear that one feels when going down the stairs on their way out is tremendous. You have no idea what the fear is like at that moment you walk down those stairs. It's enormous, and that fear keeps on growing day by day, until one Friday, after my appointment at the Forum, they sent me to the [Risoleta Neves Referral] Centre (Claudia, age 44, mulatta, secondary school completed, decorator, Belo Horizonte).

Self-esteem or empowerment can also be linked to the principles of gender justice, citizenship, and other feminist frameworks that demand that women be subjects of their processes. Another aspect of great importance related to this approach and women's perceptions regarding access to justice is their expectation of receiving information. Various women interviewed consider that acquiring information is part of a comprehensive approach to access to justice, in the sense that knowing their rights, the legal procedures, and other available options is the first step towards putting them into practice. "It is important to receive information about women's rights, so you can assess what suits your situation and what doesn't" (Norma, age 48, seamstress, Ciudad Sandino). As such, it becomes of a right in and of itself.

Even though [putting an end to violence] is their ultimate wish, it was observed that women value feeling recognized as part of a community of rights. This involves them perceiving they have been treated with compassion, listened to, and validated (Macassi León et al., 2010: 79).

Based on the interview testimonies and survey opinions, it can be interpreted that women seek a variety of responses all broadly associated with justice or access to justice. As such, many of them consider that justice has been done if they receive different forms of "support," without necessarily categorizing these responses as protection or punishment, but where the accent is placed on responses aimed at strengthening themselves as subjects of rights. In this sense, it can be said that their expectations reflect more the feminist perspective than the formal legal/institutional framework. For this



reason, the Peru report points out that the women interviewed want to be part of a community, a collective subject, and they look for support to exercise their agency as citizens, even if they express these expectations using other terms. From this point of view, arresting the aggressor is useful, not only as an initial penalty, but as a first step towards protection – both in the sense of formal measures to stop the abuser, as well as the multiple interventions whose purpose is to strengthen the women themselves.

Only a few women express that they want a formal penalty to be imposed on their abuser, and the analysis of their testimonies shows that the type of penalty they consider to be appropriate depends both on their expectations regarding the relationship with their partner, as well as the information they have about their rights and whether they believe in and own them.

As can be seen, users' expectations regarding punishment are diverse, depending on the level of empowerment and what stage in life they have reached at that moment (Macassi León et al., 2010: 81).

This finding in Villa El Salvador is confirmed by the analysis of the women interviewed in Cuenca, which identifies two sets of women who are more likely to follow the judicial process towards a formal penalty. On the one hand, a few are young adults and, on the other, middle-aged women who have already gone through various moments along their paths to gain access to justice (Camacho et al., 2009). Even though the other national reports do not specify similar groupings, they all argue that the women's testimonies provide evidence of change processes at the individual and societal levels.

One reason that may generate a change of perception may be related to the situation of violence itself. That is to say, many testimonies demonstrate women's preference for coming to an agreement with their abuser 'the good way,' until they consider the danger faced by themselves and/or their children (if they have any) to have become so great that they are forced to change strategies.

What we lived through with him started almost five years ago, but we only got married recently, a year ago next January. After two years he started assaulting me. He abused physically and it was always the same, he would come at me with his fists... I wasn't sure about going [to the WPS], I wasn't sure because of my son. But it finally got to the point that I couldn't take it any more [one day my husband came home drunk with a gun and started shooting], so I went there [to the WPS] to see what it was like. I only have one son, who's 5 years and 7 months old, and the separation, which just took place two months ago, really affected him a lot. If he [my husband] changes, I would go back to him (Norma, age 23, urban area, mestiza, primary school completed, artisan, Cuenca).

For Norma, the meaning of family protection changed. She separated from her husband and visited the WPS for the first time, precisely in order to protect herself. Even so, as often happens, she still hopes to build a new life with him, without the violence, if he were to change.

By contrast, other women have made up their mind to seek a judicial sentence and formal penalty for their abusive partner. They are motivated to take this course so he knows his actions will not go unpunished, or in their words, because the aggressor must “pay” for what he has done.

For so long they haven't been able to resolve anything. I'm tired, but at the same time I find the strength within me. I tell myself, 'no, I am going to see this through to the end, and that man will be left with an experience to remember that he can't go around messing with women' (Ada, age 43, Ciudad Sandino).

He always felt he was like a god, like a person who was above the law. And since up until now he hasn't been punished... [But] he did it, he made a mistake. He committed a crime and he is going to have to pay for it. That way, at least, he will feel the law on top of him. That's what he has to feel (Gabriela, age 40, white, university graduate, administrative employee in a private firm, Belo Horizonte).

Their discourses show they are still motivated by what they consider to be fair – which they now perceive in both moral and formal legal terms, through imposing a formal penalty – because it is important for them to see the aggressor punished in order to rectify his behaviour. In comparison with those who want their partner to learn how to treat their wife through a ‘chat’ or a ‘fright,’ these women put greater emphasis on the aggressors’ responsibility to the community. In Ada’s testimony in particular, her view hints at an analysis of unequal power structures based on gender. She and others no longer seek a minor and immediate intervention from the WPS. Instead, in both cases cited, the violence has ended and the women have separated from their partner; therefore, access to justice has become an objective in and of itself.

## **THE WPS PERSONNEL’S PERCEPTIONS OF VIOLENCE AND ACCESS TO JUSTICE**

The perceptions of Women’s Police Station (WPS) operators, which they express on a daily basis in their interactions with users, prove that the formal legal/institutional perspective is interlaced with elements of the family-values conception, and in a few cases, operators demonstrate a ‘strategic and compassionate support’ approach, which

has certain features in common with the feminist perspective. While some changes towards greater assimilation of the formal legal/institutional perspective can be noted, in general, their discourses provide evidence that considerable discretion is permitted in the personnel's attitudes and behaviour in all four cases.

The legal and institutional framework in each country reflects the regional standards in different ways and degrees,<sup>23</sup> although compliance on paper is greater in Brazil than in the other countries, following the passage of the Maria da Penha law and the harmonization of the rest of the legal and institutional framework with it. What is also relevant for WPS users is how these standards, laws, and regulations are understood and applied by the personnel who serve them. In all the sites, what stands out is how the personnel's behaviour does not always fulfil the stipulated standards and laws.

In the women's police station [...] the lack of standardization of services [...] creates various obstacles to women being able to gain access to justice and rights. This lack of standardization is worsened by the lack of training [of WPS operators] from a gender perspective, which further reinforces the coexistence of different conceptions of access to justice and who has the right to have rights (Pasinato, 2010: 56).

Usually the family-values perspective is blended together with the legal/institutional approach, although the combinations and expressions vary among the WPS and from one operator to the next. In general, the situation in Belo Horizonte (Brazil), where the family-values perspective has a much weaker presence, can be distinguished from the other three sites, where both its expression and influence are greater. In Belo Horizonte, the family-values conception is transmitted less and in more subtle ways: there are few direct messages communicated to users that reinforce the importance of keeping the family united. What was observed is that sometimes users are asked if they are sure they want to file a complaint. They are told that if their partner is sentenced, afterwards this would appear on his police record and would be sent to potential employers when applying for a job. Users are also asked how they intend to provide for their children if their partner is in jail. Both of these comments refer to many women's economic dependence on their intimate partner.

There [in the WPS] the officer told me that I could file a complaint, right? But his name would be placed on a list, right? And then it would be hard for him to find a job and things like that, .... that I couldn't take it back. It's not that I wanted to renege, but I didn't want him to suffer any negative repercussions as regards finding a job and other things. And she told me that was the only way out available to me. Then I said, 'if that's the way it works, then I will file

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<sup>23</sup> This topic is analyzed in the regional mapping study (Jubb et al., 2008).

a complaint.' But then she said to me, 'you better think it over' and so on, ... 'taking this matter into consideration.' That's when I resolved to find out if there was another alternative (Betina, age 50, white, university graduate, journalist and public relations, Belo Horizonte).

Despite the family-values perspective being communicated more gently, it had a big impact in this instance: for better or worse, Betina did not insist on filing a complaint that day and never went back to the WPS.

In Cuenca (Ecuador), even though it is not common, more direct family-values messages were detected, as well as considerable variation among operators. One of the women interviewed who had been to the WPS in the past – and who had a good experience during her recent visit – commented as follows: “in my case, justice wasn't done. They believed him more; they took his side.”

Based on observing activities in the WPS [in Cuenca], it was found that some of the operators have perceptions in which certain representations and ideas prevail about the family, women's duties, and gender roles. As reported by other studies of the WPS in Quito (Torres, 2006), this has a negative influence on the ways operators act when they receive a complaint from women victims of violence, insofar as they draw on this uncritical vision to privilege the supposed well-being of the family and the children over women's rights (Camacho et al., 2009: 86).

Both in Villa El Salvador (Peru) and Ciudad Sandino (Nicaragua), it was found that the family-values perspective has a much stronger presence overall than in the other two sites. The Peru report points to the implications of this approach for women, in that it repositions them and the violence they suffer in the private sphere.

Nevertheless, the discourse they articulate regarding violence creates a certain identity for women. It tends to homogenize them as a naturally oppressed group, which makes it difficult for them to identify and build their capacities to confront the violence. This is a reflection of the continued presence of patriarchal understandings in subjective frameworks, which, as a consequence, creates serious difficulties for understanding the counter-meanings transmitted through the actions, or lack of action, taken by women (Macassi León et al., 2010: 16).

Sometimes they become very abrupt and scold you, saying, 'yes, because it's your fault. Because we already told you, so you already knew. Why did you take him back, why did you go back if we were helping you? He can't do anything for you. We are your friends and we're here to help you' (Elsa, age 30, collector for a lending institution, Ciudad Sandino).

In Ciudad Sandino, the WPS chief stated that women who are not sure whether they want to file a complaint are transferred to a specialized centre to receive psycho-social services and raise their awareness. However, several users explained that if users do not articulate a viewpoint that completely matches the legal and regulatory framework – for example, if they decide to ‘abandon’ a complaint – operators tend to blame them or even revictimize them.

Some operators in both Villa El Salvador and Ciudad Sandino impose similar categories on users based on a family-values perspective towards marriage. They place the users in one of two categories: the relationships ‘where there’s no more love’ – thus, the personnel are more disposed to receive these women’s complaints for domestic violence – and those where ‘there’s love,’ according to the operators.

There are two types, depending on what situation the marriage is in. If the marriage is already over – because there are people who are too brave, and sometimes have resisted the aggressions for a very long time – then even their children, who are already grown up, will tell them, ‘you have to separate already.’ But there are couples who have just gotten married and they want to be brave. So, as they say, they need the persuasion of the WPS so it won’t happen again (Policeman, WPS, Villa El Salvador).

In this context, “being brave” appears to indicate that these women still have not suffered enough violence or they have not yet exhausted all efforts to try to save their marriage. If they are placed in the second category, which is applied especially to youth, women find it much harder to file a complaint. In these cases, it is the WPS operators who promote or even insist on the application of an informal type of intervention to maintain family unity, or in the case of Ciudad Sandino, a formal mediation. These procedures exclude a formal penalty in both instances, and thus, contribute to maintaining a high level of impunity.

The different forms in which the family-values perspective limits women’s access to justice can be specified even further. For example, these classifications imposed by some operators must be contrasted with the importance attributed by WPS users to knowing and exercising their rights. Such thinking on the part of operators, imbued with the family-values perspective, makes it unlikely they will treat women as subjects of rights. Therefore, this viewpoint constitutes a barrier to operators being able to effectively defend women’s rights, which in turn impedes users from exercising them and seeing justice done.

Another way in which this attitude impedes access to justice is by underestimating the violence women suffer. As such, the operators may not adequately assess the risks involved or the urgent need to be protected felt by many women, which partially drives them go to the WPS.

I think that in one way or another, women take advantage of the WPS to file a complaint, even when they haven't really been abused. That's why I say that women often come here to get a protection measure as a way of saying to their husband, 'you'll see. I've got this now [an immediate protection order], so you better watch out.' So no matter what situation they're in – I couldn't tell you – since the women have it [the protection measure], they think it will stop [the violence]. But I don't believe it's true (Male Clerk, WPS 2a, Cuenca).

While the Cuenca study reveals that formal protection measures are indeed not always effective in practice, the discourse of this operator indicates implicitly that several operators prioritize punishment over protection. They may even call the women themselves into question, and their reasons for going to the WPS, if they are not committed to pursuing the procedures for punishing their abuser from their initial visit.

In several operators' discourses, numerous justifications can be found for blaming the women themselves for the violence. They question users regarding why have come to the WPS if they are not in a 'real' situation of violence, or because they are not 'serious,' since they have not made up their mind to file a complaint or continue following the official route. They do not take into consideration the pressures and various other factors that may make users doubtful or indecisive, which include the following: fear of more violence; economic dependence; lack of support; the weight of certain social beliefs or dictates; feeling responsible for the attacks; thinking that violence is 'normal' or that women, being mothers, are responsible for raising violent men and submissive women. Many of these beliefs, especially the last, recognize gender-based power relations, albeit in a distorted manner.

These revictimizing arguments constitute "filters" (Pasinato, 2010) that WPS personnel apply with the effect of limiting women's access to justice and WPS services. Another filter, found in Belo Horizonte and Villa El Salvador, blocks access to justice for women assaulted by their ex-partners. In the case of Belo Horizonte, this is a generalized practice, even though it contravenes the current law. In Villa El Salvador, WPS operators justify this filter by citing difficulties in applying the law if the couple had a common-law relationship and there were no children. In these cases, it may be difficult to provide evidence of the relationship itself, and thus, prove the assault was an act of family violence as defined by the law. Another tactic that limits access to justice is the use of a discourse that sidelines a gender analysis and instead blames drugs and alcohol abuse, or economic problems, for the violence.

Well, the causes, from what I usually hear, are related to the economic factor. There isn't enough money to make ends meet. [...] 'He asked me for something and I said there wasn't any money. He got upset and he assaulted me.' Normally, that's why they come here, because she asked him for money for something – maybe for school – and just like that, the attacks start (Policewoman, WPS, Villa El Salvador).

By identifying these triggers as causes, not only do operators ignore the roots of violence against women as set out in the regional standards, but this can even be used as an extenuating circumstance or excuse to not carry out the procedures that may lead to the aggressor being convicted, especially if the penalty could include imprisonment. This used to happen frequently in Brazil, before the current law came into effect, particularly in cases of narcotics and alcohol abuse (Pasinato, 2010). In all of these cases, the aggressors' responsibility for their actions is ignored.

Two other filters applied in the four research sites relate to psychological violence and the women's socioeconomic class or education level. As regards psychological violence, notwithstanding any limitations that may exist in the legal and regulatory framework itself with respect to applying a criminal penalty – especially to prove a psychological injury – it was found that some users' right to file a complaint was hindered or denied. It was also noted that certain women have easier access to WPS services than others. These tend to be able to better articulate their rights because of one or more of the following reasons: they have a higher level of education, are of middle or upper class, and/or go to the WPS accompanied by a lawyer. This is by no means a formal rule, but the experiences observed and recounted in the research sites indicate that some of the people working in the WPS still have viewpoints influenced by certain gaps or prejudices in this regard that limit their performance.

Even though the family-values perspective is still frequently articulated, explicitly or implicitly, through the attitudes and behaviour of WPS personnel, it is not applied uniformly or universally. There are a few operators, especially in Belo Horizonte and Cuenca, who are convinced of the need to dedicate whatever time it takes to explain to women their rights. For example, the head of the Cuenca WPS considers it is very important ...

... for [women users of the WPS] to really understand they have a right, and they have to defend this right through justice-sector actors. [...] They do not perceive that their rights have been violated (Male WPS Authority, WPS 2a, Cuenca).

Defining the fundamental contradiction between treating women this way and from a family-values perspective is of strategic importance. Those operators who take a 'strategic and compassionate support' approach, as illustrated in the previous quote, are conscious both of women's ignorance of their rights, as well as the implications for women being able to defend them and gain access to justice. They are personally committed to contributing to women's process of recognizing themselves as subjects of rights, as citizens with agency to assert said rights. However, operators with a family-values perspective, or those who impose one of the various filters discussed above, do not recognize either the different forms of discrimination faced by women or the unequal power relations that sustain domestic violence.

The presence of these different approaches to domestic violence is an indication that the WPS and their personnel are immersed in various change processes. One operator in Villa El Salvador made reference to the historical context of (re-)democratization in which the WPS of Brazil, Nicaragua, and Peru first emerged, as well as the transformation at all levels from a state security policy to one of citizen security, peace, and women's rights.

All these myths regarding violence are engrained in those of us who are members of the armed forces. Unfortunately, this military school was only useful for the antsubversive struggle. It wasn't useful to me at all; on the contrary, it made me ruder, more ignorant, and caused me a lot of damage with my partner. Changing my behaviour is really hard, and it still is. Sometimes I fall off the wagon, but I'm still trying to make it through the process (Policeman, WPS, Villa El Salvador).

This operator's change in attitude and behaviour is reflected in another change found on a more general level in all four WPS in the current context: acknowledging domestic violence as a serious social problem.

The efforts made by WPS operators to try to understand the issues related to domestic violence must be highlighted. [...] Many are indignant because of the very serious situations of assault they come face-to-face with every day, as well as the injustice provoked by the inefficient system of justice, even if this is often not evident in their practices. This is due to the fact that, just as they recognize some important elements of violence, such as power and cultural-relational factors, their perceptions of reality are heavily influenced by a family-values perspective, while their actions are limited to those stipulated in the legal and regulatory framework. Both of these weaken their reflections regarding a conception of rights (Macassi León et al., 2010: 76).

Although individual WPS operators with a 'strategic and compassionate support' approach were not identified per se in Villa El Salvador and Ciudad Sandino, a few were designated as having similarly named approaches in the other two sites.

At the same time, it needs to be highlighted that a generalized change was found in the Belo Horizonte WPS and its personnel's performance, as a result of government policy aimed at a more consistent application of the Maria da Penha Law. While there is a greater presence of regional standards in this site, limitations were also demonstrated, particularly with respect to supporting women to self-identify as subjects of rights.

Flowing against these currents, some negative changes were also detected regarding how operators treat users, in that they tend to blame women for not following the judicial process.



In time, working in the WPS loses its mystique, because you put in a lot of effort into some cases so they will make it all the way [through the system and the aggressor is convicted], and also to help the victim. But you get discouraged when you see that she has suddenly lost interest (Chief District Prosecutor, Ciudad Sandino).

This loss of motivation could be a consequence of various factors that shape operators' work at the WPS: the influence of the family-values perspective; a lack of self-care or counselling service; feeling they need to protect themselves from a problem that is hard to manage; frustrations that arise from not being able to provide users with the services they would like; a sense of disillusionment produced by the minimal effects of their work; low salaries; criticism from their colleagues in other police divisions;<sup>24</sup> being overloaded with work; and inadequate infrastructure, among others.

Taken as a whole, the variety of changes in operators' perceptions proves that the WPS are immersed in a macro-level "political" process (Slater, 1998) of strategic relevance, one that is played out in large part through operators' interventions with users.

## FINAL CONSIDERATIONS

This exploration of how the main perspectives on violence and access to justice can be identified in the attitudes and/or behaviours of women in general, WPS users, and WPS personnel, demonstrates the complex dynamics that contribute to explaining why the regional standards – or gender justice – are still not applied systematically in the women's police stations (WPS).

While the feminist, family-values, formal legal/institutional, and informal fairness perspectives can all be distinguished from one another in theory, it is difficult to identify them in a pure or isolated manner in everyday practice, which is the focus of this study,. The various conceptions are almost always mixed together, fused, or interwoven in multiple ways in people's perceptions and actions, even though they may not always be coherent, or could even be contradictory. Grasping the perceptions of WPS users and operators is fundamental to understanding how they interpret violence and what actions they decide to take in response.

The influence of the family-values perspective – including through the informal fairness approach – as well as other filters not necessarily directly associated with reproducing

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<sup>24</sup> One example of the criticism and discrimination that WPS operators may face at the hands of their police colleagues can be found in an internal analysis of the Nicaraguan WPS (Torres Silva, 2002).

unequal gender structures, creates obstacles to gaining access to justice, especially punishment. Among the various critiques of these factors in the national reports are the following: they weaken women's capacities, they make women's process of believing in and owning their rights more difficult, they create a "contradictory citizenship" (Santos, 2008), and they lead to the state's lack of compliance with their obligations regarding these matters.

Change is a fundamental aspect of the perceptions of both WPS personnel and users. Processes of transformation have been identified in which many users interviewed are moving towards believing in and 'owning' the regional and international standards for women's human rights – including elements reflected in the gender justice framework – even if the results thus far may still be superficial or interwoven with a family-values or fairness perspective. Changes underway or already made by WPS operators have also been demonstrated, where these are mostly directed towards greater influence of the formal legal/institutional perspective or a formal/feminist rights approach. While in Belo Horizonte, considerable movement is being made towards a generalized application of the regional standards through the Maria da Penha Law, in all the sites (including Belo Horizonte), considerable discretion is still observed in operators' perceptions, as well as in individual and institutional change processes in the WPS, where these shifts were mostly detected towards a formal legal/institutional or feminist perspective, but occasionally also lead to greater influence of a family-values or other approach that limits the defence of women rights.

The following chapters will analyze how these perspectives influence the discourses, decisions, perceptions, and behaviours of both WPS users and operators, as well as their consequences for the defence and exercise of women's rights.

## Chapter II

# Paths Followed by Women to Eliminate Violence and Gain Access to Justice

According to the official routes in the four countries studied, women's police stations (WPS) are the main entry point into the police/judicial system. In the preceding chapter it is suggested that the paramount goal of women living in situations of violence who opt for going to a WPS is to put an end to said violence, and not necessarily gain access to formal justice or see the abuser punished. Therefore, it can be surmised that the official route does not necessarily coincide with the paths taken by women in situations of domestic violence. This chapter describes some of the key moments along the paths taken by most of these women, with a view towards analyzing how their paths are moulded by perceptions regarding justice and violence, the situations they face, and the various factors that influence their journeys and may facilitate or hamper progress. It will be argued that *the paths taken by women are different and are related to the opportunities and options they have, such as using the WPS, other institutions, or their support networks, in order to leave the violence and/or gain access to justice.*

### KEY MOMENTS ALONG THEIR PATHS

Several key moments have been identified along the paths of the women interviewed. Notwithstanding the variety and complexity of each woman's trajectory, the analysis undertaken at each research site and the comparative study reveal a number of aspects they have in common. Some can be found along the paths of almost all women, while others are taken by only a few. The first moment is usually a period during which the women suffer violence and resist in silence. Then all move through the stage in which they break the silence and seek help. The third moment experienced by all the women interviewed consists of going to the WPS as part of their search for a way out of the violent situation. It must be noted that opting to go to a WPS was one of the criteria for selecting informants, but is not necessarily a step taken by all women who have experienced violence in these localities.

In addition to these moments, there are other important elements regarding their roads. Two distinct moments can be identified in the paths of many of those who decide to file a complaint and follow a judicial procedure. During the first visit to the WPS, many women seek support and protection; only a few intend to file a complaint and complete the judicial process. Later on, during one or several subsequent visits, they may decide to file a formal complaint and have the aggressor punished. The research shows that the women who take this step have undergone an internal transformation, usually due to a change in their points of view and self-perception, followed by another and possibly more dangerous episode of violence, and/or because of the guidance received at previous points. Their interactions with other specialized institutions or services are another important moment experienced by many women. Changing their perceptions, a non-institutional step taken by many of those interviewed, partly entails rethinking their ideas regarding marriage and the family, as a result of which, some women break up with their husband/partner, an action frequently taken to protect the children. It must be stressed that women do not experience all these moments in the same manner, or in the same order of events. Nor are the factors that exert an influence before, during, and after these processes the same for all women.

The moments and factors highlighted as key or common were not predetermined, but rather emerge from analyzing the narratives of the women interviewed for this study. The term *moments* is used to reinforce the message that these are fluid and dynamic, and do not occur at particular or predetermined points in time.

### Initial Well-Being

It is essential to begin the study of these women's paths at the 'before' moment, when they lived "at peace" with their partners. However, the violence began for many women relatively early in the relationship, often during the first year. Still, they all identify an initial moment when all was well.

At first, life was a bed of roses. They'll move heaven and earth for you. [...] Things changed after I had my daughter (Alicia, age 26, washes and irons, Ciudad Sandino).

As in Alicia's case, there is always an initial period when the women do not imagine they will become victims of domestic violence. In all the research sites, there was a diversity of experiences regarding the length of time before the onset of the aggressions. In Belo Horizonte (Brazil), the period before the violence lasted for different lengths of time. The shortest was that of a woman whose happiness lasted only as long as her wedding day.

All of these women mentioned a “change in behaviour” in their partners compared to the beginning of the relationship. In Cuenca (Ecuador), the period before the violence was usually relatively short: some women said it started only one or two years after the relationship began. In Ciudad Sandino (Nicaragua), the violence often begins sooner, shortly after the couple starts living together, which can be linked to a number of circumstances. The Nicaraguan report points out that some adolescent women marry men many years their senior, which may have contributed to a situation of even more pronounced imbalance of power than usual. In the case of Villa El Salvador (Peru), some of the women noticed the inequality in the relationship from the outset.

### **Living in a Situation of Violence: Resisting without Breaking the Silence**

From the very first episode of violence in the relationship, women seek ways to stop it. This moment may last months or even years for many women, because although they take steps to try to end the violence, they do so in an isolated manner, without telling anyone what they are going through. Their perceptions concerning domestic violence and gender roles contribute to this, as do their interest in protecting their children, the fear of provoking even worse aggression, the shame they feel for being a victim of domestic violence, the absence of support from their personal network of family or friends, and other barriers.

The experiences narrated by the protagonists are very diverse, and thus, it is not possible to estimate an average length of time during which the women suffer violence in silence. However, for most women it is rather long. The maximum periods identified in the experiences of those interviewed were 21 years in Cuenca, 25 years in Belo Horizonte and Ciudad Sandino, and one case of 30 years in Villa El Salvador. It may be assumed that these relationships are not violent throughout this moment.

One aspect that characterizes this period is that the violence increases in dangerousness and frequency over time. Many women in the four countries describe situations of psychological violence that may include disrespect, insults, blackmail using the children, humiliation, and other forms of aggression. For some women it starts with only psychological violence; for others, the violence is physical from the beginning and gradually becomes more dangerous. On occasion, in addition to direct physical force, men will use knives or firearms or threaten to use them, as some women noted in Belo Horizonte, Cuenca, and Ciudad Sandino. Few women disclose having been sexually abused by their partner. It is very difficult to establish how many women were subjected to this type of violence, since this practice is silenced even more than other forms of

violence because of social taboos, and in turn, women very rarely file complaints for this form of violence.<sup>25</sup>

One of the factors that explains why women 'put up' with the violence has to do with how they conceptualize their experience. For example, women are not always able to identify their situation as one of violence, let alone that their rights are being violated.

Sometimes it takes a woman a while to take action because of her perceptions regarding the situation. Perhaps for her the violence isn't as unacceptable as we would like. Sometimes it's as a result of providing the victim with treatment or support that she begins to understand this sort of [violent] behaviour is unacceptable. Some people live in settings where there is a lot of violence, so they come to see it as natural (Public Defender, Defence of Women's Rights Unit – NUDEM, Office of the Public Defender, Minas Gerais, Brazil).

This official makes it clear that some women have learned that violence is a part of life, as a result of experiences with their family or in the community. Some women who suffer psychological violence also have difficulty identifying it as such, and in general are only able to do so when it intensifies or is accompanied by physical violence. In Belia's account it is clear that while she knew the way she was being treated was wrong, at the beginning she decided to ignore it and not react, until her partner began to abuse her physically.

I mean, Miss, when he insulted me I paid no attention. I began to pay attention when he started dragging me around and grabbing me by the hair. And I wouldn't let him grab me by the hair (Belia, age 39, secondary school complete, itinerant saleswoman, Villa El Salvador).

The failure to recognize violence as such is usually an unconscious self-defence mechanism. This does not mean women consider the behaviour normal, since in general they try to stop it, although their measures may be minor or subtle. Sometimes, when they go to the WPS or other institutions or services, users must face questioning as to why they did not act from the very beginning or why they accepted such treatment. However, the women's testimonies indicate their silence is due to the many obstacles – internal and external – which they face given the lack of information regarding their rights and available services. The Belo Horizonte report points out that some women do not visit a WPS or other institutions because they associate the 'problem' with issues such as jealousy or alcoholism. Thus, they attempt to solve those troubles, which they

<sup>25</sup> This study did not include a process to detect the domestic violence experienced by informants. Rather, it was left to the women to decide whether and what they wanted to reveal concerning their experience with violence. In another recent study carried out in Villa El Salvador, 40% of the women had suffered sexual violence at the hands of their partners, although only 8% filed a complaint (Manuela Ramos Movement, 2007).

consider to be the root cause of the violence, rather than factors that trigger the aggression. For instance, if they associate domestic violence with drugs or alcohol consumption, they try to resolve the addiction, not the violence itself: “Gabriela first sought treatment for her husband, and only went to the police after she received death threats” (Pasinato, 2010: 78).

Another reason found in all the research sites that makes it difficult for women to break the silence, and leads them to continue finding ways to ‘put up’ with the violence, is the dominant meanings of masculinity and femininity that circulate among them. One of these is that it is the responsibility and duty of every ‘good’ wife and woman to do everything possible to make the relationship run smoothly. The Belo Horizonte study shows that only when women are able to definitively break with this ideal are they able to seek out a person or institution/service for help. Otherwise, they stand by their commitment to remain married their entire lives.

It is important to take into account an apparent contrast between the pressures felt by the women interviewed in the four research sites and the answers given by those surveyed. Ninety percent (90%) or more of women surveyed did not justify violence under any circumstance, meaning that almost all women are of the opinion that nothing warrants violence. However, the women interviewed, i.e. those who have experienced violence, do not respond as they had expected, because of the confluence of a number of factors, among them the social pressure to stay in the relationship. It is likely that the tension is even greater at this point, when women keep quiet about their situation and do not have the support or guidance of other people or organizations. The Villa El Salvador study noted something similar: it maintains that most women in situations of violence do not recognize themselves as subjects of rights; however, they place considerable emphasis on what they consider to be ‘fair.’

It would appear that for many of the women interviewed, protecting their integrity and living free of violence do not constitute rights they can enjoy autonomously when they are in a relationship or rights they are entitled to, and thus, have the possibility and authority to demand. For these women, life, integrity, and liberty are secondary, while the fantasy of continuing with the collective family project takes precedence (Macassi León et al., 2010: 41).

In this moment, it seems the thoughts and desires of many users reflect the perceptions of those surveyed regarding the need to build a new harmony – preferably ‘the good way’ – in order to live at peace with their partner. Therefore, they attempt to reconcile a dual expectation: living without violence while maintaining the relationship. Their belief that preserving the nuclear family is the ‘right’ thing to do hinders them from seeing this as a matter of rights in the strict sense, as defined in the law and regional standards.

The pressure to maintain the relationship and continue being a 'good' wife also occasionally comes from the women's personal surroundings. The paternal guidance received by Florencia further shows how the family-values perspective may contain religious messages.

"Dad, it's going badly with him. [...] He insults me over small things. I ask him a question and he shouts at me. [...] I don't feel good; I don't want to stay married." And he would say, "listen, my daughter, this is what marriage is like. Jesus said, 'take up your cross and bear it.'" "Alright, Dad, I'll follow your advice" (Florencia, age 38, urban area, mestiza, high school completed, teacher, Cuenca).

Women's fear of experiencing greater violence and that others may also be at risk is a factor that affects all women's paths. They are scared that after filing a complaint, their partner may retaliate against them, their children, or other family members. Without a doubt, fear may paralyze and thus influence many women to decide not to file a complaint, and instead take actions designed to avoid, stop, or reduce the violence.

This is reflected in the narratives of the women interviewed. Although they know of the WPS, many women cannot bring themselves to go there at first because they do not know what to expect from such a visit, among other reasons. This points to another crucial factor that shapes their paths: their limited knowledge concerning the law, existing institutions, and the services provided in their communities. This situation was demonstrated in women's replies in the population-based survey, as well as the in-depth interviews.

My little children just stood there, frightened, traumatized, and my neighbour from across the street would say, 'go file a complaint.' I would answer, 'they won't pay any attention to me.' And she would insist, 'yes, they will' (Susana, age 34, advanced technical degree, provides cleaning services, Villa El Salvador).

Susana's testimony makes clear not only how crucial it is to have access to information, but also that it must be transmitted with a message of support to help women overcome their fears and doubts. Seen from a different angle, some middle-aged women in Cuenca thought, "they won't do anything" (Camacho et al., 2009: 109), because they had gone to the regular justice administration units before the specialized ones were created, where they had not been treated adequately, or were revictimized. In Belo Horizonte, this distrust can be explained partially by the news women hear about police violence.

Even with all these restrictions and the isolation they feel, women try out multiples ways or strategies to bring an end to the violence, usually without openly denouncing it. Some of the responses have to do with changing their behaviour to avoid their partner's violent reactions. For example, some of the women in Cuenca began by avoiding conflicts and



maintaining an open dialogue, in the belief that if they could only end the immediate motives for the violence, it would not continue. Along the same lines, the Belo Horizonte study argues that many women attempt to resolve whatever they think triggers the violence. For example, if they think that the aggression is a result of their partner's alcohol abuse, they will seek help from centres or support groups that specialize in addiction.

I tried to help in different ways. I participated in support groups for drug addicts, and several options I was told about, evangelical churches, spiritist ones, even the Catholic church. I tried every path, but nowhere could I find the cure for his disease. Because, in reality, it was his disease, and so it was he who had to find the cure, right? I tried to take him places, but I couldn't convince him. Until I finally got tired" (Gabriela, age 40, white, university graduate, administrative employee at a private firm).

As Gabriela says, some women also take recourse to churches or religious groups in search of spiritual support for their partners or themselves. This situation is also common among women in the canton of Cuenca.

The narratives of the women interviewed prove that they do not live through this moment passively, but rather try to implement diverse strategies in order to eliminate the violence, changing tactics depending on their effectiveness (or lack thereof) and their objectives, in an ongoing exercise of trial and error. One factor that motivates some women to change their tactics is the feeling of being overwhelmed by the violence and thinking their search for a solution has been in vain. In Belo Horizonte and Cuenca, a very small number of women even tried to commit suicide – or at least thought about doing so – as they could not find a solution to the problem. This is also an extreme way of expressing that they feel responsible for finding a way out of the situation. Perhaps at the other extreme, some women decide little by little that they can take it no longer, while they wait for the man to change. So these women begin to strengthen themselves internally and opt for other possibilities, including leaving home. If they do so, they almost always take the children with them. The research done in Cuenca and Villa El Salvador finds that some take temporary refuge with friends or family, while in Belo Horizonte it was reported that a few of the women decided to escape permanently from their homes and the violence.<sup>26</sup>

Although the women live in silence, they almost never tire of searching for a solution. Even if some still do not conceptualize their situation as one of violence and/or a violation of their rights, many of their responses are permeated in certain ways by the situation of

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<sup>26</sup> It was found that women also seek refuge with friends, family, or other people – or at a women's shelter – at other moments along their path.

violence and the impact of myths about violence and family-values beliefs. Some of the concerns that keep them stuck in this situation are the following:

What would happen to them if I file a complaint?' 'What will happen to me?' 'What will happen to the family?' 'My child will go without food, right?' 'I'm going to end up alone.' 'Society will blame me.' Many of these things still persist, and this is where we need to make them understand that these are all just myths and beliefs (Lawyer, Emergency Centre for Women, Villa El Salvador).

Further, there is a small number of women who give short shrift to such fears. To the contrary, right after the first episode of violence, they decide to separate from their partner, talk to someone they know, or seek help at a WPS or other institution. In Cuenca, it is mostly young women who seek out the WPS to file a complaint immediately, usually accompanied by someone who is close to them. The Ecuador team posits that this may be proof of the positive impact of the struggle for change undertaken by the feminist and women's movement, as expressed in this transformation of behaviours and discourse (Camacho et al., 2009). However, in the other research sites, no specific factors could be identified that might differentiate women who break the silence and seek help at the first sign of violence.

While at the beginning, most women live through the violence alone and in silence, the discussion above gives rise to concluding that "women who suffer domestic violence are not passive victims; to the contrary, they are actors who are constantly resisting, searching and struggling to try to stop these situations" (Camacho et al., 2009: 117), and this constant search for an effective solution leads them to eventually break the silence.

### **Breaking the Silence and Seeking Help**

There are two elements or signals that mark the transition to this moment. In general, the women interviewed decide to break the silence when the violence intensifies and poses a threat to their physical integrity or that of their family. They also realize there are other ways of changing the situation: new opportunities become available to them and they decide to test them. This option is an outcome of the failure of their previous efforts to solve the problem, or because they acquire better information regarding alternative ways to stop the violence. In other words, they respond to the increase in violence by reinforcing and expanding their efforts to put an end to it.

Almost all women reveal their painful experience first to someone close to them, because they need to share their feelings and get advice and support. Most of those interviewed

turn to their mothers, another close relative, or friends and neighbours. In Cuenca and Villa El Salvador, all of them went to see someone they trusted, while lesser numbers of women did so Ciudad Sandino and Belo Horizonte.

In other circumstances, the situation of violence itself induces others to provide emergency protection, especially neighbours, who when they find out what is happening, either intervene directly to stop the aggressor from continuing to assault the woman or call the police. The following narratives tell of the support offered by neighbours, in one case by offering her shelter in their home and in the other by encouraging her to report the violence to the WPS.

Yes, my neighbour would come and save me. I'd leave running, because sometimes he would chase after me. [I'd] knock on her door and she'd let me in (Malena, age 43, advanced technical degree, promoter, Villa El Salvador).

My neighbours [and] my friends, would always say, 'go to the women's police station, they will help you.' And so, when one feels desperate, one runs out and goes there (Norma, age 48, seamstress, Ciudad Sandino).

There are few cases in which women do not turn to someone they know well, an option chosen mostly by the women in Belo Horizonte. They stated it was preferable not to talk to someone they know before going to a WPS or another institution, as they felt ashamed or feared reprisals on the part of their partner.

So as not to not get the family involved, and also not provoke more fights and disruption, I decided to get the police to act, because I know these are people he's not going to want to get into physical fight with. [...] I don't like the idea of getting anybody else involved in this because of the fighting itself, and because I've already been through two deaths in the family, both violent, ... So I try to avoid involving other people in this conflict in my relationship (Kátia, age 28, mulatto, university student, unemployed, Belo Horizonte).

Kátia's account illustrates some of the difficulties that impede women from sharing their experience of violence, sacrificing their own needs and thereby losing a possible option for receiving support and getting out of the situation of violence.

A determining factor in this moment is the reaction they receive from the person they talked to about their situation. Often the women receive firm support, as shown in the Ecuador study. In this site, most women received comfort and backing from the person or people they confided in, who became their bedrock for the duration of their paths. However, in all the sites, there were also cases of women who did not get the assistance

they were looking for. They were 'advised' to 'hang in there,' and in some cases were even held responsible for the violence, or told the aggressor's actions were justified.

I didn't know what to do. I went to my mom's house, but she wouldn't listen to me. She'd say, 'you wanted this life, you know what you have to do to fix it.' I didn't know what to do; I couldn't find any other support. So I decided to be strong (Belia, age 39, secondary school completed, itinerant saleswoman, Villa El Salvador).

Not finding help, being blamed for the situation, or being encouraged to tolerate the violence: these are all responses that leave the women unprotected, which in turn discourage some from continuing on their chosen path. However, in other cases, such as Belia's, it forces them to strengthen themselves and find a different means of moving forward.

Unlike what happens at the other three sites, the testimonies of the women in Cuenca reveal that they decide to first seek support from a priest or a social assistance organization not specialized in violence. The women visit them in the hope they may be able to bring about a change in their partner's behaviour. Subsequently, or in parallel fashion, they also turn to family, friends, or neighbours in search of support.

The responses received by the women in the four research sites may be reinforced by messages transmitted in society at a macro level that reflect the political processes surrounding the struggle to eliminate violence. On the one hand, these can be messages that reproduce family-values or other myths regarding violence against women (such as in the sensationalist media), which may serve to hinder women from filing a complaint. On the other, the messages may reflect the formal legal framework, a rights-based approach, or the feminist perspective (for example, the campaigns to commemorate November 25<sup>th</sup>, the International Day for the Elimination of Violence against Women). These have the effect of encouraging women to learn more about their rights and/or denounce their situation. For example, it has been shown in Belo Horizonte that there is an increase in complaints filed at the WPS after officials appear in the media.

The quality of the support and guidance received during this period will either close doors or open new horizons and possibilities, because many women in the four countries initially follow the advice received from those close to them or professionals, although perhaps not immediately. The effect of receiving guidance that does not contribute to the exercise of their rights influences many of these women to decide not to risk looking for other ways out of the violence, and they may even backtrack in their search for alternatives. However, many women do receive support in their bid to leave the violence behind. They are advised to go to a WPS in numerous cases, and may, on occasion, even

be accompanied there to file their complaint. In Belo Horizonte, it was found that this advice helps some women to change their perception of the 'problem,' which can lead to them changing course (Pasinato, 2010). The Ciudad Sandino report indicates that through this support the women became aware of the dangerousness and injustice of their situation.

The information, encouragement, and support received by most women makes them gather the internal strength necessary to undertake other, bolder actions to end the violence, in spite of their fears. They constitute 'informal' ways of helping women in situations of violence become the protagonists of their own processes.

### **Their First Visits to Women's Police Stations: Protection, Guidance, Support, and Public Denunciation**

It is perhaps at this moment when the paths taken by women differ most from the police/judicial route, especially as regards who, when, and with what aim they visit the WPS. According to the testimony given by the vast majority of women interviewed, there is a significant difference between their 'first visits' and 'subsequent visits,' specifically with respect to their purpose. When women go to the WPS for the first time, the motive of almost all of them is to stop the violence. Therefore, they seek protection, information, or dissuasive mechanisms so that their partners will stop the attacks.

One discrepancy between the police/judicial route, the perceptions of the women surveyed, and the testimony of WPS users has to do with the point at which women in situations of domestic violence take their first step and where they decide to go. The official route begins at the WPS (as the only alternative or as one among two or three possible entry points into the system, depending on the country), and consists exclusively of moving from one institution to the next in a progressive and linear process. In the collective understanding of women detected in the survey, the WPS are also perceived as the first step into the justice system. When asked about where they would go if they found themselves in a situation of domestic violence, the most frequent, non-directed reply in all four research sites was that they would go to the WPS.<sup>27</sup> Given the high percentages, it might be assumed women would start off by visiting a WPS, but in practice – and in accordance with the majority opinion expressed in the survey – before going to a WPS and following the official route, they first seek help from their personal networks.

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<sup>27</sup> The percentages of women who state they would visit a WPS if they were a victim of domestic violence are as follows: 88.3% in Ciudad Sandino, 80.1% in Belo Horizonte, 75.6% in Cuenca, and 46.2% in Villa El Salvador.

Notwithstanding the discourse or intentionality expressed in the survey, once women are actually in a situation of domestic violence, they react quite differently. A comparison between prevalence data for domestic violence and WPS records of complaints (Camacho and Jacomé, 2008) reveals that many women do not file a complaint. That said, it was found in Cuenca, Ciudad Sandino, and Villa El Salvador that the WPS are indeed the first specialized institution on the paths of most women interviewed. In turn, in Belo Horizonte, few visit the WPS first, as most go to other specialized institutions or services, or other police stations. In all cases, women make up their mind to go to the WPS because they consider they have exhausted the actions they had been taking in silence and isolation, they have found limitations in non-specialized professionals or services,<sup>28</sup> or they accept the suggestions made by members of their personal network to go to a WPS. They often make this choice when the violence worsens yet again.

In the narratives of the women interviewed in Villa El Salvador, other reasons emerge to explain why almost all women go first to the WPS. One is that it is accessible, open 24 hours, and centrally located; another is that it enjoys a positive public image. Finally, women trust the WPS and believe they will be treated well, in part because the operators who register their complaints are women.

There are several explanations as to why some women decide to go first to another specialized service or the regular police rather than the WPS. One of these, particularly in Belo Horizonte, is its limited geographic and/or temporal accessibility; thus, women often go to the nearest open police station that can provide the service when needed, including protection when they are in danger. In Ciudad Sandino, some users also go to a regular police station when the WPS is closed. Another reason given in Belo Horizonte is that some women have more access to other sources of information – for example, an information hotline and/or the Internet – than in the other sites and decide to make use of them. Another factor mentioned in all four case studies is that not all women have confidence in the WPS, for one reason or another, for instance, they had gone there before and were not satisfied with the service.

The second main difference between users' paths and the official route relates to the purpose of visiting the WPS. While they all go there to gain access to justice, most seek protection to stop the violence, not a formal penalty. Their understanding of protection does not necessarily coincide with established measures and procedures. Even though the women have not only broken the silence but decided to seek an institutional way out of their problem, their actions are not always oriented towards exercising their rights in the legal sense. Rather, they are guided by an informal understanding of fairness, in

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<sup>28</sup> This reason refers specifically to the paths of women interviewed in Cuenca (Camacho et al., 2009).

which the family-values perspective is interwoven and expressed, among other ways, in their desire to return to the moment of initial well-being, in other words, put an end to the violence while continuing to live with their partner. "It would be nice to live without violence, to be relaxed with him" (Camacho et al., 2009: 110). Yet at the same time, the violence has worsened for most of them, and thus, they seek immediate measures to protect themselves.

When the attacks got really serious, I was at the point of losing my life. I remember once he almost beat me to death. [...] That's when I went [to the WPS]. I went to get an immediate protection order, so my partner could no longer assault me. I asked that he not be allowed near me (Renata, age 29, urban area, Cuenca).

They never come here the first time. Up to now I don't know a single one who came in after just one beating. I think someone once told me it was the second time and for another it was the first; the rest come in after many years of abuse. [...] This is alarming, because I've had elderly women in here, women who had suffered violence for thirty or forty years (Lawyer, Free Legal Clinic, Ministry of Justice, Villa El Salvador).

Women's testimonies reveal that many file a complaint during these first visits for a number of reasons, which tend to bear more resemblance to a public denunciation than a step towards a formal punishment. Their first incursions are shaped both by their perceptions and lack of knowledge regarding their rights and available options. Therefore, they often request some form of justice, punishment, or protection that can be understood as informal, in the sense that they do not fully reflect the terms of the law. As for filing a complaint, many women do so because it is a mandatory first step towards obtaining a protection measure (except in Peru), or in order to start other procedures. In general, they do not want to follow the formal process, get a verdict, or see their partner arrested or punished according to the law. A Nicaraguan woman put it as follows: "at first I was angry, because I didn't want them to arrest him" (Alicia, age 26, washes and irons, Ciudad Sandino). There are also cases of women who want the abuser punished, but not necessarily jailed. Rather, they prefer he be sentenced to do community work or pay for the damages.

One of the main reasons for going to the WPS at this point in time – the need for protection without ending the relationship – is also reflected in the women's search for informal solutions. At all research sites, some of those interviewed seek protection by means of "compassionate listening" (Pasinato, 2010), which makes them feel supported and understood. They also want to be protected by actions taken by the operators in regards to the aggressor. Many women come to the WPS and request services that are not part of the formal legal and regulatory framework, with the aim of getting their husband/

partner to stop being violent towards them, the children, and relatives. Some expect the WPS staff to 'educate' their partners by means of conversations, in which they explain to them how to treat their wife/partner. Others want the abuser to be scolded or intimidated by the potential use of force or the authority represented by the police. At the same time, some women – and/or WPS operators – also seek protection by way of formal procedures; however, they want to be able to both end the violence and maintain the relationship at the same time. In Cuenca, an example would be requesting and obtaining an immediate protection order to shield them from further episodes of violence. Once they have such an order, they can call the police to come and arrest the aggressor, even if they are still living together. Another example of a formal measure designed to both protect the woman and keep the couple together is mediation, what can currently only be legally applied by the police in Nicaragua.

Another reason for visiting the WPS is to seek information regarding their rights, formal procedures, and other services available. Some women want information on how to request child support or demand their partner fulfil his obligations to the children. The Ciudad Sandino study notes that some women file to gain custody of their children, repair any material damage, or to get a divorce. The procedures related to their children also reflect a concern for their well-being and protection from physical and economic violence.

There are also additional factors or pressures that make it so women remain with their partner while at the same time seeking protection from his acts of aggression, such as a lack of independent material resources, for example, in order to raise the children on their own and/or pay for transportation to undertake the required procedures; fear of retaliation; and for some, the absence of family support. In certain cases, the family dynamic of support and/or pressure changes once the family becomes aware of the seriousness of the violence suffered by the woman.

The responses women receive from the WPS and their effects contribute to determining the next decision they will make, as well as whether they will return to the WPS or not. The discussion has referred to 'first visits' because even though users usually receive formal and/or informal protection and the effects are positive, said effects are often only temporary, as can be seen in the Ecuador report.

Although these expectations are almost never met, the 'shield' may well attenuate (space out) the episodes of violence, but does not stop them entirely ... Faced with this situation, the women say they used the immediate protection order several times over, and in a few cases had their partner sent to prison [although they later regretted it and some requested he be released early], and/or requested new measures to protect them from their aggressor, which was generally a restraining order (Camacho et al., 2009: 110-111).



The dynamic of the situation in Cuenca is similar to that found in the other cases. For this reason, some women return to the WPS one or more times to request the same measures, as they hope that the next time, these will continue to be somewhat effective. As a result, they may decide not to continue (temporarily or permanently) along the official route to see a penalty imposed on their aggressor, because they have already achieved their, namely to reduce or stop the violence. Many women return to the WPS more than once without wanting to see their partner punished, which is why the term 'first visits' is used in plural form.

If the actions and attitudes of WPS operators do not fulfil the women's expectations, or the procedures do not lead to the expected result, their effects tend to be negative, since they may limit the actions the women can take to put an end to the violence in their lives and/or gain access to justice. If the violence becomes more dangerous, the women will require more protection. If they do not receive the expected response, this could have as an effect that, in the worst case scenario, the women decide not to go back to the WPS or other institution for a long time and return to live with their abusive partners, which could jeopardize their integrity. The most common reasons for not returning to the WPS are: the women believe they will not be served, they do not feel they have the right to assert their rights, or they know their partner will ignore the WPS summons. Another element may be that they learn of other options available and decide to change course.

In sum, depending upon how the women perceive the response received at the WPS, they may opt for one or more alternatives: to continue the formal process until a verdict is reached; interrupt the formal process temporarily or permanently; or go to a different entity to continue their effort to end the violence.

### **Visits to Specialized State and/or Civil Society Services**

An important moment along women's paths is their visits to the various available services, whether offered by the government or a civil society group, which provide specialized services on matters concerning domestic violence. Some of these centres attend to women and their children only, while others provide services to women in situations of violence, but not exclusively (for example, university-based legal aid clinics).

This point along their paths may occur before or after they visit a WPS for the first time. In Belo Horizonte, some of the women interviewed began their institutional route at one of these specialized entities. This aspect of the paths of women in Belo Horizonte differs from the others. For example, in Ciudad Sandino and Villa El Salvador, most women sought specialized services after having gone to a WPS. In Cuenca almost all women went

first to a religious entity or non-specialized social or legal services before visiting a WPS. They only went to specialized entities when referred to them. This is usually so because before going to a WPS, most women in these three sites do not know of the existence of specialized services other than the WPS. This was confirmed both by WPS users and the survey of the female population.

According to the women interviewed, the following are the services most sought after when visiting these centres: guidance and information on their rights and procedures for different legal measures; being listened to; and receiving psychological services and legal advice or representation. In some cases, when the violence has become extremely dangerous, they may go to a women's shelter on their own or receive a referral from the WPS.

The responses received by the women interviewed at these other entities also have important effects. By going to one of these centres, they expand their horizon concerning the options available to them and learn more about their rights, which may influence their decision to look for help via these services, continue with the formal WPS procedures, or select yet another option. Some women decide to follow two or more processes at the same time, while others may decide to change course, particularly if they are not satisfied with the results – or lack thereof – provided by the WPS.

The WPS sent me to [the Ministry of the Family], and from there I was sent to the Office of the Public Defender. I filed a complaint, did all the paperwork, and they told me quite clearly that if I didn't 'stay on top of things,' nothing would happen. And that's exactly how it was... I let things go until June, and then I filed a petition for child support so he would send money for my daughter" (Sonia, age 27, washes and irons, Ciudad Sandino).

In addition to requesting child support in order to achieve a tangible result, several women also do so because they feel this will have a more direct impact on their lives. Some see it as a way of forcing the men to take responsibility for their paternal obligations; others consider it a means of punishing them by making them 'pay,' instead of demanding a formal measure of restitution or compensation.

If the women feel they are getting support from these centres, they will return several times, be it to follow a particular process or for general accompaniment. It is likely that by means of these services, they will begin to recognize themselves as citizens who are conscious of their right to have rights, much as occurs with those who receive good quality services at the WPS.

What this shows is that visits to these entities may open up more options and opportunities for women to put a stop to the violence. Depending on their case and expectations, they may use the most adequate and accessible of these. Among the various available possibilities, several women make the decision to go back to the WPS in order to file a complaint and follow through with the formal procedures towards punishing the aggressor.

### **Subsequent Visits to the Women's Police Stations: Seeking a Judicial Verdict**

'Subsequent visits' to the WPS take place when women decide to press charges against their partner and see the process through to a verdict, which may include a jail sentence. Few women take this position the first time they visit the WPS. Therefore, most informants who made that decision had been to the WPS and/or another specialized institution or service one or more times; during the process, something also changed in their personal situation. This decision is usually the outcome of a number of factors, such as an intensification of the violence, with its consequent risks for the women themselves and their children, the support of a relative (housing, money, work) so as not to have to depend on their partner, or acquiring information that is more closely adjusted to her situation and objectives.

WPS users go in search of all types of information, guidance and support, because leaving the situation they find themselves in is their main concern, all the more so when they expect the solution to be quick and effective. Filing a complaint may be a second step and be determined by the quality of services provided and/or the levels of education, information, and empowerment of the user (Macassi León et al., 2010: 51).

The most common transformation in this moment is that women acquire an understanding of violence and access to justice that places more emphasis on elements from the formal legal/institutional and feminist perspectives or a 'strategic and compassionate support' approach, and has less influence of the family-values or informal fairness conceptions. This demonstrates the importance of the processes experienced with the support of specialized professionals or institutions, as these facilitate women's own processes of strengthening their capacities, so they begin to see themselves as subjects of rights and are willing to exercise them.

Even in those cases in which women intend to complete the judicial route, the processes often do not conclude or reach the sentencing stage for a variety of reasons. Among these are that the violence has stopped, the couple ended their relationship, or because one of the

obstacles was insurmountable. Nevertheless, some women are willing to continue the judicial process even after the violence has ended, despite all the obstacles they must overcome.

## **FACTORS THAT INFLUENCE THE PATHS OF WOMEN IN SITUATIONS OF VIOLENCE**

The discussion above points to several factors that influence the decisions made by women along their paths to ending the violence. This section addresses some of the personal, cultural/ideological, structural, and social elements that shape this path, while the next chapter looks at the institutional aspects. The numerous variables that affect the different moments in women's process may be positive or negative, and their degree of influence will depend upon the options and resources they have at their disposal. This study shows that these factors are dynamic, as are the paths taken by abused women.

### **The Intensity of the Violence**

The partner's exercise of violence and its effects are omnipresent along women's paths, although over time there may be fluctuations in the intensity or the type of aggression. Likewise, women's perceptions and attitudes towards it also change. While some of their actions have more or less positive effects in terms of diminishing or temporarily stopping the attacks, the women interviewed usually end up by repeating the actions until they are no longer effective and the women decide to try another option.

Two years after we started living together, he attacked me and I didn't do anything. Then about four more years went by and he did it again. That's when I told him to leave the house, that I wanted to separate, and for him not to worry about my son because I also work. He said he would go, that was in December [they had been married for five years]. Then on a Friday and he came home drunk and had a pistol. He took it and started to shoot, so I had to hide with my son because it was terrible with the shooting, I mean, he could have hurt me or my son. Then I called the police and I had him taken to jail. There had been episodes before with the pistol, but not to such an extreme. That was the limit, so I said, 'no, no more like this.' That was the first time I reacted (Norma, age 23, urban area, mestiza, primary school complete, artisan, Cuenca).

This testimony illustrates the tendency found regionally, namely that tolerance of violence ends when it passes certain limits or becomes more dangerous. So, in several cases, the

silence and conciliatory strategies change and the women decide to end the relationship by separating, taking refuge with a friend or relative, or going to a women's shelter. Then, the women interviewed, buoyed with more knowledge and ownership of their rights, opt for more decisive measures and strategies, such as requesting a restraining order to keep the aggressor away from the house, or continuing with the judicial procedure.

## **Women's Perceptions**

One factor that influences women's decisions and paths are their perceptions regarding the problem, themselves, and their rights. These tend to change based on their experiences and knowledge acquired during their journey to stop the violence. It can be argued that the macro-level struggle (national, regional, global) for the guarantee, defence, promotion, and exercise of women's rights to live free of violence also operates at the micro level along the path chosen by each woman. In general, the study found that at the beginning of their journey, many women let themselves be guided by interactions influenced by the family-values perspective or based on an informal fairness approach, although some women's decisions reflect the formal legal/institutional or even feminist perspective. There is a greater presence and knowledge concerning the latter perspectives at the beginning of women's paths in Belo Horizonte in general, by young women in Cuenca, and to a lesser degree overall in Ciudad Sandino and Villa El Salvador. This would seem to reflect increased access to information about their rights. It was also found that some women change their viewpoint as concerns protecting the family, such that they decide to introduce a formal complaint at the WPS. The perceptions of the operators and professionals they meet along their path, as well as the members of their personal network, also have an impact on the course they take.

## **Idealization of Marriage and Rupture of the Relationship with the Aggressor**

Many of the women interviewed at the four research sites underwent a significant change in their perception of marital relations and the importance of maintaining family unity at all cost. This is a transformation that allows them to end the relationship with their partner at some point and leads them to decide to file a complaint and continue the judicial process.

It seems that the separation shores up their resolve and bolsters their decision to proceed along the judicial route. However, the opposite also can be true, meaning that as long as women continue to believe in the ideal of marriage, it is difficult for them to decide to continue the formal process until a verdict is reached. While many of those interviewed

broke up with their partners, this does not mean that all of them do, or that making such a decision puts a definitive end to the relationship, or that all women want to see their (ex-)partner punished. It is worth pointing out that, in a very few cases, WPS users in Belo Horizonte refused to be interviewed, stating that the violence had ended and they had a good relationship with their intimate partner (Pasinato, 2010). The narratives of the women interviewed reveal that only a few separate from their partner before going to the WPS, while those who continue in the relationship often return to the WPS to have informal interventions repeated in an effort to stop the attacks, as they did during the 'first visits,' without filing a complaint or following a formal process.

### **Support and/or Pressure from Members of the Women's Personal Network**

All of the WPS users interviewed, as well as those queried in the population-based survey, noted that they sought or would seek support from their mother, as well as friends, neighbours, or other relatives. The response they receive from these persons is key to any decisions made later on. There are different ways in which the people close to them may react: emotional backing, support to help change their perception of the situation, material and practical aid (for instance, by offering a temporary shelter or new home, accompaniment to the WPS or another service, and information about available services, among others. However, not every member of their personal network always supports women along their paths seek protection and a way out of the violence, filing a complaint.

### **Self-Defence**

One moment in the process of some informants in Ciudad Sandino, Cuenca, and Villa El Salvador consists of a physical response when under attack. In some cases, as in Ciudad Sandino, the women try this tactic before going to a WPS; in others, such as Villa El Salvador, they use it only when they do not get an appropriate response from the WPS and therefore feel frustrated and impotent.

I always reacted. I never just let him, I 'sonofabitched' him right back and tried to defend myself. But it's useless, they're stronger, and I'd get beaten (Mercedes, age 25, worker in an export processing zone, Ciudad Sandino).

Mercedes's testimony points out two important aspects of self-defence. On the one hand, it is a practical way in which some women question being subjugated to their partner. On the other, it can be used as evidence to cast doubt on the myth of physical fights between

couples as being mutual or on an equal footing, which is manifested in expressions such as 'they like to go at each other' or referring to these as 'domestic disputes.' Instead, they should be seen as the expression of unequal power exercised by the man against the woman, where the woman, as the victim, reacts in order to defend herself.

Whether self-defence is an effective response in the long run is not clear. In Cuenca, women reported that the results were never positive, either because there were reprisals or the women were questioned or revictimized by outside parties. The Villa El Salvador report cites another study which found mixed results, ranging from stopping the violence to increasing it (Macassi León et al., 2010: 51).

### **The Intersection of Gender and Other Power Relations**

The narratives provided by women in situations of violence testify to how the various power structures intersect with gender to augment the barriers they run into and/or reduce the possibility of finding adequate solutions to their situation. Most of the obstacles faced coincide with the imposition of myths that naturalize unequal relations between women and men, for example, when some of the women are barred from filing a complaint. The power structures that were shown to have the most influence on women's paths are gender, ethnicity, place of residence, age, social class, and religion.

A determining aspect that impedes many women to leaving a violent relationship are *socioeconomic factors*. Women who do not have their own income or economic autonomy depend on the man to provide for the family's basic needs, in particular those of the children.

We needed [money] to buy food, to live, to subsist, and since I didn't work at the time, I also had to wait for whatever he said. That's why I'm telling you, often it's good that women work outside the home" (Marita, age 49, advanced technical degree, promoter, Villa El Salvador).

In this regard, lack of a job, a home in her own name, or money to pay indirect costs associated to the judicial process may hinder women's efforts to leave the situation of violence or carry out any formal procedure. However, once the women decide they can no longer expose themselves or their children to the violence, one of the measures some of them take is to find a job or an alternative source of income. Without a doubt, having an independent income contributes to achieving independence and peace of mind for the women and their children. Nevertheless, it must be pointed out that having the capacity to leave a violent relationship cannot be reduced to resolving women's socioeconomic situation. Rather, the women need to influence in some way the underlying gendered

power relations that are the ultimate cause of the problem. An example of this is the women who had their own source of income, but were unable to break up immediately with their partner, and thus, lived their situation of violence in silence.

Another way in which socioeconomic dependence may affect women's path is that this situation may be used by family members or the women's husband/partner to put pressure on them. They may threaten to remove them from their housing, take away belongings, or not provide the necessary resources for family subsistence. In essence, this is blackmail and constitutes an act of economic violence.

It may be assumed that the *race or ethnicity* of socially excluded groups (indigenous and Afro-descendant populations) will be an additional constraint to gaining access to justice (different language, world view, culture) in cases of domestic violence. However, none of the studies was conducted in territory with a significant presence of indigenous peoples and/or marginalized ethnic groups. This is an issue still pending, to be studied in future research. In any case, as pointed out in the Ecuador study, there is a popular saying in that country – “justice is only for men in suits and ties” – which condenses the presence of gender, ethnicity, and class power structures. These may converge, and thus, increase their impact on women who are poor and from discriminated ethnic groups. In the same text it is noted that “within the logic and cultural codes of indigenous and rural women, justice is not necessarily regulated by formal legal codes or entities” (Camacho et al., 2009: 107). Therefore, indigenous women in Ecuador who suffer violence often go to community entities governed by customary law.

Age usually is related to women's knowledge, belief in and sense of ownership of their rights. In Cuenca, young women are the least silent and tolerant of aggression, and those who most tend to go to the WPS after the first episodes of violence take place.

I think the creation of the WPS and the introduction of a law, has indeed led to a change in women's mentality. Now women say, ‘wait a minute, there's a law, men can't hit women anymore.’ [...] One overhears mothers saying, ‘had I known this existed, do you think I would have let him beat me for so long?’ So now there are many recently married young women, and they are the first to go and get an immediate protection order, because they won't put up with violence” (Coordinator, Interinstitutional Network for Direct Services and Prevention of Domestic Violence – RIAP-VIF, Cuenca).

In fact, the results of the survey in Villa El Salvador indicate that women between the ages of 40 and 49 have the least amount of knowledge concerning their rights as compared to younger age groups (Macassi León et al., 2009). For their part, in Ciudad Sandino, Cuenca, and Villa El Salvador, some of the women in this same age group told of the bad



experiences in the past when they went to a regular police station, before the WPS were set up. Their narratives include comments to the effect that the creation of the WPS are a significant step forward, despite their limitations, while noting at the same time that there have been important changes over the past few decades regarding perceptions on domestic violence in general and women's rights in particular.

The influence of *religious beliefs* in the decisions taken by women appear in the testimonies of some of the women interviewed, who point out that one of their most important motivations to stay in the marriage was their faith or hope there would be a 'change' in their partner, as well as the desire to not contradict the dictates of their religion.

In 2001, I went to the WPS for the first time, because my husband was treating me really badly. I got an immediate protection order . . . it had to be renewed each month, and so the time went by. He would come to me 'the good way' along with my relatives and they would try to get me to [reconcile]. He would say he was going to behave, and so yes, I believed him. I thought, 'after all, he's my husband, I have to trust him. He's got to change, I'm married before God.' Therefore I didn't separate, so as not to commit a sin. Imagine, I've been putting up with this for 19 years. So many things he's done to me, so much harm (Yazmín, age 38, urban area, indigenous, primary school complete, domestic worker, Cuenca).

Yazmín recognizes the damage of having tolerated the violence for so long, and her religious beliefs as one of the reasons for having done so. Her testimony shows how these beliefs may reinforce the subordination of women, as well as the family-values perspective. But also, as some of the informants related, above all in Ciudad Sandino and Cuenca, there are relatives or other persons who the women are close to that appeal to religion when giving advice, or convey messages regarding finding a way out of the violence but without breaking up the family or marriage, and thus, inhibiting the introduction of any formal complaint and/or legal action. Nevertheless, it must be recognized that there are various positions on this topic within the different churches. For example, the shelter for battered women in Cuenca is run by the community outreach program of the Catholic Church, which works from a 'strategic and compassionate support' approach.

### **Access to Information**

As has been noted earlier, when the women break the silence, one of the most critical barriers they face is their reduced access to information regarding their rights, procedures, specialized institutions, and the services these provide. Although the survey shows that almost all women know that the law punishes intimate partner violence, they do not know its contents or scope in any depth, nor what specialized entities exist in their

communities, or what services are available at the WPS and what their jurisdiction is. This lack of information can generally be noticed in the narratives of all women interviewed. This is likely one of the reasons why most women go to a WPS, as it is the best known by the population. The exception would be Belo Horizonte, as it was found that the women there have access to more sources of information and they tend to seek out other possibilities before going to a WPS. In Ciudad Sandino, the WPS records show that only 22.9% of women who visited the WPS in 2008 filed a complaint. This suggests that many of the women go there mainly for the purpose of requesting information on what can be done to stop the violence.

The limited amount of information available to women, especially at the beginning, contributes to complicating their paths towards justice and the elimination of violence. It also causes uncertainty. Yet another effect may be that their paths are not linear, for example: users may go back to the WPS one or more times; they may stop going because they cannot find an effective solution; they may drop out of the process altogether; or they may get frustrated and remain for an even longer time without fully exercising their rights, a situation that may expose them to greater violence. The opposite may also occur, as is stressed in the study on Belo Horizonte.

In their narratives, the women also reveal that the obstacles can be more easily overcome insofar as they gain confidence with each step they take and acquire information regarding their rights and the possibility of living free of violence (Pasinato, 2010: 81).

Acquiring this information is not always a linear process, since sometimes the women learn not only through the information provided by a professional, but also by trial and error. Another associated factor is how the information is conveyed. If this is done as part of an effort to encourage women to make their own decisions concerning the options available, it may contribute even more to strengthening their agency.

### **A Dual and Simultaneous Path**

An analysis of the key moments and factors affecting the paths chosen by women living in situations of violence shows that their journey consists of dual paths, reflecting the fact that they go through two processes, where one is internal and the other, external. The external path is the one followed at the institutional level and also involves interactions with persons close to them and professionals. The internal road refers to changes regarding their individual understandings and self-esteem. Put otherwise, the women's process of becoming citizens who fully enjoy their rights and are able to recognize and deal with power structures that undergird both their situations of violence as well as their paths to escape it.

The variation in the search for help also has to do with the time each woman requires for her 'internal journey' of self-recognition as a subject of rights and to rid herself of concepts that naturalize violence and female subordination with regard to men" (Pasinato, 2010: 87).

The two dimensions are mutually constitutive, act dialectically, and facilitate or hinder the different processes.

## FINAL CONSIDERATIONS

This chapter has demonstrated the need to distinguish between the official route to seek access to justice and the paths taken by women in situations of violence. While the former focuses on access to justice according to the legal and institutional framework, with an emphasis on punishment, the main goal of the latter is to stop the violence. Ending the violence is the goal sought by all women all have this for their goal, though the strategies they employ to reach it differ widely, and many are informal or unrelated to a judicial process ending in a verdict and, if convicted, a penalty. At some point along their path, some of them decide to file a formal complaint and proceed along the police/judicial route until the abuser is punished. In some cases women pursue this option as a strategy to stop the violence, while for others it becomes an end in itself. This is why it is important to distinguish between the two types of visits paid by women to the WPS and the different objectives they pursue in so doing.

This distinction is based mainly on a change in perceptions and the actions undertaken by women, whether because they acquire more information concerning their rights and the procedures to be followed, they have received support from their personal network, or the violence has worsened and must be stopped. This suggests that the women's trajectory is dual: while they visit the WPS and other entities in order to carry out various procedures, they also learn more about rights and strengthen themselves as subjects of these rights. It can be seen that when most women start along their respective paths, the understanding they have of violence, justice, and rights are strongly influenced by family-values or other traditional gender concepts. In addition, they conceive of their rights from an informal perspective of what is 'fair,' as they are unaware of their citizen rights in this matter. This learning process and the development of their capacities are evidenced in heightened self-esteem and/or empowerment, and a more complete exercise of their rights.

The paths chosen by abused women are complex, long, and difficult, influenced as they are by personal, social, cultural, and structural factors. One of the main obstacles is the lack of knowledge of their rights. They face multiple barriers in their struggle to break away from the violence, and make use of a great variety of strategies, which change depending on the women's perceptions. The many factors and different ways in which these intertwine and affect the women's paths create a range of different options, opportunities, and barriers that in turn make it so each woman has a different path. Their paths cannot be predetermined, as they are marked by snags, setbacks, pauses, successes, alternative paths, and many other complexities. Leaving the violence and/or gaining access to justice usually require a change in one or more aspects of the situation and/or the women's perceptions or understandings. Due to how deeply rooted certain concepts and beliefs are, as well as the difficulties faced in bringing about these transformations, neither the steps in these processes nor their outcomes are inexorable for all women in situations of violence.

The next chapter analyzes how the WPS respond to the women's expectations, and how these do not always coincide with the formal legal and institutional framework and/or the perceptions of WPS operators.

## Chapter III

# Responses Received by Women at the WPS and Other Specialized Services

After analyzing the complex, long, and difficult paths women must follow to eliminate domestic violence in their lives and gain access to justice, in this chapter the focus shifts to studying the responses they receive during their journey, mainly from women's police stations (WPS), and also other institutions and centres. Based on these findings and those of the two previous chapters, the argument advanced here is the following: *the responses of the WPS and some other actors are influenced to a certain extent by traditional concepts of gender and the family, and thus, they do not necessarily coincide with women's expectations, or guarantee an end to the violence and access to justice.* The main expectations of women who go to the WPS are protection and immediate help to stop the violence, filing a complaint as the first step towards imposing a formal penalty, compassionate and quality services, and multidisciplinary services. For each of these expectations the responses received are considered with respect to the legal, institutional, and conceptual frameworks of the operators and their institutions, as well as the effects of said responses in terms of contributing, or not, to women's exercise of their rights. The discussion concentrates mostly on the WPS, although other specialized services and the local coordinating bodies in each of the four research sites are also considered. The first step in this analysis is a brief overview of the jurisdiction and responsibilities of the WPS in the four sites.

### AREAS OF JURISDICTION OF THE WOMEN'S POLICE STATIONS

Women's police stations (WPS) are specialized institutions created for the purpose of facilitating access to justice for women victims of gender-based violence. Typically these are police institutions, as is the case in three of the countries included in this study: Brazil, Nicaragua, and Peru. The Ecuadorian model is an exception, as it is the only one in the region that constitutes a justice administration model within the executive branch.<sup>29</sup>

<sup>29</sup> The jurisdiction and responsibilities of the WPS have varied in each one of these countries, and continue to do so. More information and analysis regarding the models are available in the national mapping studies (Camacho and Jácome, 2008; D'Angelo and Molina, 2008; Pasinato and Santos, 2008; Yáñez and Molina, 2008) and the regional one (Jubb et al., 2008), which were carried out at the beginning of this project. These can be downloaded from the project web site: [www.ceplaes.org.ec/AccessoJusticia/en.html](http://www.ceplaes.org.ec/AccessoJusticia/en.html).

The police models have jurisdiction over the following within the police/judicial system: receiving complaints; opening and investigating cases, including *ex officio*; preparing case files with the evidence gathered for each complaint registered; referring users to pertinent institutions and services to complete the investigation (for example, the medico-legal report); and transferring the completed case file to the next institution along the official route (for example, the Public Prosecutor). Procedures for requesting protection measures are initiated at the WPS of Brazil and Nicaragua, and then transferred to the corresponding court. If such a measure has been breached, the WPS in Nicaragua and Peru may participate in their application or another police unit will do so; in Brazil this response falls within the jurisdiction of the Military Police.

The jurisdiction of the WPS in Ecuador, which are not police units but rather justice administration institutions, are the following: receive the complaint<sup>30</sup> and requests for protection measures, grant and emit protection measures, carry out the conciliation and sentencing hearing,<sup>31</sup> order the presentation of evidence, analyze the case file, and deliver the verdict (in cases of physical violence) or resolution (for psychological violence). This institution does not have jurisdiction to carry out all the steps of the process towards imposing a penalty, instead other institutions are also involved: the Family Violence Department (DEVIF) of the Police delivers the summons to the aggressor, the Institute of Criminology fills out the medico-legal report (or an accredited medico-legal expert), and finally, the DEVIF intervenes if the aggressor breaches the protection measures.

Since the area of jurisdiction of the WPS with respect to different types of violence is set out in the national legal and institutional frameworks, they are different in each country.<sup>32</sup> In Belo Horizonte (Brazil), while the field work was carried out, the WPS registered complaints for domestic violence, both summary and indictable offences (lesser and major crimes), for adult women victims only. In Cuenca (Ecuador), although the WPS can register complaints from any family member, in practice, aggressions against minors are referred to the specialized courts for girls, boys, and adolescents, and thus, the WPS only receive complaints from adults. As a court of first instance for summary offences only, they do not deal with sexual violence or more serious forms of physical violence. In Ciudad Sandino (Nicaragua), the WPS has jurisdiction for family and sexual violence, both summary and indictable offences, committed against women, girls, boys, and adolescents. In Villa El Salvador (Peru), the WPS only receive complaints for family

<sup>30</sup> While the first step in the police model is filing a complaint, in Ecuador at the time of the study, most users pay a minimal fee to a lawyer, either from a specialized NGO or in private practice, to draw up the complaint. It is then submitted to the Intendency, where complaints are distributed among the two local WPS.

<sup>31</sup> Although they are called conciliation and sentencing hearings, this does not mean that mediations or agreements are carried out for acts of family violence, although they may award a child support.

<sup>32</sup> In the rest of the police/judicial system in each country there may or not may be specialized institutions for violence against women cases.

violence, which are classified as serious injuries, lesser injuries, or summary offences. They register complaints for sexual violence only if the aggressor and victim are related by family ties.

There are also other characteristics of the WPS that are relevant to determining what kind of specialized response these institutions offer to users who expect to gain access to justice and eliminate domestic violence in their lives. These are: specialized training for operators; the location of the WPS; multidisciplinary services provided, and whether these are offered by the WPS itself and/or in coordination with other state or civil society services; and finally, the sex of the personnel.

All these institutional aspects contribute directly or indirectly to shaping women's journeys as they search to gain access to justice and put an end to the violence. Many of these will be addressed in the discussion that follows, along with operators' perceptions and other pertinent elements.

## **WOMEN'S MAIN EXPECTATIONS AND RESPONSES PROVIDED BY THE WPS**

The study found that women's most common expectations are: (1) receive protection and immediate help to stop the violence; (2) file a formal complaint as the first step towards imposing a judicial penalty; (3) receive information, as well as quality and compassionate services; (4) and access multidisciplinary services. A distinction needs to be made between the 'formal' and 'informal' responses requested by women at the WPS. Formal procedures are those included in the area jurisdiction of the WPS and, more specifically, are the procedures generally related to punishment and protection. Informal measures are those that usually fall outside formal procedures; nevertheless, they may form part of WPS protocols, such as service quality. Women's demand for the latter can be explained by the fact that many have limited knowledge about the jurisdiction and responsibilities of the WPS, and as such, do not necessarily know what responses they can request.

## **PROTECTION AND IMMEDIATE HELP TO STOP THE VIOLENCE**

In general, almost all women who visit the WPS for the first time have already been surviving a situation of domestic violence in silence for a certain period; however, they decide to take this step when their (ex-)partner's violence worsens to the point that the informal or indirect actions used previously are no longer effective. Faced with this

danger, one of women's greatest needs and most important expectations of the WPS is obtaining protection and immediate help to stop the violence. This discussion considers both the formal procedures, i.e. protection measures, and informal responses.

Perhaps the demand most frequently made by women who have visited the WPS in all four research sites is for protection, preferably in the form of an immediate measure. The following quotes transmit the urgency of women's need to be awarded measures that will in some way protect them and their children, as well as avoid future attacks. Norma requests the aggressor's forced removal from the home, while Ana speaks in vague terms about support, as do many women.

I want them to help me stop the aggression. I want him to leave so there will be no more attacks, which is what hurt me most. Because he treated me badly; he stared at me with hate in his eyes (Norma, age 23, urban area, mestiza, primary school incomplete, artisan, Cuenca).

... I told them to help me because the abuse had gotten to be too much (Ana, age 33, clothing shop, Ciudad Sandino).

Accessibility to formal protection measures varies greatly among the four countries, in accordance with the legal and institutional frameworks. In Ecuador, protection measures are requested and granted in the WPS; in Brazil and Nicaragua, the WPS only have jurisdiction to receive requests for protection measures, and then refer them to the appropriate judicial institution. In Peru, protection measures can only be requested and granted by the Family or Mixed Public Prosecutor or by the Family or Mixed Court; however, women are not obliged to press charges in order to request formal protection. Most women in Cuenca request and receive protection measures; whereas in Belo Horizonte, Ciudad Sandino, and Villa El Salvador, although global data is not available, it can be stated in general terms that fewer women receive these measures. The information gathered from the interviews also points to marked differences in the granting of these measures. In both Belo Horizonte and Cuenca, all the women who requested a protection measure received it. In Belo Horizonte, this corresponds to only half of the users interviewed; in Cuenca, the measures were requested by all these women. In Ciudad Sandino and Villa El Salvador, very few users received them.<sup>33</sup>

The procedures carried out at the WPS and the way in which women are informed varies considerably among the local research sites. In Belo Horizonte, where the WPS have only had jurisdiction for receiving requests for protection measures since the Maria da Penha

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<sup>33</sup> This chapter discusses the process of requesting protection measures, and the next one analyzes the results.



Law came into effect in 2006, operators are obligated to fill in a particular form, yet there is no protocol on how to proceed.

They have a list and they start asking you what you want. 'Do you want him to have to stay at a 50-metre distance away from you?' Then you say, 'yes.' 'Do you want... child support?' You say, 'yes.' 'Do you want him to not have contact with your child?' 'No, I don't want that,' ... and so on. That's how it works. There's no explanation. He [the operator] just asks whether you want a particular measure or not. If you didn't understand what they were asking, you ask, 'but what does that mean? He will never get to see my child? Under any circumstances?' So if you have any doubt then you ask about it, if not, ... That is all you can do, just reply yes or no (Kátia, age 28, black, university student, unemployed, Belo Horizonte).

Filling out this form with all users may have a greater impact than intended, as it provides an opportunity for women to know what rights they can demand. However, Kátia's experience shows that the bureaucratic manner in which operators go through the form is more likely to confuse them, since they generally do not receive an adequate explanation.

Procedures related to protection measures are generally applied quite infrequently at the WPS of Nicaragua and Peru. In the former case, this can be partially explained by the frequent use of mediation procedures (at the WPS as well as justice-sector institutions). Even though mediation is applied as an alternative to imposing a judicial punishment, women may seek protection if their partner breaches the terms of the signed agreement (D'Angelo y Molina, 2010). The Villa El Salvador report considers that even though protection measures are not processed by the WPS, the personnel does not do enough to inform women and the general public regarding their existence, the conditions for their use, or the procedures for requesting them. This lack of information creates a vicious circle in which women do not request or receive them because they do not know they exist or how to get them. This situation can be explained by the influence of the family-values perspective, the lack of disposition on the part of WPS operators, and judicial neglect (Macassi León et al., 2010).

In the police models in general, in contrast to that of Ecuador, the lesser number of protection measures requested and granted is also partially due to the fact that the processes are not carried out immediately. For example, in the case of Belo Horizonte, the police must complete the procedures for requesting these measures within 48 hours then send the request to court, the court also 48 hours to come to a decision; then the women must go to the courthouse to find out the result. This process can be drawn out, as in the case of a few of the women interviewed who had to wait up to six months to receive their protection measures. The different limitations found demonstrate that in these

three research sites, more expedited and accessible formal measures and procedures are lacking. On the contrary, in Cuenca, protection measures are issued almost immediately after women file a complaint and request them.

Another limitation found, particularly in the case studies of Ecuador and Brazil, is that institutional actors relativize the effectiveness of these measures. For example, some operators in Cuenca critique women for filing a complaint when their purpose is not to follow the formal procedures for punishing the aggressor, but 'only' to obtain a protection measure so as to warn their partner against abusing them again in the future. Even though in all four sites, some users go to the WPS hoping that the personnel will provide guidance to their partner regarding the need to treat them better, it seems that some operators underestimate women's urgent need for protection that motivates them to take this step. The Ecuador study points out another limitation: the protection measures are not always effective because the aggressors do not respect them in some cases, and when this happens, the police do not always respond expeditiously to the women's call or arrest the abuser.

During their 'first visits' to the WPS, many women expect the personnel to intervene with *informal measures*. These include both those designed to make the women feel supported, protected, and listened to, as well as immediate actions to stop their partner's violent behaviour, without filing a complaint, following the judicial process, or receiving a conviction. Since many of them still want to maintain their relationship, they hope the WPS personnel will talk to their intimate partner / husband to get him to change his conduct in one of two ways: by conversing with him and informing him about the law and women's rights, or else by intimidating or scolding him, and even putting him in jail for a short period – without a formal penalty – as a type of warning.

These expectations are mentioned in all four research sites, although with some variations. In Villa El Salvador, the women interviewed request that their aggressor 'be taught a lesson,' in addition to the other informal interventions. It is noteworthy that even in Cuenca, where access to opportune protection measures is almost guaranteed, women also request informal responses. This demonstrates that the different expectations requested by users are not dependent on the particular legal and regulatory framework in each country.

Francisca hoped they would call her husband in to 'chat' with him, and as a result he would understand that he had to stop the attacks. She said they did call him in to the WPS, but apparently the 'scolding' did not have the desired effects, and the assaults continued (Pasinato, 2010: 88).

They come here saying, 'I want you to stop my husband, because he's always abusing me psychologically.' That's what they see as the solution, sending the

man to jail for a week-long punishment, nothing more. To intimidate them (Policeman, WPS, Villa El Salvador).

The WPS cannot necessarily satisfy all of users' expectations, since they do not have the jurisdiction to carry out certain procedures, especially in the case of sending an aggressor to jail without fulfilling due process. On very rare occasions in Belo Horizonte and Villa El Salvador, it is reported that operators have summoned a man to the WPS to converse with him. In Ciudad Sandino (and Nicaragua in general) this happens much more frequently as the first step of police mediation.

WPS staff try to find solutions when they see so many women are between a rock and a hard place, seeking to end the violence by way of informal actions, and at the same time, hoping to avoid judicial proceedings that might conclude with a penalty being imposed on their partner, specifically if it includes imprisonment. Faced with this dilemma, the four case studies identify a series of informal responses provided by personnel. One option selected by very few operators is to explain to women their rights patiently and with conviction, in a conscious effort to contribute to users recognizing themselves as subjects of rights, as well as informing them and providing guidance regarding the formal procedures that exist, so they can exercise those rights.

Doctor Guaraca is a good person. He was firm when I went to file a complaint. He told me I had to study, get better, and that I had rights. He said, 'take note: you have someone who will defend you.' This really helps one, because [beforehand] one feels confined, without knowing what to do or where to go. It's encouraging to know one can get help in other places (Dolores, age 43, urban area, mestiza, university student, self-employed/artisan, Cuenca).

A second option – and perhaps opposite to the previous one – selected by another set of operators is to blame women for the contradictions in their expectations and perceptions, as well as their indecision as regards continuing the police/judicial process all the way until a sentence is reached. The ambivalence between these first two options can be explained by a number of factors, including how strongly users' and operators' perceptions are influenced by the family-values perspective. These two responses are offered at the WPS of all four research sites.

A third response was reported in Villa El Salvador, which relates to the feeling of frustration expressed by some WPS operators because they cannot do any "more," especially in the moment, to defend women's rights. It is worth highlighting that one official stated she would like to have the authority to apply preventive imprisonment, without a sentence first being decided, which coincides with an expectation identified by some users. This frustration is an indication of the limits of legal/institutional attributions of the police/judicial system and/or the few positive results WPS operators are able to achieve in practice.

## **FILING A COMPLAINT AND THE POLICE/JUDICIAL PROCESS AT THE WPS**

This chapter focuses on the institutional response received by women during their 'subsequent visits' to the women's police stations (WPS), when their purpose is to file a formal complaint and follow the entire official route. Before delving into the institutional obstacles frequently faced by women in situations of violence during this part of their journey, it is important to point out that some women encounter relatively few institutional or other difficulties when they file a complaint. In other words, their moment at the WPS was a good experience for them.

Olga also felt she was treated well. She expected that [after filing a complaint at the WPS] her husband would respect her and stop assaulting her. After she filed the complaint, the attacks stopped, and in her opinion, "I was treated well there. I have nothing to say about how they can improve [their performance]" (Olga, age 51, mulatta, primary school incomplete, manicurist, Belo Horizonte; cited in Pasinato, 2010: 115).

### **Obstacles Encountered While Filing a Complaint and During the Police Investigation**

Although few such cases are reported, a first problem WPS users may encounter is that the personnel will not register their complaint. This may be because they reject the case or because the same woman has filed one or more complaints without ever continuing the rest of the process, leading operators to doubt whether she will indeed follow through this time. The women interviewed also find barriers during the police investigation process, which can cause the case to be shelved or closed. Difficulties associated with getting witnesses to make a declaration and finding proof of the facts are also recurring problems.

The first time he cut me and hit me, and that was the first time I went to the WPS. The next weekend he came and kicked the door down, almost breaking it. He came in and he started choking me, and he didn't care that the girls saw the whole thing. So I went back again to the WPS. They didn't say anything to me. They came to see the door, but not until a week later and they didn't find anything. Both times they sent me to the Forensic Medicine [Institute], but they say they can't process the case, that they can't continue with the case because what he did [constitutes] a lesser crime; it's not damages, or injuries. So, what are they waiting for? Until he kills me? (Juana, age 26, popular educator, Ciudad Sandino).

Another aspect revealed in this quote is that women have only vague knowledge about the procedures and requirements for following a judicial process. If something does not seem 'right' to them, many do not know the scope or jurisdiction of the WPS or have

the necessary information, or they simply do not feel they have the right to ask or assert themselves.

Two other common problems have to be highlighted, ones with potentially very serious consequences. One is the lack of witnesses of the actual act, or people willing to make a declaration or testify. This could lead to this evidence not being included in their official case file. A second problem is the delays in the process. Both in Belo Horizonte and Ciudad Sandino, at the time of the interview for this study, some users' cases had already been in process for a year, without any signs that it would be concluding soon. Faced with these difficulties, some WPS users find out that if they are accompanied by a professional, they can avoid or reduce some barriers. However, few women do visit the WPS with a lawyer or other professional, since they lack the necessary financial resources, or because they are just starting their path and do not know about other available services in their community.

### **Effects of the Family-Values Perspective and Distrust**

The influence of the family-values perspective on the attitudes and actions of the women interviewed, and particularly of WPS operators, can affect service quality and access to certain procedures. It can also generate distrust.

Just as there are members of the public who prefer the WPS, there are also those who get upset when one says to them, 'Ma'am, this is now the fifth time you've been in here.' And never, ever, do they ever reach the culminating point of [the investigation of their] complaint. They come in and file a complaint against their husband, but in the afternoon they're reconciling. And when one issues the summons for him to come in, she doesn't hand in her exams. It's like she's telling us, 'you have to sit down and serve me whenever I say so.' It's unpleasant, right? I think it's wrong, that she should understand that this isn't a game, it's something serious. Filing a complaint is a serious thing to do, but they don't think so. They only do it to send a warning to their husband (Policeman, WPS, Villa El Salvador).

This operator expresses his discomfort because he presumes that women do not continue the process after filing their complaint because they have reconciled with their intimate partner, which to him implies a show of disrespect for the formal process. However, this quote indicates that a substantial part of the WPS personnel do not fully understand the effects produced by the violence or the multiple obstacles women must overcome in order to go to the WPS and continue the judicial process.

In fact, one obstacle created as a result of some operators' family-values viewpoint is that they sometimes try to dissuade women from filing a complaint and seeking a penalty for the violence committed.

I only went so they would make the situation worse. They told me I had to do a [mediation] agreement, that we were very young and we had our whole lives ahead of us. We had to think of our children; we should reunite. They didn't talk to me alone (Adilia, age 19, casino hostess, Ciudad Sandino).

The police isn't here to settle a ton of complaints. The women's police station is supposed to be here to get the family to unite, not to separate it. Supposedly, that's our function. We don't say, 'wow! we broke the record for the highest number of complaints!' But rather we want the family to get back together again (Policeman, WPS, Villa El Salvador).

In contrast to these more radical family-values expressions identified in Ciudad Sandino and Villa El Salvador, in Belo Horizonte, it was found that the emphasis authorities have placed on applying the law on domestic violence has led to said family-values perspective having little influence on the WPS personnel, and that it is expressed more subtly. In Cuenca, even with variations among the personnel, there is also a relatively weaker presence of this same perspective.

The weight of repeated, then abandoned, complaints generates an atmosphere of distrust between users and WPS operators, which can have negative consequences for women's access to justice. This dynamic was noted in all four research sites, although expressed in different ways. Some examples provided by the operators interviewed suggest they think that women like to suffer, they do not know what they want (Belo Horizonte), or they think violence is natural (Villa El Salvador). Likewise, for some women in situations of violence, certain WPS operators no longer have any credibility (Cuenca) or they do not inspire trust (Ciudad Sandino). This happens because the WPS responses are often not effective for either stopping the violence or initiating a police/judicial process. Indeed, a "double distrust" can sometimes be generated that, as pointed out by the Peruvian research team, "contributes to impunity being a common denominator in violence cases" (Macassi León et al., 2010: 80).

Nevertheless, one cannot overgeneralize, since several users recounted their positive experiences at the WPS in all four research sites. Similarly, findings from interviews with WPS operators show that some are sensitive, understand these difficulties, and work with women in a way that promotes their self-recognition as subjects of rights. In other words, their attitudes and treatment of users reflect a strategic and compassionate support approach.

Therefore, when she visits the WPS it's because she has already had to go through a little bit of everything. She has had to accept that she has no support from her family, and thus, turns to the WPS. That is why I believe we must treat them well, really. This is what I believe; it's how I think (Policeman, WPS, Belo Horizonte).

The legal and regulatory frameworks of the WPS do mention treating users with respect, and the personnel apply this rule in vastly different ways. Sometimes, as in the case cited, they seek to strengthen the women; nevertheless, this kind of response is usually an exception. One deficiency as regards ensuring an adequate quality of service is that the implementation of standards and regulations are not monitored effectively.

### **Psychological Violence and Mediation**

Although the legal recognition of psychological violence was a noteworthy innovation in these countries, women still face barriers to gaining access to justice in these cases because of limitations in the legal and regulatory framework itself, bias in the system, and the general underestimation of this form of violence by operators. With respect to the legal and regulatory framework, these cases can only be tried as criminal cases in Brazil and Nicaragua, although weaknesses were also detected in these sites. For example, in Brazil, not all forms of psychological violence are included in the legislation, and furthermore, psychological injury is not defined as a specific offence. In Ecuador, psychological violence is processed by the WPS, but only as a civil proceeding. In Peru, its limited application is due to deficiencies in the regulations and protocols that make it difficult to quantify the damage. At the same time, in all the research sites, operators' perceptions act like a filter, blocking the possibility of following the judicial route.

I think it was in 2002 or 2003, when the police officer told me she couldn't do anything. The only thing she could do was call him in and 'scold him' because he hadn't assaulted me. I was never attacked physically; I never had a black eye or a broken arm I could show them... I told her, 'listen, if I do this and nothing happens, and then I go back home, he'll kill me. This isn't going to solve anything. There's nothing I can do.' So I decided to give up (Marisa, age 48, white, university degree, on medical leave, Belo Horizonte).

In Belo Horizonte in particular, these cases are classified implicitly as "not criminal," and thus, are not prioritized by operators. Women have to be persistent in order to get their complaint registered or receive other services (Pasinato, 2010). In both Belo Horizonte and Ciudad Sandino, it was found that women are treated better if they go to the WPS with sufficient evidence of severe physical injury in order to corroborate their stories, in other words, the 'body of evidence' is visible. Even though this concept is now outmoded in the regional legal tradition – since changes in recent years no longer link the severity

of the sentence to the gravity of visible physical injury – it is apparently still relevant to the procedures of the WPS and other police/judicial system institutions.

The frequent use of mediation in Nicaragua has the effect of keeping users from continuing the formal process towards punishing their aggressor. This measure can be carried out in the WPS itself (or a regular police station) through the Directorate of Alternative Conflict Resolution (DIRAC), in the local office of the Public Prosecutor, or in the lower court of first instance. Since the 1990s, there have been spirited debates regarding the use of mediation in domestic violence cases (Jubb, 2001). On the one hand, the fact that it can be applied in cases where there is not sufficient evidence to process the injuries caused as an indictable offence is touted as a benefit. It is seen as providing the women with “something” to protect themselves, until greater evidence can be gathered to press charges for an indictable offence (D'Angelo and Molina, 2010).

On the other hand, mediation violates women's human rights in many ways. First, ignorance of the effects and scope of this measure, in combination with the influence of the family-values perspective, can lead some women to request it. However, in other cases, operators promote its use instead of filing a complaint, especially when they apply subjective criteria to decide whether they think the women will continue the process towards a formal penalty. Second, women often do not register the mediation agreement carried out in the WPS and other institutions; therefore, later they do not have the same access to protection if the agreement is breached, nor will it be given the same weight as evidence if they undertake a future judicial process to seek the punishment of their aggressor. Third, these are sometimes applied to acts that constitute indictable offences or other circumstances in which a mediation agreement is not applicable according to the legal and regulatory framework. Fourth, the terms of the agreement assign responsibility for the violence to both parties, and both have to commit to not reoffend, which ignores that the man was the perpetrator and the woman was the victim, as well as the power relations sustaining gender-based violence.

As the evidence shows, the excessive use of mediation carries various risks. It can ‘psychologize violence,’ divide responsibility between the female victim and the male perpetrator, make invisible the fact that the act constitutes a crime, and negate women's rights (D'Angelo and Molina, 2010: 26).

Since this measure contradicts regional and international human rights standards, it has mostly been eliminated from the laws of the other countries, especially in terms of the police's jurisdiction, yet it is still applied in the police and other justice-sector institutions in Nicaragua. As such, it not only ignores the international legal standards, but also limits the exercise of their rights by women in situations of violence, especially as regards access to justice.



## Barriers Related to the Intersection of Gender and Other Forms of Discrimination

One of the filters practiced extra-officially at the WPS consists of providing differentiated services to women depending on their socio-economic class and ethnicity, as well as their level of formal education or specific knowledge of their rights. This demonstrates that the gaps revealed in the survey regarding access to information about women's rights based on socio-economic class, age, ethnicity, and area of residence may carry over in certain ways to their experiences at the WPS.

The people of very humble backgrounds are ignored... And many battered women go there with their children, wearing cheap, rubber flip-flops, without any money to feed their children because they were just assaulted and then ran straight to the women's police station. I really felt that a lot there. I think this is a mistake, because I think there should be someone with more training in the reception area to attend to victims. I already had protection from my lawyer. I felt that many of the women would just give up, because their kids were crying and they were tired of waiting, so they would finally just go back home. [...] And then I got to thinking, they are going to back again to that inferno; they are going to go back to their house and they are going to keep on being abused, because then their husbands will know that they went [to the WPS] and ... what happens next is not going to be the result of banging their face against a door, but because they didn't get what they expected from the WPS (Gabriela, age 40, white, university graduate, administrative employee in a private firm, Belo Horizonte).

This and other testimonies reveal that women who do not have the knowledge or guidance to work their way around the system often confront specific barriers to being served, carry out the expected procedures, or receive more information. As asserted in the Ecuador study, analyzing the institutional route from a feminist perspective...

Reveals the 'torment' that women who have suffered violence must endure if they want to follow the process all the way to obtaining a sentence and a penalty. The study has shown that the victims must assume the work of the judicial process, thus, making progress in their case demands so much work and effort on the women's part, they have dedicate a lot of time, be very patient, and have an enormous amount of perseverance so they will not abandon their goal (Camacho et al., 2009: 169).

In general, the women who decide to file a complaint at the WPS and follow the entire police/judicial process confront a variety of obstacles at the WPS in the localities studied. These barriers may interrupt, delay, complicate, or limit their path to gain access to justice and eradicate violence from their lives.

## ACCESS TO INFORMATION AND COMPASSIONATE AND QUALITY SERVICES

Some of the women's expectations of the WPS are related to service quality. In all the research sites, it was found that women place emphasis on the following elements: being treated with dignity or receiving compassionate services; acquiring more information; in some cases, being served by women, because users think the quality of care will be better; and other indicators of service quality, such as privacy and hours of operation. Many of their expectations coincide with general standards for quality services – such as, women have to be treated as the decision-maker in their lives (Batres, 1997) – which presumes operators support them in the process of learning about, believing in, and owning their rights.

### Compassionate and Quality Services

Receiving compassionate and quality services is perhaps what women in situations of violence most value and expect from the WPS and related institutions. As indicated earlier, two of women's paramount expectations are feeling supported or listened to, as they hope to receive backing from these specialized services as they travel along their paths full of risks and obstacles. The expression “compassionate services,” as used in the Brazil study, refers to services rooted in “the recognition that violence against women constitutes a human rights violation and its objective is to strengthen women so they can break away from the situation of violence” (Pasinato, 2010). There are various examples of women who are treated well in the WPS, as indicated in the Ecuador study:

The WPS authority attempts to ‘empower’ women by informing them about “what the WPS means and the law [against family violence]. In other words, it's an explanation of the objectives of WPS services and the rights she can exercise at the WPS, [...] so she will be motivated to see her own process through, so more processes will be completed, and so the WPS will provide a more effective response” (WPS Authority, WPS 2a, Cuenca; cited in Camacho et al., 2009: 134).

The manner in which the chief official of the Cuenca WPS treats users is consistent with the principles of compassionate services. As pointed out previously, it derives from a conscious personal decision to support women and provide guidance regarding their rights, by supporting them to believe in and own them, and exercising more fully their citizenship. At the other extreme, interviews carried out with WPS users in all four research sites show that several of these were not treated well, and they complain about the inadequate services they received.

They are so indifferent, and they stare at you so coldly. [...] 'So, what do you want?' Their look says something like that. Your mind goes blank as soon as you look at them. Or you feel that 'well, at least they haven't turned me away.' Well, I don't know. But still, they insult me; they offend me. She should come to my house and walk for a while in my shoes so she could say, 'OK, I understand' (Malena, age 43, advanced technical degree, catalogue sales, Villa El Salvador).

Sometimes they become very abrupt and scold you, saying, 'yes, because it's your fault. Because we already told you, so you already knew. Why did you take him back, why did you go back if we were helping you? He can't do anything for you. We are your friends and we're here to help you' (Elsa, age 30, collector for a lending institution, Ciudad Sandino).

Based on the users' testimonies and the observation carried out at the WPS, the worst problems found regarding how users are treated are indifference and the tendency to blame women for not following the guidance provided by the personnel, especially as concerns the procedures related to filing a complaint. It is less common for women to be blamed for actually provoking the violence.

How users are treated varies considerably from one site to another, as well as among operators. In Cuenca (Ecuador) and Ciudad Sandino (Nicaragua), users' opinions of service quality was positive overall. In Belo Horizonte (Brazil), the main problem encountered was the bureaucratic application of procedures, while in Villa El Salvador (Peru), women most criticized the personnel's indifference. All the national reports maintain that the way users are treated depends greatly on the sensitivity, training, and commitment of each operator. In other words, the quality of WPS services is characterized by a high level of individualization.

### **Information and Guidance Regarding Rights and Police/Judicial Procedures**

One of women's greatest expectations – both the general female population and WPS users in particular – is receiving information and guidance regarding their rights and the police/judicial procedures they must follow. When asked what kind of support they would seek if they were abused by their intimate partner, one of the most frequent replies chosen by survey respondents is information and guidance: 19.5% in Belo Horizonte, 22.3% in Cuenca, 26.2% in Ciudad Sandino, and 28.3% in Villa El Salvador. The lesser percentage in Belo Horizonte could be the result of there currently being more sources of information and women's greater access to them. The higher figure in Villa El Salvador may suggest that the female population in this site know less about the law on family violence and available services in their community, since the female population here is also less familiar with the WPS as compared with the other places studied.

The need for information is also underlined in users' testimonies, which tend to link service quality with the information they receive. Their assessment of the matter is ambiguous.

From the very beginning and during the whole process, the official was very kind to me. She supported me and helped me; she told that it would be very difficult, but I couldn't give in. She went on to explain that according to the Maria da Penha Law, from the time I went to the Forensic Medicine Institute, the process would continue along the official route, regardless of whether I wanted to continue or not (Heloisa, age 44, mulatta, advanced technical degree, public servant, Belo Horizonte).

They treated me well there [at the WPS], although it wasn't until just now that I found out they were supposed to talk to me about my rights and what I had to do (María, age 27, domestic worker, Ciudad Sandino).

One important spot at the WPS where users could receive information is the waiting area. While waiting their turn, they could review print or visual material about their rights, their options, the requisites and procedures, as well as available services at the WPS itself and in the community. However, in practice, the waiting area and other appropriate areas of the WPS facilities observed in all four sites were not being sufficiently taken advantage of in this regard. Other problems identified were that the information was scarce and the messages did not address women's rights or, on occasion, were contradictory. Further, only in Belo Horizonte was someone stationed permanently in the waiting area asking people as they arrived as to the purpose of their visit and orienting users on whether they should stay and wait to be served or else go to another institution or centre. One of the limitations women face, especially in the other three sites, is they do not know how long they will have to wait, or whether they can receive some basic guidance before their turn; this generates a certain amount of disorientation for the users, as pointed out in the Ciudad Sandino study in particular.

At none of the WPS studied is it a common practice to hand all users written information during their visit, be it materials produced by feminist and women's organizations, the WPS itself, or other institutions. Thus, the WPS are clearly not doing enough to inform to users. One consequence of the paucity of information, based on the experience of several users in all four cases, is that they do not understand one or more aspects of the judicial process they need to follow for their own case. An example would be what protection measures exist, their scope, and the procedures for requesting them. Furthermore, if users do not receive information about the procedures, their rights, and other options available to them, or if the materials provided reflect a family-values perspective, it is unlikely they will be able to become active subjects of their processes.

## The Relevance of the Operators' Sex to Service Quality

The practices and policies regarding the relevance of WPS operators' sex varies among countries and specific units. In the WPS of Brazil and Peru, the national totals of policemen and policewomen working in the WPS are similar, although more women worked at the two specific WPS studied. In Peru, there is a regulation that assigns a sexual division of labour. Those who provide direct services to women in situations of violence, for example, those who interview women and file their complaint, must be women. In Ecuador, where there is no regulation on this matter, in one of the two WPS located in Cuenca there were no women on staff, while in the other there was only one. In Nicaragua, where women make up 27% of the institution's personnel, the policy and practice is that only policewomen work at the WPS, although support staff (for example, drivers) can be men.

The users' narratives transmit a variety of opinions and experiences on this matter. Some of the women interviewed consider that speaking to a woman operator, especially when the user is very vulnerable, is a great advantage. This viewpoint was much more common in Ciudad Sandino and Villa El Salvador. Other users of the three research sites – with the exception of Ciudad Sandino, since no men work there – declare that they did not find any difference between the services provided by men and women.

By contrast, when I went [to the WPS] I felt, as I said, supported. And furthermore, it was different because as a woman you could talk and express yourself much more openly. And they also help you to see that you have rights, to validate yourself, and you can assert your rights. So, as I said, it made me feel much more secure. It was different, because they don't ask you perverse things like the men do. And apart from that, they helped me with my self-esteem. They helped raise my self-esteem compared to how it was before, ... it had been really low (Patricia, age 39, university incomplete, unemployed, Villa El Salvador).

I know they're cops, let's put it that way. But we're talking about women here. And they don't inspire confidence so you'll feel comfortable talking to them. Instead they're all really serious; instead they frighten you. I'm not saying they should be grinning from ear to ear. But yes, they should be a bit friendlier (Veronica, age 30, stylist, Ciudad Sandino).

The observation findings of all the WPS show that the sex of the person providing services is not relevant, since both women and men can serve women in a way that strengthens them, or also blames them. Further, users' generalized, but not universal, opinion is that the quality of service is more important than the sex of the person providing it. The individual or personal factors that contribute to improved performance are: experience, perception of violence and access to justice, interpretation of institutional policies, formal education and training, sensitivity, and commitment.

## **Privacy and Hours of Operation**

Guaranteeing users' privacy is one indicator of good quality services. At the WPS studied, it was found that despite having a separate entrance, the facilities are not adequate for women in situations of violence. For example, in the waiting rooms of all the WPS, there was insufficient privacy and the environment was not welcoming. Indeed, users could meet their own aggressor there, his witnesses and family members, which could provoke a delicate and disagreeable situation for the users.

Along with the common problems, some specific concerns were raised regarding each site. The Belo Horizonte study in particular points out that itinerant salespeople can come and go freely in parts of the WPS building. In Ciudad Sandino, sometimes there are so many people waiting that there isn't enough room. In three of the WPS – Belo Horizonte, Cuenca, and Ciudad Sandino – the offices where women file their complaint are private, but there are problems cited with their location or the construction materials used, such that sound travels among the offices and conversations can be overheard. In the Villa El Salvador WPS, there is one very large, open room where all the women who file complaints are received, and several operators may be there while one or more women are being served. Indeed, during the observation it was noted that sometimes operators intervene in other cases, and may even make comments of various types to another user. Limitations in material resources, translated into inadequate facilities, are an important factor that partially explains the insufficient privacy provided to users. However, this may not be the only factor, as inadequate consideration and respect for users is sometimes also demonstrated.

Access to services involves numerous variables considered throughout this study, including hours of operation. To provide optimum access, guidance documents may recommend that services be available 24 hours a day to receive complaints or provide other services in an emergency. This is particularly important because domestic assaults often occur at night or on weekends. Nevertheless, only in Peru are the WPS open around the clock. While this is an advantage for users, the way work schedules are organized for those who attend users directly – 24-hour work shifts followed by 24-hour breaks – creates certain restrictions. For example, when users return to follow up on their case, if the officer in charge of her case is not there, she will have to wait until her next duty shift before getting answers.

## **Service Quality and the Effects on Users' Paths**

It is worth reiterating that the service quality can have an important impact on women's paths, both their external and internal journeys. Positive and negative care directly affect

women's decision regarding whether they will continue on the road to obtain formal justice. For example, lack of information and inadequate services are factors that produce confusion and hinder women's journeys. They may lead to more pauses, setbacks, complications, so that women's paths will be longer, which may lead to women feeling frustrated or unsatisfied, or thinking the WPS services are not 'on their side.' The national studies draw attention to various positive aspects of the services provided at the WPS, especially with respect to the actions of certain operators; however, weaknesses are also addressed.

It is interesting to note that even though the WPS have different models and practices, in the four research sites there are many similarities in users' expectations of the WPS as well as the limitations analyzed of these specialized services. For example, the women interviewed express a wide spectrum of opinions regarding different aspects related to service quality, even though in general, their assessment is quite favourable. Indeed, when asked if they would return to the WPS if faced with another situation of domestic violence, most responded in the affirmative. One of the most mentioned explanations is that their expectations were met, in the sense that they were able to carry out their intended procedures. Several also mention that if they were to return, their main motivation would be to file a complaint and follow the judicial process. This serves as evidence that their experiences with the WPS and other specialized institutions, as well as their personal process of reflection, have led them to change their perceptions and expectations.

## **INSTITUTIONAL ASPECTS THAT AFFECT THE QUALITY AND ACCESSIBILITY OF SERVICES**

The quality of services offered by the WPS is also greatly affected by administrative and institutional factors, though may not be immediately visible to users. This section addresses the main limitations found: direct costs, material resources, human resources, and the lack of a consistent application of quality standards.

One basic principle is that direct costs related to government-funded services for women in situations of violence must be provided free of charge. Even though this is guaranteed in the legal and regulatory framework of all four countries, it is implemented in only three. In Cuenca, although the services at the WPS themselves are free, users must assume other costs, for example, they must pay for the costs incurred by the police to deliver the summons to the aggressor, the medico-legal exam, and in most cases, drawing up the complaint. This is due to insufficient human and material resources, as well as the lack of other services within the WPS or in other state institutions that provide free services. It

is of great concern that direct costs are not completely covered by the state in order to rectify a human rights violation.

Material and human resources are limited in all the WPS, which can be dealt with in different ways: services are not provided, or only partially, and/or women have to cover certain direct and indirect costs. One example is the lack of transportation (lack of gas and/or vehicle) to deliver summonses and/or capture aggressors, as explained in the studies of Ciudad Sandino and Cuenca. Without a doubt, scarcity of resources may translate into hasty and more bureaucratized care, as analyzed in the case of Belo Horizonte. Furthermore, in cases where women must use their own time and money to carry out some aspect of the procedures, in effect, part of the state's responsibility is being transferred to them.

Another effect of insufficient resources is that follow-up is non-existent or scarce, although this may also be the result of other factors. In the four research sites, serious limitations were highlighted in relation to the institutional response to ensure the aggressor reports to the WPS, since the WPS in general do not have effective measures or means to find the aggressor and oblige him to appear, if he does not do so on his own volition. This situation occurs frequently and generally has the effect of stopping the process. Further, even though it is the police's responsibility to deliver summonses, some of the women interviewed in Ciudad Sandino stated that the summons was given to them to deliver to the aggressor. A few of these feared their (ex-)partner's reaction, and thus did not give it to him. A similar situation was also detected in Cuenca with a different dynamic: women must accompany the police to deliver the summons. In Belo Horizonte, and in Brazil in general, a similar situation existed with the previous law (Law 9099/95). However, with the new one (Law Maria da Penha) this problem has been eliminated. During the process of discussing and revising the bill, the feminist and women's movement successfully campaigned to demand this state responsibility not be transferred to victims. According to the research in Belo Horizonte, this regulation is being fulfilled.

Another determinant of service quality, especially how users are cared for, has to do with the care provided to the WPS personnel. Providing services to women in situations of violence can have an important impact on individual providers, and thus, it is generally recognized that these persons need counselling services or self-care techniques. The absence of these services may have a negative effect on the personnel, as well as how they in turn treat users. Nevertheless, these services are not provided to WPS staff at any of the sites. Service quality may also be affected if the operators themselves are suffering domestic violence, a problem mentioned only in Ciudad Sandino.<sup>34</sup>

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<sup>34</sup> One acute example of this situation was the killing of a Nicaraguan WPS chief by her intimate partner in April 2009.



Education and training also have repercussions on the quality of services;<sup>35</sup> however, the four case studies determine that the WPS personnel have not received sufficient training. This is not always or exclusively the result of insufficient resources, as operators' lack of disposition also plays a direct role (Camacho et al., 2009; Pasinato, 2010). The Villa El Salvador experience is somewhat different in this regard: all WPS personnel had received at least one training session in the year prior to the field work, where the training was provided on the basis of agreements signed between WPS authorities and other specialized institutions that carried out the sessions. Studying the impact of specialized personnel training is a pending task, since it is not necessarily immediate or evident. In general, it can be stated that – with the possible exception of Villa El Salvador – not enough is being done at the institutional level to improve the personnel's specialization.

The deficiencies in all these aspects need to also be considered in relation to the disposition of WPS authorities and staff. As argued in the Brazil report, inadequate care at the WPS cannot be attributed exclusively to scarce resources, since the personnel of other specialized services, especially those from civil society, also have very few resources, but this does not impinge on the quality of care they provide. The Peru report underlines that, “when a user abandons a complaint or discontinues the investigation process half-way through, costs are incurred in terms of economic and human resources, as well as time, both on the part of WPS personnel and the Family Prosecutor. Operators use this justification to cover up discriminatory practices against women” (Macassi León et al., 2010: 122). In Cuenca, some operators declared they did not want to work at the WPS. It must be underlined that these attitudes are not expressed in a generalized form by all operators, since, as stated in all the case studies, quality of care varies from one operator to the next.

Two other defects also deserve to be addressed. Corruption is yet another factor that can limit access to justice, as experienced by one user interviewed in Cuenca and another in Ciudad Sandino. Another limitation demonstrated is that the quality standards found in the legal and regulatory frameworks in all four countries – without delving into their contents – are not being applied properly or monitored, and thus, these practices are now considered to be informal. This provides unfortunate evidence of Batres's (1997) argument, which states that the WPS are unlikely to facilitate access to gender justice so long as their practices reproduce the discriminatory myths that influence their surroundings.

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<sup>35</sup> Other studies have identified the most relevant aspects of training for WPS personnel as including: the overall length and frequency of training sessions, the topics and perspective on violence used in the course, and monitoring the implementation of learning in the care WPS personnel subsequently provide to users (Jubb, 2001; Santos, 2005).

## INTERINSTITUTIONAL COORDINATION

This section analyzes the relations between the WPS and other specialized police/judicial institutions, multidisciplinary services provided by specialized centres, and local coordination bodies. It demonstrates that while the WPS and their personnel tend to prioritize collaboration with other actors of the police/judicial system, the local female population and WPS users underline the relevance of multidisciplinary services, both for eliminating domestic violence and gaining access to justice.

### Coordination with Other Actors in the Police/Judicial System

Various institutions intervene along the official route to justice for women in situations of domestic violence – even in the Ecuadorian model – and these may or may not be specialized. In general terms, it can be asserted that the perceptions of the operators in these various institutions are similar to those in the women's police stations, and some of the main problems raised are operators' perceptions, interinstitutional coordination, as well as the delays in and users' lack of information regarding the implementation of the relevant processes.

The perceptions regarding justice of the various actors in the police/judicial system are, in general, similar to those of their fellow WPS operators. As such, in Cuenca, Ciudad Sandino, and Villa El Salvador, different perceptions are blended together and expressed in their performance; therefore, features of the family-values conception persist, and some presence of the 'strategic and compassionate support' approach is also noted. In Cuenca, the police operators at the Family Violence Department (DEVIF) tend to blame women for not being able to break free from the violent relationship; while in Ciudad Sandino, the possible repercussions from applying the family-values perspective in the judicial process are stressed.

Women enter the system and we revictimize them throughout the entire process. At best, we succeed in demonstrating the man's guilt, and he's convicted. But since this is the first time he has committed a criminal offence, what happens? The judge awards him a suspended sentence and the man does not go to jail. So what does the victim then say? 'Nothing happened. There he is, walking free and making fun of me.' To me she says, 'you didn't do anything for me, he wasn't sent to jail' (Chief District Prosecutor, Ciudad Sandino).

In Belo Horizonte greater presence of the formal legal/institutional conception was identified among operators of the various justice-sector institutions. This can be explained in part by the generalized implementation of the new law on domestic violence against women.

Other obstacles are also reported in relation to the services provided and their coordination with the WPS. In all the cities studied, delays were found in implementing the processes, which makes it ever more difficult to provide an opportune and effective access to justice, especially in Belo Horizonte and Ciudad Sandino.

But the judicial process is still going slowly. No testimonies have been heard yet, and on the 9th of December it will be one year already. [...] But I have already received the protection measures at the justice compound. [...] Official M helped me a lot, he took me to the promoter for the Maria da Penha Law and I talked for quite a long time with him. There are a lot of procedures to go through. Everyone knows there are a lot of procedures, but it's my life! Each step in the proceedings you mentioned represents a lifetime going by (Marisa, age 48, white, university degree, on medical leave, Belo Horizonte).

In addition to the slowness of the judicial process, this can increase the risk of women being exposed to violence, and often women do not know the status of their processes. Few women have Marisa's good fortune of knowing someone who can keep her informed. The confusion created by not knowing the status of their case has an even greater effect on women who have not come to own their rights. Some return one or more times to the WPS to find out how their case is progressing, and some eventually give up and abandon the process.

Obstacles were also detected as regards interinstitutional coordination and its effects on facilitating or complicating judicial processes. It is common practice that some institutions do not provide information about others, and they offer women in situations of domestic violence little guidance regarding the options available to them to confront the violence. In Ciudad Sandino, users' testimonies emphasize problems in coordination between the WPS and other police units. Even though some operators interviewed have a somewhat self-critical discourse regarding the limitations of interinstitutional coordination and other barriers in the police/judicial system, none of the case studies provided evidence of change processes currently underway to make a significant improvement in these practices.

### **Multidisciplinary Services**

In each one of the research sites, several institutions provide a variety of services that, to a great extent, match with women's expectations. Almost all of them provide psycho-social services and/or legal advice. Some of these are state agencies, others are part of the feminist and/or women's movement, while a few university-based legal aid clinics also participate. Only the Belo Horizonte (Brazil) and Cuenca (Ecuador) studies report

the presence of shelters that provide safety to women and their children when in need, which suggests that this service is still not offered consistently throughout the region. In Ciudad Sandino (Nicaragua) a network of promoters operates to support women by providing them with information and accompaniment. Only in Villa El Salvador (Peru) is there a centre (located in the WPS building itself) that offers various types of social services, provides technical training, and has a child-care centre, in addition to legal and psycho-social services.

More specifically, in all the cases, various services are offered in different ways in the same building where the WPS is located. At the Belo Horizonte WPS, services are provided by university interns, volunteer psychologists, public defenders, and there is branch office of the forensic medicine institute. In Cuenca, a single building houses several offices: both local WPS, the DEVIF (the specialized police unit for family violence), and a women's NGO that provides psycho-social and legal services. A social worker and psychologist form part of the staff of the WPS located in Ciudad Sandino. There are also other centres in each locality that provide individualized services, especially psycho-social and legal ones. Some centres also run training and sensitization workshops or self-help groups.

With respect to the prevailing perspectives on justice transmitted through these centres and their services, it must first be recognized that there is a great deal of diversity among institutions and professionals. Nevertheless, it can be generalized that there is relatively less influence of the family-values perspective and more weight given to the formal legal/institutional, feminist, and the 'strategic and compassionate support' approaches. The following quotes show how women appreciate knowing their rights, feeling supported, and the accompaniment provided by these services. However, as Dora's testimony illustrates, they also reject any guidance that blames them or simply does not serve to strengthen them.

Several times I looked for a lawyer to find out about my rights, but I always faced setbacks. That's when I was going to church, praying, searching... I did a ton of things. I thought things were getting better, that they would get better. I hoped he would improve, but he never did. [...] I started a treatment, and then stopped it, because I thought to myself that it wasn't the issue, that I wasn't the problem. Do you know what I mean? Now I find that finally, when I went to see a lawyer [at the Office of the Public Defender]... I told her about everything that had happened to me. And she said, 'what's this? This is a crime. This is covered by the law; it's a crime. Are you prepared to open a case file and everything?' I said, 'yes, I am.' ... I was in a panic; I was desperate (Claudia, age 44, mulatta, high school completed, decorator, Belo Horizonte).

"[The psychologist] spoke to me a lot, and well, in the end, she told me I was sick. That was her conclusion. Well, in a way that might be partly true, right?

Because she said that by being with an aggressive person like that, ... In other words, so many things had happened, like the problem I had with my children. Now my problem is that I'm sick, and I don't what I have, I don't remember... But here's the thing, I left there even more stressed out." The criticisms highlighted reaffirm [...] the limits of these actors' perceptions, as they call into question not only the violence itself, but also the women's capacity and autonomy to take action in their own lives (Dora, age 31, high school complete, domestic worker, Villa El Salvador; cited in Macassi León et al., 2009: 119).

One aspect worth emphasizing is that the women go to these institutions seeking support for themselves, since they want to strengthen their self-esteem or their capacities. At the same time, it has to be noted that the dominant perspectives transmitted through their services validate women as subjects of rights. There is also greater concern for providing adequate care and quality services, which in turn influences women's more favourable assessment of these services.

Difficulties are also highlighted, such as the fact that not all women know these institutions exist, while they know even less about how they can help them. In general, these centres, whether government- or civil society-based, provide services free of charge to women in situations of violence. That said, the Cuenca and Ciudad Sandino studies report that some of these, depending on whether they obtain financing, sometimes have to charge women for certain procedures, even if only a little bit. This may dissuade some women from following through with certain measures.

The most important problem cited in all four localities is the scarcity of information and the lack of an adequate referral system from the WPS to other institutions and services.

Because it just becomes an ordinary, everyday occurrence, and so it doesn't really matter. The police are used to seeing crimes all the time, so for them it's just normal. You see? But it shouldn't be this way. Each person who shows up should be treated like she matters, like she has a problem they have to solve. If she asks for more information, they should reply, 'listen, go to the Public Defender, go there and they will support you.' Show the person that she has some back-up. For example, tell her about the service they have, [...] a reflection group, because sometimes people have no idea. They go [to the WPS] to file a complaint and they still don't even find out (Laura, age 33, white, university degree, manages a firm, Belo Horizonte).

The lack of adequate referrals was highlighted in particular in Ciudad Sandino, Villa El Salvador, and Belo Horizonte, where this situation is most critical. As a result of this dynamic in all these sites, many women find out about other available services through their personal contacts. One vital exception is the existence and application of a joint

protocol between the Belo Horizonte WPS, a reference centre, and the women's shelter, which provides safety to women at high risk. In Villa El Salvador, several users interviewed found out about the multidisciplinary services provided on the WPS premises not because WPS operators referred them, but rather by 'discovering' them on their own (Macassi León et al., 2010).

Despite these problems, promising practices were also stressed. One can be found in Cuenca, where it is observed that all the women receive transfers to one or another centre. Another is the generalized practice, identified in the institutions providing multidisciplinary services in all the research sites, of providing women with guidance and/or encouragement to go to the WPS for the purpose of filing a formal complaint and begin the process of gaining access to punishment for the women's aggressor.

As already mentioned, another limitation is the lack of accompaniment and/or follow-up provided to women to facilitate their journey. Indeed, many users affirm that their paths would have been much less complicated if, more than just being informed about or referred to other services, there were coordination so someone would follow up with them about their case. They also link follow-up to protection. In their own words, this would have helped so "we would feel more sure of ourselves. Because the fear one feels when going down the stairs on their way out [of the WPS] is tremendous" (Claudia, Belo Horizonte). Or as another expressed, "It's not good for them to forget you. Even if a woman doesn't continue, they should still follow up with her. If she doesn't continue, there has to be a reason (Veronica, age 30, stylist, Ciudad Sandino).

Users' testimonies also provide evidence of how, despite the limitations noted above, some of the staff at these institutions do indeed provide women with encouragement, both to continue the process to gain access to justice and to put an end to the violence.

I truly felt supported when I went to see the coordinator of the Legal Promoters. She told me, 'you can't allow this. Go to the WPS and do the process,' and so forth... (Adelaida, age 45, secondary school completed, Villa El Salvador).

There [at the workshops given by a women's centre] women gather the courage they need to defend themselves (Yanina, age 47, domestic worker, Ciudad Sandino).

Another contribution made by these specialized services is they more frequently provide women with information about legal processes, which facilitates women's paths towards justice, rather than current practices at some WPS. In Belo Horizonte in particular, both users and professionals affirmed that WPS users seek out other services to explain to them the procedures and scope of the protection measures, which helps to counteract

the bureaucratic services at the WPS. At the same time, legal guidance provided at these centres may extend the horizon of options available to women to leave the situation of violence. Examples include providing women with support to advance civil or family law proceedings, such as child support, custody of the children, or a divorce. The women interviewed also testify that receiving psycho-social services is a factor of great relevance along their paths. This explains their expectation, demand, and assessment that psycho-social services need to be provided in the WPS themselves, and coincides with the expectations expressed in the survey, also. Indeed the evidence indicates that they tend to value this service even more than legal guidance, which is apparently more directly linked to facilitating access to justice.

### **Networks and Other Coordination Bodies**

In all four research sites there are local networks in which various state and civil society actors participate. These networks have different compositions and prioritize prevention and/or coordination of direct services. The activities they carry out are varied, though generally involve training, coordination of direct services, and holding different events, assemblies, and meetings. These networks also contribute in different ways to social oversight. For instance, they provide guidance or recommendations for improving public policy (Ciudad Sandino, Cuenca), coordinate with national entities (Belo Horizonte and Villa El Salvador), carry out sensitization campaigns (Belo Horizonte, Cuenca), and in all four localities, advocacy, follow-up for specific cases, as well as community outreach.

In Cuenca, there is a network with widespread participation, which is perhaps the most consolidated of the four sites. In Ciudad Sandino, at the start of this study, the local network was not active, but later began to meet and carry out various coordination activities; in Belo Horizonte, articulation among local actors has been improving in recent years; while in Villa El Salvador, the network is now less consolidated than in the past. These networks are dynamic and multiple factors influence their change processes. For example, a few years ago the reference and counter-reference protocol developed by the intersectoral commission in Ciudad Sandino was designated a promising practice at the national level (Jubb et al., 2004); however, when a project financed by international cooperation finished, both the protocol and the commission were weakened. For its part, as field work was coming to a close in Belo Horizonte, the local network was making progress towards establishing its own protocol for references and counter-references. In so doing, it was putting into practice one more aspect of the national technical standards.

Various factors influence positively the consolidation of networks in general, and the effects of their presence or absence are noted in the four case studies. Some of these are: (1) leadership, especially if provided by an institution or organization with a rights or

feminist perspective; (2) funding for its activities; (3) consistency in the participation of institutions/organizations, as well as their representatives; and (4) a common perspective on violence and responses provided, as well as a shared commitment (Burt et al., 1997). Based on these factors, it can be stated that perhaps the greatest problem limiting the consolidation of the networks in the cases studied is the scarce participation of the WPS. This could reflect a lack of motivation to recognize and/or build interests in common with respect to defending women's rights. Indeed, the evidence from the case studies points to this same factor explaining why there are so few references from the WPS to the other local services. The most consistent practice with regional and international standards on this matter was observed in Cuenca where, in effect, the WPS studied participates actively in the local network. Taking into consideration the centrality of the WPS in women's perceptions and understandings, without greater participation of the WPS in the networks, the possibilities for decreasing the influence of the family-values perspective, improving the accessibility and quality of services, and increasing the level of sensitization and knowledge of women's rights on the part of local populations will all be limited. And in turn, efforts to prevent domestic and other forms of violence against women will also be constrained.

## FINAL CONSIDERATIONS

This chapter establishes that, despite being specialized institutions, the women's police stations (WPS) can still reproduce various barriers that hinder women in situations of domestic violence from exercising their rights. While the family-values perspective is interwoven in the perceptions of both WPS users and operators, it leads to different dynamics in each group. On the one hand, women seek responses that improve their knowledge and exercise of their rights, whose effect is often to reinforce the formal legal/institutional or feminist perspectives in their own perceptions. On the other, those operators whose perceptions reflect more of a family-values perspective tend to impede access to justice procedures and processes that facilitate women getting out of the situation of violence. Despite there being considerable agreement among the four cases, the family-values conception is seen to carry greater weight in Villa El Salvador (Peru) and Ciudad Sandino (Nicaragua), while Belo Horizonte (Brazil) stands out since the formal legal/institutional approach has greater prevalence, yet there remain certain weaknesses.

Operators' perceptions also contribute to creating an implicit classification between formal responses – i.e. those included in the formal legal and regulatory framework – and informal ones, which relate above all to supporting users in knowing and defending their rights through providing information as well as compassionate care and services. The women users interviewed place emphasis on receiving diverse responses, both informal



ones, especially at the outset, and formal ones; WPS operators generally prioritize formal procedures, particularly those that form part of the official route towards obtaining a verdict and imposing a penalty, while they generally underestimate said informal practices. Operators' individual perceptions as well as institutional approaches and commitments together have an influence on WPS interinstitutional relations, especially with multidisciplinary services (provided by governmental, feminist or women's movement, or civil society), and the fact that they do not always recognize the value of said services for women in terms of both gaining access to justice and eliminating violence. Therefore, few women are remitted to these other services from the WPS and multilateral coordination aimed at the prevention of domestic violence against women is still lacking. The experience in Cuenca (Ecuador) is the noteworthy exception, as almost all women receive references and there is generally close interinstitutional coordination.

Although there certainly is evidence of favourable changes in the performance of the WPS – notably at the institutional level in Belo Horizonte – that support women in shaping their own paths and contribute to them exercising their citizenship rights, obstacles that hinder their access to justice still exist. Some barriers are associated with limited resources, such as: lack of privacy, implementation of certain procedures depending on the partial use of the women's own resources; the scarce production, dissemination, and direct distribution of information; as well as insufficient specialized training for operators. However, relatively weak levels of personal and institutional disposition is also an important factor. The fact that the performance of WPS operators depends to a significant degree on individual discretion, also indicates administrative and institutional limitations of the WPS with respect to fully complying with regional and international due diligence standards. The following chapter analyzes how these mixed responses shape the impact of the WPS on facilitating access to justice and ending violence against women.

## Chapter IV

# WPS Impact on Access to Justice and the Elimination of Violence

Based on the previous examination of the perceptions of women and operators at the women's police stations (WPS) regarding access to justice, the paths taken by users, and the responses they receive at the WPS in Belo Horizonte (Brazil), Cuenca (Ecuador), Ciudad Sandino (Nicaragua), and Villa El Salvador (Peru), it is clear their impact has yet to reach its full potential. By this is meant that on the one hand, the WPS have made some significant contributions, such as being the concrete expression of the first important public policy regarding violence against women in the four countries; making visible the magnitude of domestic violence; keeping violence against women on the public agenda as a social problem requiring state action; and constituting a point of reference for access to justice for women, in any of the way women define it. On the other hand, these advances have been limited to date in terms of guaranteeing to all women an entry point to formal justice; contributing to reducing and eliminating domestic violence; and collaborating with women in the exercise and ownership of their human rights and citizenship. In synthesis, it can be said that *the WPS have contributed to making the problem of violence against women visible as a public, collective, and punishable matter; furthermore, they offer women new opportunities to defend their rights, but do not necessarily contribute to eliminating or reducing violence, or guaranteeing access to justice for women.*

### MAKING VIOLENCE VISIBLE

The WPS are the most visible specialized institutions for violence against women in their communities. It is based on this visibility that the WPS have contributed to converting domestic violence into a matter of public interest. Nevertheless, despite their significant presence in women's collective understanding and perceptions in all four research sites, in practice they are not necessarily the entry point used by all women who seek justice or an end to the situation of violence.

It is worth pointing out that in three of the research sites, practically all adult women knew of the existence of the local WPS.<sup>36</sup> The sources of information on the existence and jurisdiction of the WPS are another sign of how violence against women has become more visible and acquired social importance. In all locations, the most frequent source of information is the media.<sup>37</sup> In Belo Horizonte, almost twice as many women reported having heard about the WPS through the media (77.6%) than the average of the other three research sites (40.1%). The greater presence of the Belo Horizonte WPS in newspapers, television, and radio may be explained by the proactive use of the media made by local authorities and other officials, a phenomenon not raised in the reports of the other cases. Additional sources of information concerning WPS that were frequently cited include persons the women know personally – relatives, friends, or neighbours – though in different orders of frequency depending on the location. As a corollary to the previous observation, the women surveyed in Cuenca, Villa El Salvador, and Ciudad Sandino (in descending order) cite persons close to them as sources of information with greater frequency than the women in Belo Horizonte. This may mean the women in the latter city talk less about the subject with members of their personal support network than women elsewhere (Pasinato, 2010). This would also help to explain why these women break the silence by going to an institution with greater frequency than by talking to friends or relatives, as happens in the three other research sites.

The very presence of the WPS in the media – much as is the case with different state and civil society actors – constitutes evidence in and of itself of the social transformation achieved over the past thirty years, as violence against women used to be entirely absent from public debate. The fact that about one quarter of women surveyed hear about the WPS from relatives, friends, or neighbours indicates that the institution and the topic have a presence in both the collective understandings of the female population in these localities as well as in more intimate settings of discussion.

The higher visibility of the WPS implies a recognition that violence against women is now located in the public sphere. Therefore, it can be said that these institutions are providing a partial response to the platform of demands put forth by the feminist and women's movements, including that the state must recognize, promote, and defend women's rights, as well as facilitate and expand the exercise of their citizenship. In proposing that the WPS serve as a reminder to other state institutions regarding their own obligations, the Peru report indicates that the state's response is still incomplete or deficient, a point also raised in one way or another by the research results in the other countries.

<sup>36</sup> When asked directly, the percentages of women who had heard of the WPS in their community are: 99.6% in Ciudad Sandino (Nicaragua); 98.6% in Belo Horizonte (Brazil); 98% in Cuenca (Ecuador); and 84.6% in Villa El Salvador (Peru).

<sup>37</sup> The media are the most frequent source of information on the WPS in the four sites: 77.6% in Belo Horizonte; 44.5% in Cuenca; 40% in Villa El Salvador; and 35.7% in Ciudad Sandino. It should be pointed out that the question allowed for multiple answers.

The Villa El Salvador WPS reflects a public policy that contributes to make violence visible. It has a significant 'deconstructing' effect on collective understandings, and represents an opportunity to return to the debate on institutionality and its relation to transforming society in the key of gender. Its existence has been defended and supported by diverse women's organizations, precisely because of its value as a reminder to the state that it bears responsibility for gender justice, where access to justice is a cross-cutting issue (Macassi León et al., 2010: 152).

Another aspect pointed out in the four country studies regarding the WPS contribution to making violence against women visible is that the impact achieved has not been in isolation from the actions undertaken by other actors. Indeed, some of these actions began even before the foundation of the WPS, particularly by the feminist and women's movements. Further, the latter have also had in general a broader approach to this issue.

"The WPS have contributed to making the magnitude of violence against women visible, to breaking with the naturalization of this practice, to considering it a violation of human rights, and, above all, to modifying the conception that it is a private matter in which the state and justice system should not intervene" [...] and have proven that it is a social problem that "demands the work of multiple actors in order to solve it (Camacho and Jacomé, 2008; cited in Camacho et al., 2009: 182-183).

Along the same lines, the denaturalization of violence has been a shared achievement among the WPS and other state and social entities, in addition to the feminist and women's movements in the region.

## ACCESS TO JUSTICE

In order to understand the impact the WPS have as regards facilitating or increasing women's access to justice, several factors need to be taken into account, such as: formal WPS responses, that is, their performance based on the legal and regulatory framework and reflected in state statistics; informal WPS responses, which refer, for example, to whether women felt supported or received guidance; and perceptions and expectations regarding justice. The data on complaints registered and verdicts rendered constitute clear-cut evidence of a deplorable level of impunity. That said, some of the data on protection is more encouraging. In addition, the users interviewed have broader experiences and perceptions concerning justice, for which reason in their testimonies, most affirm they are satisfied with the response they received from the WPS and consider

that “justice was done,” either because they received a protection order, felt understood, or the aggressor was summoned or punished.

As part of the discussion it is worth pointing out another constraint: the limited geographic coverage of the WPS.<sup>38</sup> This means that many women in these four countries do not have access to a specialized institution in order to take the first step in the official police/judicial path, thus increasing the level of difficulty they experience in gaining access to justice.

### **Access to Justice According to WPS Statistics**

The statistics of the WPS and other state institutions that are part of the police/judicial route provide a considerable amount of information with which to analyze the performance of the WPS and access to justice in objective terms and according to the formal legal/institutional perspective. With the very positive exception of protection measures issued in Cuenca (Ecuador), in general, relatively few women gain access to justice in terms of protection or punishment. Therefore, the opportunities offered by the WPS to complete judicial processes are minimal.

In Cuenca, the statistics on complaints registered and verdicts show that between 2005 and 2007 only 4.9% of women who filed a complaint for physical or psychological violence saw their case through to the end (a verdict or resolution). Of this percentage, 4.5% concluded with a verdict for physical violence and 0.4% were resolutions for psychological violence. These results are below national statistics, where the average total is 11.6%, of which 9.3% are verdicts and 2.3% are resolutions. However, the verdicts do not necessarily favour the reporting parties. In Cuenca, only 2.4% the verdicts are convictions, and of these, 1.8% received prison sentences, while the remainder received alternative sentences (fines or community work). Furthermore, the police is not always able to capture those sentenced in order to enforce their sentence. It is also worth reiterating that in Ecuador, the WPS only have jurisdiction for receiving summary offences (or lesser crimes), for which the maximum sentence is 7 days in jail or a fine of US\$ 28. Therefore, those cases that are typified as indictable offences (major crimes), are processed through the regular criminal courts.<sup>39</sup> Even with such lenient sentences, Camacho et al. (2009) indicate there are reports of women who request that the medico-legal report not reflect the seriousness of the injuries sustained (more than a three-day absence from the workplace), and that

<sup>38</sup> Limited WPS coverage and other issues discussed here are analyzed in greater depth in the Regional Mapping Study (Jubb et al., 2008).

<sup>39</sup> In some towns in Ecuador the Office of the State Prosecutor has units specializing in sexual crimes, but not for women living in situations of violence.

the aggression not be qualified as an indictable offence. Instead, they prefer to follow the WPS process, precisely because it is a specialized institution, the procedure is faster, a lawyer is not necessarily required, and it is more accessible to them as the reporting party.

A report of the WPS National Directorate in Nicaragua from 2007 showed that only 15.7% of complaints ever reached the end of the police investigation process. Of this percentage, almost half, or 7.7%, were referred to the Office of the Public Prosecutor (for indictable offences), with the remaining 8% being sent to lower courts of first instance (for summary offences). Another study of the verdicts handed down by the Supreme Court of Justice in 2004<sup>40</sup> – the information for which does not necessarily match the data reported by the WPS – indicates that less than 10% of cases went to trial and of those that did, the abuser was acquitted in 54.9% of cases and convicted in 28.7%. This data reveals that a high number of complaints filed are resolved through mediation, both in cases of summary and indictable offences (Meza Gutierrez et al., 2005), despite the fact that mediation is prohibited in cases of indictable offences and may only be applied once in cases of summary offences for family violence, even if there is recidivism. For its part, the higher proportion of acquittals signals the possible existence of difficulties in the law that increase the bias against women or in favour of the family-values perspective (Facio, 2004; Goetz, 2007). Put otherwise, there may be greater influence of the family-values perspective and other forms of gender-based discrimination in the police/judicial system in Nicaragua.

In Peru, the partial data available indicates a situation somewhat similar to that in Nicaragua. The Ministry of Home Affairs reports that 15% of family violence complaints are referred to courts (Manuela Ramos Movement, 2007). However, there is no information on how they were resolved. In the case of Belo Horizonte, it is not possible to analyze police data because it is not broken down by the sex of the victim, let alone by type of crime (summary or indictable offence). This limits the transparency of police/judicial actions.

Regarding protection, official statistics demonstrate that in the case of Cuenca, and Ecuador in general, there is a high level of access to protection measures, while no similar data exists for the other research sites. In fact, data was available only for Cuenca and Ecuador, where in accordance with its justice administration model, the WPS have the authority to both receive requests for and grant protection orders. The data for 2005-2007 shows that 87% of the women who filed a complaint were granted an immediate protection order, and 57% of abusers were prohibited from approaching the victim. These figures are higher than the national averages of 79% and 15%, respectively (Camacho

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<sup>40</sup> A new Criminal Procedures Code was introduced in 2004, followed by a new Criminal Code in 2008; therefore, the data provided does not describe the current situation.

et al., 2009). As concern Brazil and Nicaragua, no data was available from the WPS to know how many women requested protection measures. In Peru, the WPS do not collect this information, as they are not authorized to receive or grant requests for protection measures.

In general, the data obtained from the four countries on penalties and protection measures is either incomplete, unavailable, or not strictly comparable among each other because they differ in several aspects. Despite this, the information shows that in the police models of Brazil, Nicaragua, and Peru, the WPS is only one of the institutions serving as an entry point to the route of the formal justice system, and thus, towards the application of a penalty. However, for many women, it is also the last step. In Ecuador, the model points towards a route somewhat less complicated than that of the other countries, with a unified information system that allows for a more detailed analysis of each step taken along the way. Despite its imperfections, this is an important accomplishment, as it allows for internal monitoring, official follow-up, and social oversight.

The fact that the vast majority of women in Cuenca in particular and Ecuador in general are granted one or more protection orders almost immediately is a significant achievement in terms of access to formal measures available in the justice system. It is also remarkable that this situation is unique among the countries studied. As pointed out in the previous chapter, there are some significant differences between the procedures in the Ecuadorian model and the police model of the other countries that may explain these disparities.

The various limitations with the data contribute to maintaining a certain level of invisibility regarding WPS performance. This has consequences, as it renders the workings of the police/judicial system rather opaque as concerns violence against women. These weaknesses limit state transparency (Jubb, 2001), as it is difficult to ascertain the level of compliance with national, regional, and international obligations on the matter, ranging from the recognition of domestic violence as a public sphere issue to the defence of access to justice for all women.

The rate of impunity in the judicial system of the four countries is extremely high, even overwhelming. In Cuenca, notwithstanding the slightly simplified and generally less time-consuming route, only one woman in twenty sees the judicial process through to the end. Of these, about half end in guilty verdicts. In Nicaragua and Peru, only about three of twenty women conclude the procedures at the WPS. Without knowing the drop-out rate during the remainder of the path, but taking into consideration the various obstacles women may face, it is safe to assume that the proportion of verdicts will be lower than that in Ecuador. Taking into account the frequent use of police and judicial mediation in Nicaragua, it is possible that even less women there reach a verdict.

Without a doubt, these data represent a tremendous improvement over the existing figures before the creation of the WPS. However, there still exist enormous constraints. It used to be that the barriers to register almost any form of domestic violence were almost insurmountable, both for lack of a legal and regulatory framework and due to 'family-value' blaming attitudes on the part of the police. The most impressive improvement is the protection measures, which represent a significant transformation in the responsibilities of the state. However, there is no data that would allow for a historical comparison of complaints filed and verdicts reached in current and prior performance. Neither is it possible to compare WPS data with those of regular police stations that also have the authority to register the same kinds of complaints as the WPS. Even with limited access to comparative data, in absolute terms, the statistics that do exist all attest to the fact that only very few aggressors are ever punished. While current WPS practice must be seen as an important achievement, a systemic or structural change is still necessary for there to be a consistent application of the law.

### **WPS User Experience with Formal Responses**

The experiences narrated by WPS users are similar to the data collected in official statistics.<sup>41</sup> Further, users' perceptions on their paths towards access to justice in terms of the formal legal/institutional perspective serve to illustrate the influence of factors that both hinder and facilitate the outcome. In three of the countries, data was obtained on access to justice among users interviewed: Belo Horizonte (Brazil), Cuenca (Ecuador) and Ciudad Sandino (Nicaragua), all of which provide important information.

Of the fifteen women interviewed in Belo Horizonte, ten filed a complaint after the current Maria da Penha Law on violence against women came into effect in 2006. Of these 10 women, the cases of 2 are still being processed at the WPS; 3 were shelved for lack of evidence; 4 are being processed through the criminal judicial system; and only 1 case has received a verdict, which was an acquittal. Of the 25 women interviewed in Cuenca, 20 provided reliable data. Of these: 7 had received a sentence (5 jail terms and 2 payments for damages); 7 had cases underway or were awaiting a verdict; and in 6 cases the process had been held up or the women had decided to stop pursuing the case for a variety of reasons (the husband had left the city; the couple was already separated; they did not want a prison sentence; or due to the various obstacles encountered). Of the 25 women interviewed in Ciudad Sandino, 12 cases ended with a mediation procedure, of which 7 took place at the WPS, 1 at the Office of

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<sup>41</sup> Given the complexities of the paths women must take, it is often difficult to trace their trajectory in detail and follow a chronological order. Therefore, the quantitative data on users is not complete. Two additional constraints regarding these data are that they are not representative and the women had not concluded the process when the interviews took place. Therefore it is impossible to compare 'final' results.



the Public Defender and 4 at the lower court of first instance. Of the remaining 13 women, 5 dropped their cases at the WPS (1 “withdrew” her complaint<sup>42</sup> and 4 gave up for lack of support from station operators); 2 went to the Public Ministry; 3 cases are in the courts; 1 of the accused fled and the woman doesn’t know the status of her case; and 2 cases reached a verdict (one man found guilty, one acquitted).

A first reaction when reviewing these data is that they confirm a tendency that is suggested but not explicit in official statistics: more women reached the sentencing stage in Cuenca, Ecuador, than elsewhere, and all abusers were found guilty. Considering that several of the women have not finished their paths, and that the dates when these women filed their complaints is not known so as to calculate how much time each step requires, their experiences also reveal that the road through the police/judicial system tends to be shorter in Cuenca, where the average is between about two and three months. The paths in the other countries with police models are longer, even without being able to calculate an average, since a few women told the research team that their path took a year or more, where sometimes this period referred to the time taken at the WPS alone and in other cases referred to the process after the police investigation stage.

From being picked up by the police patrol, then to the WPS, then to Forensic Medicine, then after the examination pick up the epicrisis and take it to the police, from there they were going to send me the results, and they never sent anything. That was almost a year ago (Ester, age 26, homemaker, Ciudad Sandino).

In all the research sites, this very long process -even in Cuenca- discourages various women and they abandon their case. The length of the procedure is one of the obstacles that restrict effective access to justice through the WPS and the rest of the system. Another important fact is that far fewer cases were shelved in Cuenca than in Belo Horizonte and Ciudad Sandino. In the latter case, the frequent use of mediation changes much of the information, as about half of all cases go through mediation procedures, and thus, do not proceed to receiving a verdict or a penalty.

Another set of obstacles is related to the difficulties faced by women who live situations of more complex discrimination due to the intersection of unequal gender relations with other social markers, mainly ethnicity, socio-economic status, place of residence, age, and education level. The effects of these barriers is not only that situations of violence can be more dangerous, but these women may also have less opportunities to leave the violence or gain access to justice. Some of the examples mentioned earlier include the

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<sup>42</sup> While in certain circumstances the women talk about “withdrawing” the complaint, in legal terms this cannot be done because the police have the ex officio obligation to pursue the investigation to its conclusion. It is more likely these cases were shelved by the police for lack of evidence.

filter applied at reception, where women with a lower education level or knowledge of their rights find it more difficult to file a complaint (Camacho et al., 2009; Pasinato, 2010), or how indigenous and rural women in Ecuador often lack socio-economic conditions to follow the judicial route once they have filed a complaint (Camacho et al., 2009; Friederic, 2009).

Access to protection orders by users interviewed also highlights the differences among WPS models. In Cuenca, all 25 women interviewed received the immediate protection order, and 10 of them also obtained a restraining order, while 1 in one case the aggressor was ordered to leave the home. It should be pointed out that in Ecuador, women do not need to specifically request a protection order, but rather the authorities may grant one when they hear the complaint. Indeed, during the observation process, the research team found that all women received a protection order, which indicates a greater level of accessibility to the right to protection. As for application of these measures, user experience also reveals that these were quite effective, in the sense that they served to avoid further violent episodes, as the aggressors were made to leave the home and not come close to the woman's place of residence, work or study. In some cases in which the women had to take recourse to the police because their aggressor had breached the terms of the measure, they were detained, but this did not always happen.

The number of women who obtained a protection measures among those interviewed in the other research sites was relatively smaller than the experiences in Cuenca. Of the 15 women interviewed in Belo Horizonte, 8 requested such a measure and 7 were granted them. Of these, one later declined to accept the order granted, because she considered the violence had ceased. The rest were not given protection measures because by giving up on the process to seek a punishment, their request was also shelved. This means that almost all the women interviewed who requested one or more measures received them, but, in effect, only half of the users completed the process to request them. This high level of response is undoubtedly due to the fact that the WPS personnel asks each reporting party if she wishes to request a protection measure, notwithstanding the constraints posed by the bureaucratic attitude used to fill out the request form with users. While it proved impossible to get reliable data from the women interviewed in Peru and Nicaragua, it appears that in both countries few of the women requested or were granted a protection measure. In Peru, this is related to the fact that the request for these measures is not processed at the entry point to the system, and as has been shown, few users follow the path to the judicial institutions where they are requested and processed. As for Nicaragua, this has to do in part with the high number of cases in which mediation takes place. That being said, it should not be thought that mediation is interchangeable with a protection measure. Rather, these measures should be granted regardless of whether or not there is mediation. To not do so may contribute to distancing women from the exercise of their rights.

Norma's testimony provides evidence of the effectiveness or the dissuasive character that protection measures can have, while also illustrating a limitation with the granting of these measures. Although she was granted such a measure, she had very little information and did not know its scope or how it was applied. When the judge, as part of the judicial mediation procedure, granted her a protection order that prohibited the aggressor from coming close to her home, she related the warnings they received from the judge and its impact on the abuser.

'Listen here, you get close to this woman again and I'll have you picked up and arrested wherever you are, and I'll send you to jail for five years, without appeal.' Perhaps she was making it up, right? I don't know. But it sure intimidated him (Norma, age 48, seamstress, Ciudad Sandino).

The experiences of the users interviewed demonstrate that the situation is complex as regards the impact of the application of the law, even if the data available is limited. In Cuenca – and in Ecuador in general, according to statistics – women have more access to formal justice than in the other cases, both in terms of protection and the punishment of perpetrators. However, they have much greater access to protection than seeing the aggressor punished. A relatively higher level of access to protection was also found in Belo Horizonte, despite being a different model. Furthermore, in all research sites, a formal response for physical violence is more accessible than for psychological violence. The fact that the women in all the countries spoke very little about whether they had suffered sexual violence, or what response was forthcoming from the WPS, suggests that sexual violence within couples remains largely invisible and relegated to the private sphere.

## **An Overview of Access to Justice and the Results Obtained**

The analysis in earlier sections, while reflecting the legal and institutional framework, does not take into account the complexity of responses offered at the WPS to gain access to justice. To that end, other approaches and perceptions of the issue need to be considered, in particular the informal fairness approach. These lead to ambiguous ideas about what the WPS sphere of action should be and how they are contributing to improving access to justice, in particular as concerns punishment of aggressors.

First, it should be pointed out that for many women, one outcome of going to the WPS and/or other services is that they decide to access formal justice. While most perceptions and the paths recounted by the women interviewed demonstrate how their fundamental goal is to end the violence, one effect of the processes experienced is that some of the women opt to seek justice in legal terms, and this becomes an objective in its own right.

Several users of the WPS at the four research sites also adopt a perspective of gender justice.

One thing that depresses me is that the Public Defender could already have convicted him, and so far it hasn't. Then, and this is my only complaint, they talk so much about the Maria da Penha Law, that justice will be done, but now they've been at this for a year-and-a-half. He gave his declaration last January. That's almost a year ago and still the Public Defender has not decided the verdict. They talk a lot, don't they? It makes them look good. They say there will now be a specific body for this at the forum, that men must pay for so much violence, that this and that, but I'm not seeing any of it. Do you understand? What I want are results. I was embarrassed in front of others, I went through something my daughters saw, and shouldn't have had to go through that. I want him to be punished for that, for something real to happen. I want him to pay child support, be made to do some community work, I don't care what, but justice must be done, because I can't do it with my own hands. Because if I could, I would; but I can't. That's what the justice system is for (Heloisa, 44, mulatta, university graduate, public official, Belo Horizonte).

Second, it is worth noting that Heloisa also provides testimony of one of the institutional obstacles faced by women once they decide to follow the formal route through the system to a verdict, namely the long time the process takes at the WPS itself and/or other institutions. While she has been waiting for a verdict for a year-and-a-half, other women at all sites decide they cannot follow the case through to a verdict due to institutional or other barriers that drag out their paths. This happens even in Cuenca, where the process tends to be shorter.

Women come to perceive that justice does not exist, or in any case, does not exist for them. Not only because of the distance between their expectations regarding punishment and the concrete reality of the institution, but mainly because they see no hope of being able to teach the aggressor a lesson, not even at the formal/legal level. The time taken by bureaucratic procedures, the lack of adequate conditions for dealing with them (at the level of knowledge, time, and independent economic resources), revictimization, the lack of credibility in their discourses and cases, all this leads women to give up on the WPS and state authorities in general as mediators to achieve justice in their cases. At the same time, the situation strengthens the oppressive power of the aggressors (Macassi León et al., 2010: 82).

In effect, this argument leads to the following analysis: the various barriers women must face at the WPS run counter to its *raison d'être* and serve, in conjunction with other factors and obstacles, to hinder or even stop their progress on the official route to justice. This in turn favours impunity and non-compliance with the WPS institutional objectives.

These factors make it so that few women actually persist with their cases until a verdict is reached, especially in the police models with longer processes. “For so long they haven’t been able to resolve anything. ...I’m tired, but at the same time I find the strength within me. I tell myself, ‘no, I am going to see this through to the end, and that man will be left with an experience to remember that he can’t go around messing with women’ (Ada, age 43, policewoman, Ciudad Sandino). Ada’s testimony demonstrates that by sticking to her concept of justice and what she considers to be “right” in a moral sense, she finds arguments to continue struggling against the barriers along the official route.

A third aspect in this debate has to do with the relationship between punishment and protection. In general, women value protection over punishment, and this was found to be the case both in the perceptions of the women surveyed as well as in the perceptions and experience of the women interviewed. In Cuenca, this relationship has a particular dynamic: many of the women interviewed consider that being granted a protection measure means that “justice was done” (Camacho et al., 2009: 84), as they see the measure as a protection for them and at the same time a punishment for the aggressor. It is possible that they interpret it this way due to the relative celerity of the procedures and the high proportion of such measures granted, as well as the fact that if aggressors fail to comply, they may be arrested and jailed.

However, it is not only the women users and those surveyed that prioritize protection: in some cases operators at the WPS and other institutions do so as well. The very fact that all those interviewed in Cuenca received a protection measure indicates the importance attributed to the measure by the authority of this particular WPS. In Belo Horizonte, it was found that a different institution of the judicial system, whose mission is to improve the application of the law, has decided to prioritize protection over punishment.

“Here at the Office of the Public Defender the staff views the police investigation as secondary; the priority is the protection measures ... To protect the physical and psychological integrity of the victim is preferable to simply detaining the accused.” [...] Their performance appears to run into the same dilemma noted earlier, namely the need to find a balance between the criminalization of violence and other alternative measures for those women who do not want to punish their aggressors or end the relationship” (Justice Promoter, at the Office of the Public Defender for Domestic and Family Violence against Women, Belo Horizonte; cited in Pasinato, 2010: 65).

As Pasinato points out, in the case of Belo Horizonte, some women do not agree with this position and regret the complication this entails for having the abuser punished. It is the influence of the various obstacles they face that creates a certain incongruence between the two rights.

A fourth pillar of this discussion touches upon access to justice as a whole. Women conceive of justice and access to it in multiple ways that may include both the formal aspects determined by the legal and regulatory framework – in particular protection and punishment – as well as the so-called informal ones, meaning that they are not part of the legal provisions in the country. The informal WPS responses most expected by women are those that contribute to strengthening them – for example, receiving information and guidance concerning their rights, being listened to and feeling supported, and being granted some sort of protection. In addition, some women also seek responses directed towards their (ex-)partner in order to change his behaviour, such as, providing them with information and guidance on how to treat women in a manner that is 'fair,' or guidance that serves to frighten or intimidate him. The replies given by those interviewed on whether they had achieved the formal and informal services they sought are mixed, but on balance are positive in all four countries.

I requested that they arrest him each of the three times I went [to the WPS], and each time they arrested him (Juana, 26, popular educator, Ciudad Sandino).

It's better now that I feel the system supports me. This means I have a place where I can go and file complaints, be listened to. And not feel alone, or feel that anyone can come and do as they like and on top of that act cocky ... (Clara, 40, urban area, mestiza, university education incomplete, artisan, Cuenca).

Other women, for their part, consider that they did not achieve access to justice because they encountered obstacles at the WPS and/or other institutions along the formal route. For example, Marita, from Villa El Salvador, addresses how in her case, not only did the WPS fail to follow up on the formal complaint she filed, but she did not receive the necessary support from its staff.

It made me angry, it made me angry because they wouldn't help me, or rather, at that moment wouldn't support me. They didn't say, 'when we get back we're going to do this or that' or 'go do the following.' No, they didn't give me any advice. They wrote down some facts I gave them, and left" (Marita, age 39, advanced technical degree, promoter, Villa El Salvador).

At the same time, for some women the experience is decidedly mixed. For example, differences in the formal and informal services received; in rural and urban coverage in the canton of Cuenca, as Magdalena witnesses; or as a result of discretionality of the care provided between one WPS operator and another, as illustrated by Dolores.

They gave me an immediate protection order, but that didn't help, because there in the rural areas there's no police or nothing ... My husband didn't pay any attention to me with that piece of paper ... He yelled at my friend and insulted

her for having taken me to the WPS... He continued beating me; he always beat me until I screamed ... But when I came to live in Cuenca, he stopped, because he was afraid of the women's police station, that they would arrest him (Magdalena, age 41, rural area, indigenous, washerwoman, Cuenca).

The last thing they said to me at the first WPS was that I had better get out of the house, with my things and nothing else. At the other WPS the official told me that he is the one who has to leave the house because of what he's done, and that I had the right to stay there with my children... At that WPS they treat you well, and it doesn't take long (Dolores, age 43, urban area, mestiza, university student, self-employed artisan, Cuenca).

These testimonies also serve to highlight how the institutional barriers encountered by the women may overlap with social, cultural, or structural factors to complicate both their paths and the achievement of their goals.

While the WPS have been providing access to justice, something that was almost unthinkable given the dominant perspectives on violence against women thirty years ago, all the national reports emphasize specific reforms that must still be implemented if their performance is to comply fully with regional norms. To quote the report on Peru: "[The WPS] continues to be an achievement as well as a form of recognition of the problem. The opportunity to overcome its weaknesses and transform it into an institution that meets international standards and guarantees enforcement of women's rights must not be missed" (Macassi León et al., 2010: 131). This structural change is needed so the WPS will comply with both their specific responsibilities regarding access to punishment and other elements of formal justice, as well as contributing to guaranteeing other stipulated rights and duties.

## THE ELIMINATION OF DOMESTIC VIOLENCE AGAINST WOMEN

Ending the situation of domestic violence is almost always the main goal of women, and constitutes their primary motivation for visiting the WPS. For many, the purpose of filing a complaint at the WPS is to obtain a punishment and/or protection, but for many it is also a complementary or instrumental strategy by which to put an end to the violence. Therefore, it is important to consider the impact of the WPS in facilitating women's exercise of both rights, including the relation between the two. At the same time, given the complexity of the women's paths, it is pertinent to consider the impact of the various steps they take.

While it is difficult to obtain reliable data on the prevalence of domestic violence (United Nations, 2009), gathering general data on how many women are able to eliminate violence in their lives and how they achieve it in the four research sites has been almost impossible. However, there are some national surveys of adult women that have included a component on violence, the more recent being ENDEMAIN in Ecuador (2004), ENDESA in Nicaragua (2007) and ENDES in Peru (2009). These may provide some useful longitudinal data. In Brazil, the report of the first nationwide survey on the issue is expected to be made available next year. These surveys provide valuable information on the incidence and characteristics of different types of violence, and whether women have sought institutional help or not. However, this is still not sufficient to explain the causes of changes in the prevalence rate, the quality and effectiveness of institutional responses, and much less the experiences and complexities related to putting an end to the violence.

Data was reported on the elimination of violence in the lives of most of the women interviewed in Belo Horizonte (Brazil), Cuenca (Ecuador), and Ciudad Sandino (Nicaragua). In Belo Horizonte and Ciudad Sandino it can be said that a little over half of those interviewed were living free of violence at the time of the interview. A small number of women in both places reported they were still living in a situation of violence or under threat, and feared future acts of aggression. Few women reported that the expression of violence has changed or has worsened after going to the WPS. In the case of Cuenca, all those interviewed noted that they had been able to stop the violence. The following narratives bear witness to the diverse situations of the women interviewed with respect to the violence.

Well, in part the violence diminished, because I had the courage to go and file a complaint about it. But on the other hand, it got worse. He was indignant that I could have gone and complained about him, being the father of my children. His attitude was like, "since you're my wife and the mother of my children, you don't have the right to file a complaint me" (Patricia, age 39, university incomplete, unemployed, Villa El Salvador).

I don't think I'm outside the area of risk only because I moved to a different state ... we don't have to live in the same place for him to do something to me, right? [...] He's got enough financial resources, and also the will to find me wherever I am. I don't feel protected by the WPS; I feel protected by the Public Defender (Dora, age 34, mulatta, primary school incomplete, homemaker, Belo Horizonte).

Now I'm no longer afraid, and I don't hang my head. Now I look straight ahead, and I feel proud (Alicia, age 26, washes and irons, Ciudad Sandino).



After so many problems I felt pretty bad, but thank God, with all the paperwork I did, I won the case, and after that it was like a stop. Never again, never again. The WPS has helped me, because since then he has never said anything to me again, not a thing. It was a drastic change, because he would always call me, or come after me in the street, and wherever I was he would insult me. But not any more, now he's not insulting me at all (Cristina, age 29, urban area, mestiza, university incomplete, telephone operator, Cuenca).

At one extreme is Patricia's testimony, who at the time of the interview was in a worse situation of violence, hers being one of the few cases in which this happened. In general, several of the women who are now living without violence are still afraid their (ex-) partners might assault them again, as Dora makes clear in her story. At the other extreme are the experiences of Alicia and Cristina, who are of the opinion that the violence is a thing of the past: Alicia testifies to her own transformation, while Cristina refers the effectiveness of the WPS intervention for putting an end to the aggression.

The positive balance that emerges from the users interviewed needs to be interpreted taking two things into account. One is the limited analytical scope of the data.<sup>43</sup> The other is that the situation of all women needs to be an ongoing concern: those who now lead lives free of violence, as they could once again face a violation of their rights; those who continue in a situation of violence or are afraid that it will be repeated; and finally, the female population overall, who could be at risk or may actually be suffering violence.

The difficulty in breaking away from situations of violence looms larger yet for women who are more marginalized by the intersection of gender with other unequal power relations. Data from the study suggests that the most visible forms of discrimination are ethnicity, age group, education level, place of residence, and socio-economic status. In general, the obstacles these women face are more complex and difficult to overcome. For example, the testimony of Magdalena, an indigenous woman originally from a rural area of the canton of Cuenca, demonstrates that the protection measure was only effective in the city, since police coverage in rural areas is insufficient. Although the Ecuador report indicates that indigenous women tend to use traditional dispute-settling mechanisms (Camacho et al., 2009), there was no analysis available regarding their effectiveness.

It is crucial to warn against misunderstanding the significance of data from the WPS. These registries are neither direct evidence nor a substitute indicator of changes in the prevalence of domestic violence or the level of women's confidence in this institution. This is a mistake made by various state and civil society actors. On the one hand, if the

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<sup>43</sup> One limitation is that the data is not representative; another is that it is not known when the women's paths will end in order to have a definitive answer.

number of complaints rises from one period to another, it is sometimes interpreted as reflecting greater confidence in the institution, and/or as an increase in the prevalence of domestic violence. On the other, a drop in the number of complaints may be seen as a decline in the violence and a positive impact occasioned by the WPS. However, this is not necessarily the case, for the increase of WPS users may be an outcome of heightened awareness regarding rights that makes it so that more and more women are filing complaints; while conversely, the fact that less women go to a WPS may not be because the violence has diminished, but because they lack confidence in the institution. The evidence in this and other studies demonstrate that there is as yet no proof of the assumption that there is a direct or indirect relationship between the changes in WPS records and variations in the rate of violence.

We don't have data with which to measure. We don't know how to interpret the rise in complaints, whether this is because there is more violence, population growth, or because people today know more and go to the WPS to file a complaint" (Officials, Social Equity Department, local government, Cuenca).

Nor do the experiences described by users allow for establishing a direct and exclusive cause-and-effect relationship between their experiences with the WPS and changes in their situations of violence. Even though all of those interviewed in Cuenca were able to leave the violence and were granted protection measures, this does not mean that all WPS users achieved the same. There are too many factors that intervene in their situations to be able to isolate variables. Getting back to Magdalena's experience, it was not just obtaining the prevention measure that produced the desired change, but the fact that she moved to the Cuenca urban perimeter. In Belo Horizonte and Ciudad Sandino, no relation could be established between being granted a protection order and the immediate elimination of violence in women's lives.

Most women go to a WPS in search of urgent intervention to protect themselves and their children from the aggression exercised by their partner/husband. In some cases they receive an immediate response that puts a temporary or permanent halt to the violence. But in general, most women must satisfy a number of prerequisites in the judicial process in order to obtain protection or have a verdict reached. In the testimony offered by Juana in Ciudad Sandino, she had to go three times to the WPS until the impact seemed to be permanent. In Cuenca, while it is relatively easy and quick to obtain a protection measure, if the women are able to stop the violence with this, they often desist from seeing the judicial process through, as they consider their main aim has been achieved. This decision is explained by one of the interviewees as follows: "The most important thing has been achieved, that there is no more violence, that now he can't come hassling me anymore" (Camacho et al., 2009:111). In addition, oftentimes these women seek only protection,

and do not wish to insist on punishment for their (ex-)partner, either so as not to pursue the conflict further, or because they do not want to affect the relation between the father and his children, as doing so may produce contradictory feelings. In yet other cases, the women still hold out the hope that the marriage can be rescued.

While the women emphasize the importance of the measures taken to strengthen themselves and break with the situation of violence, the other side of the elimination of this practice is intervening to halt the spouse/partner's aggression. Both WPS users interviewed as well as the female population surveyed point out that their expectations and confidence in the WPS revolve primarily around their own protection, including receiving information about their rights and how to exercise them, and receiving quality services. Most of those surveyed consider that the WPS have contributed to diminishing intimate partner abuse and attribute this effectiveness in large part to the fear they instil in the men.<sup>44</sup> This reveals the other side of the coin of applying the law. While those surveyed prioritized options that help to strengthen themselves as women, they also think that violence can be stopped when the aggressors fear the action of the police and/or justice. This shows that male conduct is modified by a confluence of factors and not the isolated actions of either women in situations of violence or the WPS.

This perception is confirmed in general terms by the experience of users, professionals, and operators in all four research sites. As has already been pointed out, there is a high degree of consensus among different key actors regarding the idea that most men subject to formal police/judicial processes – and especially if they are found guilty and sentenced – change their behaviour towards the victims/reporting parties and tend to become less violent. However, in some cases, the opposite is true.

It seems that at first the men stop the violence, and in some cases, when they are afraid of being taken to jail. But when they realize that the system doesn't work, that the woman calls the police and they don't come, or the police come and the children start to cry, and they do, too, and so they don't arrest him, then the men lose the fear and respect they had at the outset. When they are actually taken to jail, that scares them a bit more (Marlene Villavicencio, María Amor Women's Shelter, Cuenca).

At the same time, in Ciudad Sandino, where it appears the WPS is very well known by both women and men, some users spoke of a general opinion that some men are afraid of the WPS and change their behaviour due to the simple fact that there is the possibility of WPS intervene.

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<sup>44</sup>“Men are afraid of the WPS” is the most frequently selected response, with 43.9% in Cuenca, 33.8% in Belo Horizonte and 18.6% in Ciudad Sandino; in Villa El Salvador it was third, with 24.1%.

There are men who when they see that the WPS [vehicle] nearby and is coming to their house, they take stock and think 'I'm going to behave.' Because they don't like causing a scandal, that others see what is happening and say, 'look at how this guy treats his wife.' If in the communities there were more WPS, there would be less abuse (Mercedes, age 25, worker in an export processing zone, Ciudad Sandino).

However, there is as yet no clear evidence of any change in the perception of aggressors based on the study data and analysis. Rather, it is the effectiveness of the WPS in applying the law that obliges the abusers to change, even if only because they're 'forced' to.

No testimony has been found according to which the abuser stops the violence on his own, or because he comes to consider women as subjects of rights. If the violence has been stopped temporarily this is because of some specific fear, but not out of respect for the rights of their partner to live in a peaceful environment (Macassi León et al., 2009:149).

For the law to be enforced against the abusers, women who are victims of violence must first assert their rights. Throughout this study it has been shown that women go to the WPS and other specialized institutions and centres with the expectation of receiving diverse services, or applying one or several measures to put an end to the violence. A prior stage is to learn about their rights and gender justice, and/or feel supported and understood, as they often conceive of their rights in a more informal manner (as differentiated from the formal justice system), or view it on a moral plane. Precisely one of the most important functions of the WPS is to contribute to women in situations of violence knowing, believing in and owning, and exercising their rights.

Another factor that contributes to putting an end to violence is conjugal separation. The various experiences described by the women interviewed show that, while separation is pertinent to ending the violence and also the decision to seek justice, it is not necessarily a determining factor.

Another informal measure women take and that contributes to halt the violence is starting new life projects. It was found in the different research sites that when women begin to study, join an association, and start or go back to work, these initiatives strengthen them and bolster their confidence to take action to stop the assaults.

As I said, I started to work and everything changed, everything changed. Before I depended entirely on him [...] Like I say, [things changed] economically, morally, because now I was working and going out with my friends ... Sometimes they called me, sometimes they came to visit me, I didn't feel alone anymore, isolated. What I thought was never going to happen, did happen. And then, I could

see around me that I wasn't alone, I had them and this is what I most wanted (Graciela, age 43, secondary school incomplete, kitchen helper, Villa El Salvador).

This testimony also illustrates how important it is to re-establish the personal support network, as many aggressors control the movements of their partner and her communications with family and friends. As Graciela says, some women do not try to gain access to justice or end their relationship with the abusive partner for a lack of economic alternatives. There is no doubt that providing access to social services (for example, free or subsidized technical education courses, preferential access to social housing projects and employment services) may contribute so more women can advance more easily along their path.

While it is true that at a micro or individual level several of the women interviewed stated they reached their goal of living without violence, not all WPS users are able to do so. At the macro or structural level the challenges are even greater.

I think it has contributed, I think not only the WPS but all institutions that have helped with the dissemination efforts, contribute to increasing the number of cases. I don't think it diminishes the violence, the violence has always been there, always will be. What can be diminished are the subsequent cycles, or help the ladies to come in and use the services (Authority, WPS 2a, Cuenca).

While the WPS are a vehicle by means of which women gain access to formal justice, it is not able to constitute itself as an effective means for stopping the violence. This is precisely because of the contradictions in how they operate, as well as the cultural stereotypes that continue to be reproduced through its services (Macassi León et al., 2010: 132).

The testimony offered by the women interviewed indicate that going to a WPS is one of the various elements or factors that support putting an end to the violence in their lives, though not necessarily the most important. At the same time, contributing to the eradication of domestic violence does not appear as an explicit aim among the objectives and functions of any of the WPS. While it is evident this is an overly ambitious goal for a single institution to take on, the life experiences of the women interviewed establish that eliminating violence is intertwined in different ways with gaining access to justice. Therefore, the WPS must contribute to achieving this aim based in its own area of jurisdiction and authority, in close coordination with other local actors. The warnings cited above should serve to promote more coordinated, strategic, and effective actions and responses, in order to contribute to confronting the power structures that underlie violence and improve responses to eradicate it. These objectives are also linked to promoting women as subjects of rights, another area in which the WPS have an impact.

## THE PROMOTION OF WOMEN'S RIGHTS AND THE EXERCISE OF THEIR CITIZENSHIP

One aspect of the impact caused by the WPS still pending assessment is their contribution to improving the exercise of the rights and citizenship of women who go to this institution because they suffer violence. As pointed out earlier, this action constitutes a basic input so that women can gain access to justice and live free of violence. Indeed, strengthening knowledge and exercise of their rights is cited as a priority by the women interviewed and ranks high among the perceptions of those surveyed. It is considered to be of primordial importance in the gender justice model as well.

Perhaps if all women had more opportunities to know about our rights, if starting in school they taught us to know them, or even better, starting at home, then we ourselves could say 'No! No more abuse!' (Renata, age 29, urban area, mestiza, primary school complete, domestic worker and office cleaner, Cuenca).

However, promoting women's knowledge of their rights has received the least amount of attention by the WPS as part of their everyday practices and is also the least visible. This indicates that even though it is mentioned in WPS regulations and protocols, it is not necessarily being carried out.

It has been seen how the perceptions and expectations of many women change gradually along their paths. At the beginning many of those interviewed go to a WPS one or more times, without wanting to file a complaint or initiate a process that might end in punishment of the abuser. This is the case for a number of reasons, among which is the influence of the informal fairness approach. When asked what they would do if in the future they found themselves in a situation of violence, many of the women, though not all, replied that they would go back to the WPS, file a complaint, and seek the punishment of the aggressor.

What I expected from the WPS was a guarantee that he would not attack me again, that is what I expected. This is what I thought, 'I'm going to go to the WPS, I'll tell the officer what happened, and she'll call him in for a talk, and then something will happen.' No? Then I saw this didn't happen, but I kept on complaining, because I thought, 'One day he'll be punished for this, one day something is going to happen. It can't be that I complain today, complain tomorrow, and no one is going to find out what's going on ...' I'm not going to let him mess with me at all. If he hits me or threatens me, I'll go straight to the WPS and I'll file a complaint. Because something's going to happen, things can't stay the same" (Elisa, 43, mulatta, primary school complete, artisan, Belo Horizonte).

Elisa in Belo Horizonte (Brazil) was one of the many women in the four research sites who went to the WPS expecting an informal measure, such as having one of the operators call in the abuser to give him a warning, without her having to formally file a complaint for violence. But as can be seen from her narrative, if her partner were to attack her again, she would not hesitate to press charges. By contrast, Eva of Villa El Salvador (Peru) says she would not go back to the WPS. In all four case studies, women were found, like Eva, who face obstacles when it comes to getting WPS staff to receive her complaint.

No, I won't go back anymore. What for? They pay no attention to one. They'll file your complaint, but no. I felt horrible, because the truth is, they offered me no solution. I ask you, 'what if something happens to me? This process takes 10, 15 days, you're just supposed to wait.' [...] Like, I went to file the complaint and, they sent me home and wanted me to come back the next day, no woman would go again the next day. One gets discouraged and doesn't file the complaint. It's as though your boyfriend attacks you on the street and you go file a complaint and they say, 'No, you've got to be sure, sure that you're going to file the complaint. You've got to give me the exact address.' And at that moment, well, you've just been beaten, you've got all these lumps, like this (Eva, age 30, secondary school complete, homemaker, Villa El Salvador).

Several women noted that the responses considered "informal" by many of the operators are indispensable in order for women to change their perceptions and believe in and own their rights. The women interviewed said they very much appreciated the information and guidance they received, as well as being listened to, feeling supported, and receiving strategic and compassionate support.

I feel good, I feel I have support, because the last two days I've been very tense, keeping myself behind lock and key, because I was afraid he would come, he only came around when he'd been drinking. He told me he wouldn't bother me. Well, I haven't taken him to court, but I feel sure of myself. At the WPS they gave me a number I can call just in case, it's 118, and I'm to say I want to file a complaint and they'll come immediately to pick him up if he attacks me again (Mirna, age 30, seamstress, Ciudad Sandino).

I think it should be a women's police station, in a word, they should be more patient and talk with us, not just act like its some regular job (Graciela, age 43, secondary school incomplete, kitchen helper, Villa El Salvador).

The expectations of those interviewed with respect to receiving guidance at the WPS regarding their rights were not always met. Yanina, of Ciudad Sandino (Nicaragua), insists that the WPS should offer women information on their rights, precisely because she got no such guidance when she went there.

Yes, it would be good to say this [as a recommendation], so one would find out when one gets there [to the WPS] what responses they have available; what is useful to you, and what isn't. Because many poor women go there to file a complaint, and the truth is, they don't know what they're getting into. They simply go because they want the man out of the house and for him to leave them alone, that's it (Yanina, age 47, domestic worker, Ciudad Sandino).

Yanina stresses that the transformation to be achieved from a feminist perspective needs to take place at both the individual level of each woman and at a social level. She also implicitly categorizes the two moments when women visit the WPS. For the first, her objective is articulated simply as to "they want the man out of the house and for him to leave them alone." During the second moment, when she learns about her rights and the different services available, which will allow her to recognize herself as a citizen with rights, as well as the capacity to decide which one or several of these rights she wants to defend.

It can be interpreted that believing in and owning their rights is a form of empowerment and affirmation of female citizenship, because to assert that women have the right to have rights is an indispensable prerequisite to be able to exercise such rights. From this perspective, the process of taking ownership encompasses a dual or two-dimensional path, internal and external, which women follow in their effort to eliminate violence from their lives and gain access to justice. One reason why it is important to distinguish between the two is that the internal trajectory leading to believing in and owning their rights is a process that the women themselves must carry out. This is empowerment understood as "the strengthening of women so they can see themselves as subjects of rights, and thus, question the naturalization of violent relations, while building affective relations based on equality and mutual respect" (Pasinato, 2010: 135). No operator or professional can 'empower a woman,' no matter how strong that person's commitment is to seeing women assert their rights; every woman must go through this process on her own.

Others think it is fundamental that women recognize their capacity to live an independent life without having to submit to any kind of abuse. "Women need to gain confidence, something I lack. Women are capable of doing many things, and they don't know it" (Francisca). When discussing the 'capacity of women' and how important it is to know how to 'choose a partner', the women interviewed also talk about the importance of recovering their self-esteem in order to start a new life. This is something they learned through the services of the Network to Combat Violence against Women (Pasinato, 2010: 135).

Both the Brazil and Peru reports emphasize the meaning of strengthening women's capacities in particular, while all four case studies make direct and indirect references to



this dual path and the link between exercising citizenship and the rights to gain access to justice and live without violence. In the Ecuador report it is argued there exists a close relation between the two paths women follow, while also highlighting that to travel them is usually a difficult and challenging process.

The popular saying that “no one goes through fire in vain” reflects what happens to women who have experienced intimate partner violence and have been able to leave it, among other factors, because of the process they went through at the WPS. Therefore, it can be said with certainty that no woman can go through a judicial process against her partner without undergoing a change in perceptions, values, attitudes, and many other aspects of her life. This fact was clear from the conversations with WPS users, despite the doubts, fears, and difficulties they had to overcome throughout the whole process, and even afterwards, when in one way or another, they start a new stage in their life. (Camacho et al., 2009: 195).

This statement reiterates the relation among the different rights women have with respect to violence. It also shows how women are able to exercise said rights while challenging the major barriers they face along their paths, as demonstrated by users' experiences of WPS users in the four countries, even if the women interviewed are at different moments on their paths.

Many of the women interviewed are aware that the process of achieving justice begins with themselves, insofar as they overcome their subordination in the relationship with their husband or partner: “I would like [the WPS] to assist in promoting that women break the silence, the way it was with me and many other women who've been through what I have”. (Ana, age 33, beautician and clothes-vendor, Ciudad Sandino; cited in D'Angelo and Molina, 2010: 83-84).

The testimonies of women in each of the four research sites also point out that part of their processes of empowerment have been made possible because of their identification as a collective subject. Several of those interviewed specifically mention the need for women who have travelled on these paths to provide support to those who are only just setting out. Indeed, a number of them are committed to this cause and carrying out different efforts towards this end. Norma of Cuenca (Ecuador) is one of the women who now spends time helping other women to leave situations of violence.

One goes back as one learns, starts telling other people that they can get help there [at the WPS], tells them to go there, and not let themselves be abused. That way one starts learning little by little, and one can also teach others to go there and not be attacked and stand up for their rights (Norma, age 23, urban area, mestiza, primary school completed, artisan, Cuenca).

Marisa, resident of Belo Horizonte (Brazil), is also supporting other women. Among her activities it is worth underlining that she is disseminating information about domestic violence on a social networking web site and advocating for the full application of the law on violence against women (Pasinato, 2010: 135-6). Both in Villa El Salvador (Peru) and in Ciudad Sandino (Nicaragua), several of the women interviewed made reference to the need to create or strengthen the work of promoter networks.

We should set up a committee with women who go to the WPS, go visiting homes, visiting neighbours. Because I know there are neighbours who know there's a woman suffering violence, but they don't say anything because they don't want problems (Mery, 28, unemployed, Ciudad Sandino).

These statements reveal some profound changes in the horizons of these women and reflect a process of internalization of several elements of the feminist perspective. It is worth noting that some of the women interviewed in the four research sites either explicitly or implicitly asserted a collective identification. The impact of the WPS itself on these transformations varies from one case to another and is often only partial. There is a debate on the issue concerning the role to be played by the WPS in this process of taking ownership and transformation. Two considerations on this debate can be found in the country reports. In the Peru study it is argued that this should be part of the WPS objectives, as set forth in their original design.

In other words, if from the very first visit [to the WPS] women finds interlocutors who are friendly, who offer guidance and 'strategic and comprehensive services' in a setting in which rights are not considered something that must be earned by a personal stance, but rather are inherent as part of the human condition, and can be exercised through social action, on the basis of a community 'we', then the spectre of frustration fades and the impact can be very positive. The idea of having the right to have rights radically expands the women's subjective horizon and takes them down the path of claiming citizenship (Macassi León et al., 2010: 141).

However, during the negotiations to approve the establishment of the WPS a number of aspects in their design that reflected a feminist perspective were left out. The Nicaragua report states that the current WPS protocol mentions an integral vision, with elements that partially reflect a feminist or strategic support approach. However, in practice it is not being implemented, and in any case, this is not a task that should be left exclusively to the WPS (D'Angelo and Molina, 2010).

## FINAL CONSIDERATIONS

Exploring the impact of the women's police stations (WPS) uncovers both their contributions and limitations as regards access to justice and the elimination of violence against women, so that women may enjoy the full exercise of their citizenship rights. Perhaps one of the most significant contributions made by the WPS is to place domestic violence on the public agenda and to be a reference point and important alternative for women who wish to leave a situation of violence by taking the police/judicial route. Although in and of themselves the WPS cannot ensure access to justice, their contributions to the defence of women's rights have been partial, especially as regards access to punishment and protection, where the experience of Ecuador, as concerns protection in particular is a positive exception. While the women value the informal contributions made by the WPS to knowing their rights and feeling supported along their paths, receiving these responses depends in large measure on the individual will of the operators. Fulfilling certain key aspects of their mandate is still pending, namely ensuring the consistent application of the law with aggressors as well as the implementation of both formal and informal responses systematically so as to contribute with greater determination to women's knowledge of, belief in and ownership of, and exercise of their rights. In addition, they must redouble their efforts to coordinate with other specialized institutions and organizations that contribute to both access to justice as well as the prevention of violence. It is through these actions that the women's police stations can contribute more effectively and strategically to making gender justice a reality for all women.

## Conclusion

This study has analyzed how women's police stations (WPS) are contributing to converting the "paper" rights (Waylen, 2008) of women in situations of violence – particularly access to justice and a life free of violence – into "lived" rights in four countries, and specifically in these localities: Belo Horizonte, Brazil; the canton of Cuenca, Ecuador; Ciudad Sandino, Nicaragua; and Villa El Salvador, Peru. One parameter of the analysis is that, according to official routes, the WPS are an entry point – taking into consideration the differences between the judicial model in Ecuador and the police models in the rest of the countries – and that on their own they cannot guarantee access to justice. Another parameter is drawn by the paths of women in situations of domestic violence, which underline that they go to the WPS at various moments and with diverse purposes, and that both the procedures carried out and the quality of services received have very important effects on their possibilities of exercising their citizenship rights.

The use of an integrated framework of gender, intersectionality, and power, where women are located at the centre, has been vital to understanding why, after so many years and with various WPS models in different locations, there are still many obstacles to gaining access to justice. One of the main reasons is because, of the four main perspectives identified – feminist, formal legal/institutional, family values, and the informal fairness approach – the formal legal/institutional perspective is not sufficiently grounded in the perspectives and actions of women and the WPS staff. At the same time, the female population of the research sites as well as WPS users have perceptions that often reflect the fairness approach, meaning they claim their rights with arguments based on a moral code rather than on the law, while simultaneously demanding services that support them in becoming active subjects of their processes. With respect to WPS operators, they apply the legal and regulatory framework of their country and, above all, recognize that domestic violence constitutes a serious problem in their communities. That said, the influence of the family-values perspective on obstructing the consistent application of the legal and regulatory framework can be seen in all four cases, albeit in different forms and levels of intensity.

In effect, one of the main reasons why so many commonalities have been found among the four cases studies is because they share aspects of a similar dynamic, both in the actors' perceptions as well as in the processes for achieving social transformation. On the one hand, there are increasing efforts to eradicate violence against women and, on the other, high rates of violence persist, along with certain conservative and family-values perspectives that relegate this problem to the private sphere. The local expressions of these processes vary according to the WPS models, the legal and regulatory framework, as well as broader historical, social, and cultural processes.

Understanding the needs of women in situations of violence is indispensable to reaching conclusions about the contributions of the WPS. When they visit the WPS, the main goal of almost all women is to stop the violence, while a few also seek justice in the formal sense. Along their road to putting an end to the aggression, they undertake a wide variety of strategies, selecting options based on the opportunities available, the obstacles they confront, their perceptions, and the information they have. They conceive of the right to access to justice in different manners.

When women go to the WPS or other specialized institutions or services for the first time, their perceptions and expectations often reflect the fairness approach, similar to the collective understanding of adult women identified through the population-based survey. On the one hand, almost none justify violence under any circumstances, almost all think that domestic violence should be punished, and they search for diverse and expedited responses to strengthen them so they can leave the violent situation and stop their (ex-)partner's aggression. On the other, they mostly seek informal penalties, in the form of warnings or reprimands, or even the preventative detention (without judicial process) of the aggressor/partner, since most of them wish to re-establish a peaceful relationship with him.

Thus, when they make their first visits to the WPS, many of them have already spent months, if not years, resisting the violence in silence and searching for amicable ways to solve the problem 'the good way' without ending the relationship. In general, prior to this, they have gone to their mother or another close relative or friend who often gives them information and encourages them to go to the WPS or another recommended entity. They also decide to go to the WPS when they feel that they have exhausted all available options and the violent situation continues to worsen. In this sense, their first visits to the WPS differ from the official route; instead of filing a complaint to pursue the punishment of the aggressor, many women make a public denunciation in order to gain access to an effective and expedited protection measure, be listened to, feel understood, access multidisciplinary services, and learn about their rights and the various procedures for exercising them.

This way of understanding justice, the situation of violence, and the scarce access to information that many women face all have a significant impact on their paths for leaving the violence behind and gaining access to justice; as a result, these paths are long, complicated, difficult, and indeterminate. In general, women's knowledge of the law and the jurisdiction of the WPS was found to be superficial, while only in Belo Horizonte had more than half of the women surveyed received guidance about their specific rights as women. Those surveyed in both Belo Horizonte and Ciudad Sandino had greater access to information, in comparison to women in Villa El Salvador and Cuenca. There are also significant gaps among women in the same locality as concerns access to information, where they varied most according to socio-economic status, ethnic group, age, place of residence, and education level. These differences also affect their access to services and procedures.

For most women, it is only during their subsequent visits to the WPS, when they have acquired more information and support, that their stated purpose becomes to seek the formal punishment of their aggressor, even though the testimonies reveal that their objective still carries a certain moral conviction, in that they want their partner to 'pay' for the injuries caused or teach him that women deserve to be treated with dignity. Nevertheless, it needs to be highlighted that a very small number of women were identified in all the localities who go to the WPS after the first episode(s) of violence with the intention of seeing their partner punished via the formal route.

This transformation in their perceptions forms part of the internal dimension or path, which refers to the women's process of empowerment and learning to believe in and own their rights. This runs parallel to the external road of going to the WPS and other entities to learn about and exercise said rights. Thus, the analysis led to the identification of a dual path for leaving the violence. There is a symbiotic relationship between the two: if women are able to make progress along one of them, then this has a positive effect on the other; but the barriers can have an equally negative effect on both. What is fundamental about this assertion is that it points to the need for WPS interventions – as well as those of other services – to contribute to both dimensions, that is, to deliver services in a way that supports women as they become active subjects of their processes and rights.

The various types of obstacles – personal, social, structural, cultural, and institutional – often merge along women's paths so as to worsen their situation and make it more difficult for them to put an end to the violence. One example is the link between socio-economic or structural obstacles and institutional and personal ones. Even if women have received training or orientation regarding their rights, if they do not have access to certain conditions (independent source of income, housing), then it is unlikely they will be able to leave the situation of violence. The impact of intersectional power relations

cannot be detailed by sector given the reduced quantity of women interviewed in depth; nevertheless, the findings show that services and procedures must be differentiated for women of specific sectors as a means of contributing to all women being able to exercise their rights.

It is important to recognize that the perceptions and discourses of the local female population and WPS users coincide with the feminist perspective on a number of strategic issues, as well as regional and international legal and human rights norms. One point in common among all these approaches is that women's fundamental purpose for going to the WPS is to eliminate the violence. Others are: providing responses that strengthen women as active subjects, women's self-identification as a collective subject, and a personal commitment to support other women to leave the violence. These aspects of their perceptions provide evidence of the macro changes achieved in recent decades. Nevertheless, their views also differ from these perspectives insofar as a family-values approach is interwoven in other aspects.

In light of the complex situation faced by women, how the WPS are implementing their obligations should be analyzed in accordance with four fundamental pillars: women in situations of violence, aggressors, institutional issues, and interinstitutional coordination.

In some ways, WPS contributions have been impressive: their very high level of visibility transmits the message that violence is no longer a private matter, but rather a violation of women's rights that must be addressed in the public sphere. As a result, the majority of women in the four research sites, albeit in different proportions, consider that the WPS are contributing to reducing abuse and increasing access to justice. Likewise, they continue to be an important entry point into the formal system of justice as well as the range of specialized services in their communities. They share these achievements with diverse actors who together have implemented multiple actions over recent decades to support social transformation. For this reason, analyzing women's different experiences with ending violence shows that this is a result of multiple factors, and thus, cannot be attributed exclusively to the work of the WPS.

At the same time, it also has to be pointed out that the WPS are still not fulfilling their due diligence, in terms of the consistent application of the law in regards to both women in situations of violence and their aggressors, within their specific areas of jurisdiction. In the four research sites, there are few cases that make it all the way to sentencing (Cuenca), or in which the police report is completed and remitted to the next institution on the official route (Belo Horizonte, Ciudad Sandino, Villa El Salvador). There are diverse experiences with formal protection measures. A much better performance was found in Cuenca, in that almost all users receive one type of protection order; however, this is not a guarantee of their effectiveness. A number of women interviewed were able to see an end to the

violence, yet the specific and direct effect of WPS interventions is still unknown, as are the long-term results for all women.

Notwithstanding specific limitations to the legal framework in each country, an important indicator identified regarding WPS institutional weakness is the discretionary attitudes and performance of operators. Even though this has made it possible for some to support the women more decisively in their processes to fully exercise their rights, this response is motivated mostly by their personal commitment. Therefore, despite the fact that these noteworthy efforts contribute to achieving gender justice and full compliance with due diligence – and though they may even be defined in the regulatory framework or protocols of the WPS – these practices are informal and exceptions to standard practice. The governing bodies of the WPS are still not doing enough to design, implement, and monitor WPS performance to ensure they give the same priority to guaranteeing service quality as they do to fulfilling the standards of the formal legal and regulatory framework as concerns protection, investigation, punishment, and restitution. While the WPS need more resources to extend their coverage, the interwoven presence of the family-values perspective is another factor that also has an effect on the problems detected with the staff's training and disposition. However, where the results are positive, these two indicators contribute more to delivering quality and compassionate services than does the sex of the operator.

As a result, WPS responses are not sufficiently promoting women's agency, with the exceptions noted above. Some women learn enough about their rights, the procedures, and other services available. However, this is not a generalized practice, and opportunities are missed for increasing their knowledge and encouraging them to take ownership of the information and apply it. In general terms, what women most appreciate about WPS services – or any other service – are: first, being treated in a way that makes them feel they are supported and listened to, as well as a subject of rights; and, second, being able to complete the anticipated procedures expeditiously. There is compelling evidence that compassionate services contribute directly to facilitating women's internal and external processes, thus facilitating both gaining formal access to justice and ending the violence. The inverse is also true: if women do not receive adequate services – for example, if they are made to feel responsible for the violence – this can be a motive for not returning to the WPS, and possibly not going to another specialized service either, which would further lengthen and complicate their paths.

Several institutional barriers exist that often impede women from receiving quality services and completing the formal procedures required. While the application of the legal and regulatory framework is much more consistent in Belo Horizonte, services for applying protection measures are often indifferent and bureaucratized. In Cuenca,



almost all women received the protection measures they were looking for, but very few cases completed the judicial process and obtained a sentence, while service quality varied depending on the operator. In Ciudad Sandino and Villa El Salvador, the family-values perspective has greater influence; also, few cases are transferred to the next step in the official route towards imposing a penalty, and both punishment and protection are less accessible to women in these sites. This is especially the case in Ciudad Sandino as a result of the frequent use of mediation. The filters applied in the WPS are of great concern as they hinder the application of procedures both for every woman and in all types of violence included in their jurisdiction. In the four research sites, cases of physical violence are given priority over those of psychological violence, where the latter usually face various obstacles due to both limitations in the legal and regulatory framework as well as personal attitudes. Taboos regarding sexual violence result in these cases being seldom reported or processed. At the same time, more marginalized women have less access to the WPS and can face greater hurdles to having their complaint received, as well as accessing other procedures and services.

The failure to consistently apply the law and regulatory framework has equally important consequences as concerns aggressors, specifically the fact that the rate of impunity in the four cases remains very high. In only a few cases, aggressors stop their violent behaviour simply because they know their (ex-)partner has been to the WPS and/or received a protection measure. It would seem that the majority only do so when they are punished, either because they breached a protection measure (in Cuenca) or they were convicted.

The limited impact of the WPS is also a result of the generally low levels of coordination between the WPS and other community services and groups, particularly those providing multidisciplinary services. Users' experience shows that access to these services contributes both to women deciding to follow formal justice processes until a sentence is decided and carried out, as well as stopping the aggression and supporting women to learn and claim ownership of their rights. That is to say, they contribute to putting into practice the WPS' responsibility for guaranteeing access to justice as well as their obligation, which they share with other state and social actors, to contribute to the strategic goal of eradicating violence through prevention and other initiatives.

The similarities among the four cases are conclusive; nevertheless, the particular and significant characteristics of each case also need to be highlighted.

*Belo Horizonte, Brazil:* The WPS of Belo Horizonte and other actors have been carrying out various initiatives to implement the Maria da Penha Law, the only law in these four cases that is based on the framework established by the Belém do Pará Convention. One of the greatest changes is the introduction of specific procedures for requesting protection measures, which means that a larger number of women have access to

them. Nevertheless, the greater workload entailed in implementing this law has not been facilitated by an increase in personnel, and thus, several operators have opted for implementing the procedures in a bureaucratic manner in order to complete their tasks in less time, albeit to the detriment of service quality. Another aspect worth noting is that the family-values perspective has less of a presence here and is expressed more subtly. The efforts made to apply the new law have contributed to services that are more in line with the legal and regulatory framework and are applied in a more generalized way by WPS personnel, in comparison with the other research sites. However, official statistics are still not disaggregated by the sex of the victim or type of offence, and thus, greater information on WPS performance is not available, nor can the level of impunity be determined. This is the only site where a slight majority of the local female population have received training or guidance regarding their specific rights, more information is available concerning women's rights and services, and a number of social communication campaigns have been carried out to encourage women to file a complaint in cases of domestic violence. These facts could contribute to explaining why those surveyed would be more willing to file a complaint against their partner/aggressor if he were violent and know more about their rights and the jurisdiction of the local WPS, while those interviewed are the ones who least go to the WPS as their entry point to specialized services.

*Cuenca, Ecuador:* The Ecuadorian units are the only ones that are justice administration bodies, as distinct from police stations, and – until the courts created in the new Code are operational – are part of the executive, not the judicial, branch. Their jurisdiction covers summary offences for family violence. This model entails a less complex formal route for gaining access to justice, which means that the population has the advantage of a route that starts and finishes in the same institution; nevertheless, many of the institutional obstacles identified in the other cases are also found here. In this model, the statistics for the entire route are accessible and can be used to analyze what percentage of complaints receive a sentence, as well as how many women abandon the process, and at which step. This data makes explicit the high level of impunity in terms of formal penalties. Among the operators of the two units in Cuenca it was found that the family-values perspective is balanced to a certain extent by attitudes and practices that are consistent with a 'strategic and compassionate support' approach. This model also expedites procedures for granting protection measures; these are issued to the vast majority of users, who highly value them. The paths of women interviewed can be distinguished by the following elements: almost all of them consult a non-specialized professional or service (for example, their parish priest) before going to the WPS, the few women who go to the WPS after the first episode of violence with the intention of having their aggressors formally punished are generally young, and almost all users are referred to other specialized entities for complementary services.

*Ciudad Sandino, Nicaragua:* The Ciudad Sandino WPS, as is the case nationwide, are the only ones with an all-female technical staff; nevertheless, the family-values perspective has a strong influence on their perceptions. One procedure unique to this model is that follow-up is provided to prioritized cases; users very much appreciate this service and request that it be a more generalized practice. Multidisciplinary services are provided in the WPS by professionals who form part of the staff. It is the only one of the countries where mediation is still practiced frequently, both in the police station and judicial bodies, as reflected in the users' paths. The WPS staff generally believe that this procedure is appropriate and offers an expedited and accessible means to serve justice. However, some users consider they were pressured into mediating and others are ambivalent about having done the procedure and its outcomes; for their part, few women surveyed thought the WPS should apply this procedure. More than 40% of the female population has received training or guidance one or more times on women's specific rights, a fact that contributes to explaining their relatively high level of knowledge of the law and that almost all women have heard of the WPS – although their knowledge is not extensive – as well as other ways in which their rights are reflected in their perceptions.

*Villa El Salvador, Peru:* The Villa El Salvador WPS is noteworthy because of its highly accessible services, in terms of both its permanent hours of operation and the presence of a social services provider in the same building. Coordination with other local actors has contributed both to the participation of these multidisciplinary services as well as providing specialized training to WPS staff. The family-values perspective and discriminatory attitudes based on gender were identified in the perceptions of some operators. At the same time, they all state their concern with the level of violence and their commitment to wanting to help women gain access to justice, yet they are confronted with a system that poses serious limitations to reaching that aim, which can lead to their frustration. It was shown that a large part of the female population is familiar with the WPS and would go there if faced with a situation of violence. Women often look for immediate responses on the part of the police, such as warning or intimidating the aggressor, among others. These requests stem from women's limited knowledge regarding the true jurisdiction of the WPS and the scope of the law, as well as their perceptions of justice.

When the first women's police station was founded in the region 25 years ago, the feminist and women's movements were already organized around the goal of eradicating violence against women and had a wide variety of proposals for achieving it. However, the response from the state at the time was minimal: there were some specific plans or programs at the local or national level, but there were still no laws to punish domestic violence and it was not recognized explicitly as a human rights violation. In these four countries, the WPS were pioneers; they represented a milestone in the state's commitment and its recognition that violence was a matter of public interest. Since then, substantive changes

have been made to the responses available. These include: extending the coverage of the WPS; improvements to the national, regional, and international legal framework, as well as plans, programs, and other responses at various levels; and increased knowledge about the forms, experience, and perceptions of violence. Also, there is an ever greater number of actors who have joined this great challenge to transform the power relations that underlie violence and, in so doing, eliminate it.

However, the WPS and other state and social actors must still contribute much more if they are to bring about an effective transformation. For example, women will gain full access to justice only when the following are achieved: institutions fulfil their obligations to provide access to protection, punishment, and reparations; institutions of the police/judicial system and their operators no longer reproduce gender-based and intersectional discrimination through their attitudes and behaviour, and thus, feed of violence; women themselves and all the population know women's rights; women believe in and own their right to have rights; and women have ample opportunities to exercise their citizenship.

In order to guarantee gender justice, the state must ensure that access to justice is provided in all its aspects by eliminating institutional barriers, and women need to know their rights and available options to decide how they want to exercise them. To do so requires the following: first, ensure the accountability of the WPS and the state in general; second, recognize the links among the various obstacles women face and provide accessible responses that are integrated and comprehensive, differentiated, and strategic; and third, responses must support all women to become active subjects of their processes. The WPS can contribute decisively to these goals through the consistent application of the legal and regulatory framework, thereby ensuring access to justice and contributing actively to the prevention and eradication of violence.

# Recommendations

Based on the study findings, the following regional recommendations have been formulated with the aim of contributing to improving legal and regulatory frameworks and public policy regarding women's police stations (WPS) and the justice sector, as well as programs and policies dealing with violence and gender. Each country report includes national recommendations in accordance with their specific contexts.

These recommendations seek to contribute to putting into practice the following *vision* of women's police stations, which is based on a gender justice perspective.

*Women's police stations (WPS) are specialized police or judicial institutions that guarantee and protect the rights of all women in situations of violence to effective and timely access to justice – protection, investigation, punishment, and reparations – and the elimination of violence. Their specific obligations will be implemented in accordance with international and regional standards from a gender justice perspective, and in close coordination with other state and civil society institutions, to ensure integrated and comprehensive services and other responses, including prevention.*

## ***The following recommendations are made to:***

### **Local and National State and Government Actors:**

1. *Carry out legal and institutional reforms so that the legal and regulatory framework incorporates state obligations acquired in international and regional human rights instruments (CEDAW, Belém do Pará Convention, among others). Reforms should be designed based on a broad and participatory consultation process with specialized state and civil society actors, as well as regional and international bodies. The reforms will contribute to better meeting state obligations with respect to the prevention and eradication of all forms of violence against women, as well as access to justice, through protection, investigation, punishment, and reparations. They must include procedures for gaining access to protection that are expeditious and effective, both in terms of granting them and applying them if they are breached.*

They will incorporate judicial pluralism in an appropriate manner that guarantees human rights. This process may be coordinated by the government institution responsible for gender and women's policies.

2. *Create and consolidate specialized government services throughout the entire police/judicial route.* Ensure that institutions have sufficient resources and specialized mandates throughout the police/judicial system for the full implementation of the legal and regulatory framework. Extend their geographic coverage. Adapt recommendations for the WPS according to their specific jurisdiction and regional and international standards. Their jurisdiction will be in agreement with state obligations and will contribute to meeting them in an expedited, effective, and consistent manner.
3. *Assign high-level responsibility for fulfilling state obligations towards relevant regional, national, and local actors.* The legal and regulatory framework will assign high-level responsibility for accountability to citizens in every institution and branch of the state and level of government, particularly to specialized civil society organizations and intersectoral bodies, and follow-up mechanisms for human rights instruments. Reporting will be transparent and done on a regular basis.
4. *Design, implement, and monitor integrated and comprehensive policies and programs.* All state bodies must have policies, regulations, programs, and mechanisms on violence against women that comply with regional and international standards and contribute to the full exercise of women's citizenship rights, which are directed to the general public. They will also have programs and mechanisms to ensure standards are fulfilled as regards authorities and staff of state bodies. Programs will be designed in consultation with specialists and representatives of feminist and women's movements. Programs will be differentiated for women of different sectors, taking into account specific forms of violence and relevant aspects of women's situations.
5. *Provide integrated and comprehensive services with extended coverage.* The state has the responsibility to deliver all necessary services so that women can gain access to justice and leave violent situations. The most appropriate modality is to provide the various services in one-stop centres that offer integrated services, including case follow-up by professionals working in teams. Service protocols must be designed and monitored with the participation of other key actors. Services may be governed by the government institution responsible gender and women's policies. The various government ministries with relevant jurisdictions have specific programs for direct services and violence prevention, including social services, to support women in leaving situations of violence.

6. *Carry out public prevention and education programs.* Design curricula at different levels of education and for university and professional studies. Carry out prevention programs, including social communications, designed for both the general population and specific sectors. Publish and distribute widely information on women's rights and available local services, which needs to be produced in different languages and have an intercultural perspective. Decisions on content must be consulted with specialists and representatives from specific sectors.
7. *Allocate sufficient resources from government budgets for the WPS and other specialized institutions and programs.* Coordination among state institutions and consultations with specialists are needed to allocate sufficient funds to programs, institutions, etc., as well as to carry out negotiations for the approval and implementation of said budgets.
8. *Carry out and publish studies on the prevalence of violence against women and other related topics.* Carry out surveys and other studies periodically, and also do baseline studies. Studies include broad participation of local and regional actors and specialists to learn about the prevalence of violence and the results and impact of state responses, with attention paid to the different forms of violence and the differentiated experiences of various sectors of women, especially the most marginalized.
9. *Create, implement, and monitor a unified information system* among all institutions in the judicial/security system with data disaggregated by sex, relationship between the victim and accused, age, ethnicity, and other variables relevant to the context. Use adequate technology and provide technical training and follow-up to ensure the system is used. The system should be simple and efficient, and guarantee confidentiality.
10. *Provide specialized information and training to operators and authorities of the police/judicial system and other related actors.* Develop standards, guidelines, and content for curricula; design initial and continuing education for all personnel of specialized institutions and services. Programs must be rooted in the basic principles and stipulations of regional standards; they should contribute to transforming values and discriminatory socio-cultural patterns, as well as promote gender justice and women's exercise of their citizenship.
11. *Participate in intersectoral coordinating bodies and comply with collective plans, programs, and budgets.* High-level representatives of specialized state institutions/programs participate actively in networks and intersectoral efforts in order to coordinate programs regarding service protocols, reforms to the legal and regulatory framework, direct services, prevention, communications, and information.

12. *Implement obligatory monitoring and evaluation processes* of all state and government programs and policies to assess and improve their effective implementation of the legal and regulatory framework and compliance with state obligations, as well as ensure the defence of women's rights. These processes will include broad consultations with specialists and feminist and women's movements.
13. *Guarantee free services.* All services and procedures provided to obtain access to justice and others offered by the state must be completely free of charge.

### **Women's Police Stations (WPS):**

1. *Create and/or improve the performance of the national governing body of the WPS.* This institution is responsible for the design, implementation, supervision, and monitoring of the following: policies, regulatory framework, guidelines, protocols, etc.; human resources policies; education and training of personnel; and local WPS and their personnel. It has sufficient resources to implement its responsibilities. It coordinates with other divisions of the same institution and other state and social actors. Its responsibilities are designed based on regional standards for access to justice and the prevention and eradication of violence against women.
2. *Design its responsibilities and regulations in accordance with states' international and regional human rights obligations (CEDAW, Belém do Pará, etc.).* The responsibilities and regulations will ensure due diligence and the consistent application of the legal and regulatory framework, both to women in situations of violence and aggressors. They will include accountability and oversight, and stipulate WPS participation in national and local interinstitutional coordinating bodies for direct services, prevention, and other activities.
3. *Carry out a gender audit to ensure due diligence and the effective implementation of regional and international standards* as regards women's rights and women's police stations. Its jurisdiction, responsibilities, regulations and protocols will be analyzed and reforms will be proposed to policy and procedures. The analysis will include the perceptions of users and WPS personnel.
4. *Design, implement, and monitor performance protocols based on human rights, gender justice, and intersectionality,* in accordance with its jurisdiction, which will provide standards for service to ensure both quality and that women are treated as subjects of rights. They will contain expedited and effective measures for the following aspects: guidance to women regarding their rights during the procedures;



protection and safety; police investigations; effective mechanisms for processing psychological violence and other specific forms of violence; as well as dedicated, specialized personnel working in reception who provide guidance to women about their rights, procedures, and other community services. Quality standards include privacy and confidentiality of services.

5. *Ensure sufficient human, resource, and budgetary resources to fulfil its responsibilities.* These are allocated from government budgets and are included in the institution's payroll and budget.
6. *Guarantee initial and continuing specialized education and sensitization* for all authorities and operators. Programs must be based on a human rights, gender justice, intersectionality, and empowerment perspective. They will include methods for personal analysis of discriminatory beliefs, values, and practices, as well as how these influence their treatment of women, in addition to implementing strategies to overcome them. Coordination with specialists and representatives of the feminist and women's movements is recommended for the design, implementation, and monitoring of these programs.
7. *Increase the accessibility of the WPS.* Their coverage needs to be expanded on the national level, with specific responses provided for remote locations. These institutions will have information in specific languages and sensitized personnel with appropriate linguistic capacity and knowledge to serve specific communities and peoples. Accessibility will be improved in accordance with the following parameters: location, hours of operation, languages, interculturalism, and infrastructure.
8. *Guarantee free services.* All services provided at the WPS and related to fulfilling their responsibilities will be offered free of charge. Vouchers for public transportation or other alternatives will be provided to low-income women in coordination with the local government and/or other actors. They will endeavour to offer childcare services to users.
9. *Establish mechanisms and protocols for close coordination among the WPS, other police divisions, and judicial and security sector institutions* to improve compliance with the legal and regulatory framework in terms of their specific responsibilities, as well as the coordinated implementation of shared responsibilities, avoiding gaps in services.
10. *Participate in internal investigation mechanisms and administrative penalties for perpetrators of violence who are part of the institution's personnel.* The WPS will participate in the design and implementation of these mechanisms in an appropriate manner. These mechanisms will be implemented in conjunction with the relevant laws.

11. *Self-care and counselling programs for WPS personnel.* These may be group or individual services. They must be grounded in a gender justice, human rights, and intersectionality perspective.
12. *Improve the production and dissemination of information regarding the jurisdiction and responsibilities of the WPS, as well as women's rights,* legal procedures to gain access to justice, and multidisciplinary community services. The WPS information system must be compatible with the unified information system among all institutions. Its contents will be defined in consultation with specialists and representatives of the feminist and women's movements, and take into account different forms of violence. Reports will be produced and circulated to the media and the public in general. Written information produced by the WPS and/or other specialized actors about rights, services, and procedures will be given to all users. This information must be appropriate for specific sectors of women, considering language and intercultural factors. Information dissemination strategies will be designed and implemented.
13. *Implement accountability mechanisms for the WPS* in relation to the community in general and women in situations of violence and their advocates in particular. Define these mechanisms in consultation with authorities, specialists, and representatives of feminist and women's organizations. Produce periodical reports on WPS performance, including statistics, and circulate them widely.
14. *Participate in intersectoral coordination* bodies at the local and national levels for direct services, prevention, and oversight as defined in WPS jurisdiction and responsibilities. Participation in the design and implementation of bilateral and multilateral protocols through these commissions. Reference and counter-reference systems are established and operate efficiently.
15. *Carry out a gender mainstreaming process in the entire institution.* The process must begin with a gender audit of the institution. Mainstreaming will be implemented through the incorporation of women's empowerment, gender equality, and intersectionality in the following aspects: statement of commitment by authorities; institutional mission, vision, and principles; human resources policies, including recruitment, hiring, access to technical education and training, salaries, and promotions; information systems; budget and budgetary analysis; planning, monitoring, and evaluation systems; services to the public; gender and human rights training for all personnel.

### **National and Local Intersectoral Coordination Bodies:**

1. *Create and consolidate intersectoral coordination bodies with broad participation* of diverse state institutions – including the WPS and all other relevant institutions of the police/judicial system – and women’s and feminist movements and civil society organizations. The lead institution/organization must have a rights-based or feminist perspective.
2. *Build and consolidate a shared perspective* on violence against women and gender justice that is rooted in the defence and exercise of women’s rights and contributes to transforming discriminatory socio-cultural values and patterns.
3. *Design work plans for coordinated and integrated programs* with broad participation. Member institutions – including the WPS – ratify internally these plans and allocate resources for their implementation.
4. Design, pilot, and implement a protocol for a *multilateral reference and counter-reference system* that facilitates access to punishment, protection, and other responses.
5. *Design national and local service protocols* based on a shared vision of violence that promotes women’s human rights, as well as the consistent application of international and regional standards and the national legal and regulatory framework with victims and perpetrators. Women are promoted as active subjects of their processes.
6. *Implement prevention programs*, including sensitization, social communications, and education. These actions are directed to the community in general as well as specific marginalized sectors with differentiated materials (by language, forms of violence, etc.).
7. *Train personnel of member institutions and organizations* in human rights, violence against women, and gender justice, according to each one’s specific scope of action. Training topics will adhere to the shared vision established by the coordinating body. Monitoring and follow-up are recommended to ensure the implementation of the training components.
8. *Fundraise* from public and alternative sources to finance activities.
9. *Broad and high-level participation* of delegates of specialized state and social institutions and programs. Participation of said entities and their representatives must be permanent.

10. *Establish intersectoral oversight mechanisms* to increase the transparency of the WPS and other state institutions. Their activities may include the following: proposals for the design of policies, protocols, etc.; advocacy; monitoring the implementation of agreements and state obligations; preparing and presenting shadow reports; and follow-up to specific cases.
11. *Mobilize the participation of non-traditional actors in prevention campaigns* to increase and extend the transmission of messages, the visibility of the issue, and community commitment. Examples of actors that might participate are: private enterprise; faith-based institutions; well known artists, athletes, and personalities; community or traditional leaders.

### **Feminist and Women's Movements**

1. *Design proposals for legal, institutional, and policy reforms* regarding the elimination of violence against women and access to justice, based on research and broad participatory consultations. Disseminate the proposals and advocate for their implementation.
2. *Carry out quantitative and qualitative studies* and consultations to find out about the forms of violence faced by women from a gender, intersectionality, and power framework. These emphasize women's needs, experience (including obstacles and facilitating factors), differentiated perceptions, and recommendations for improving the exercise of their rights.
3. *Prepare shadow reports* on national policies and laws with respect to the due implementation of regional and international obligations on defending the human rights of all women as regards violence and gender justice.
4. *Implement a regional research network on gender, violence, and justice.* Carry out diverse forms of research regarding violence, fulfilment of state obligations, as well as knowledge, ownership, and exercise of rights of diverse groups of women. Advocate at the local, national, regional, and international levels for effective implementation of gender justice and the prevention and eradication of violence through recommended reforms to laws, public policy, and specialized institutions. Design and implement research and develop proposals based on an integrated gender, intersectionality, and power framework.

5. *Implement advocacy processes* on state compliance with its regional and international obligations using an integrated gender, intersectionality, and power framework. Design and implement platforms by the feminist and women's movements.
6. *Create and strengthen independent observatories* for oversight of the state's fulfilment of its obligations as regards guaranteeing and promoting gender justice; the elimination and eradication of violence; and the knowledge, ownership, and exercise of women's rights. Prepare and distribute periodic reports. Contribute to advocacy processes.
7. *Promote specialized multidisciplinary services* from an integrated gender, intersectionality, and power perspective. Provide differentiated services for specific forms of violence and sectors of women and girls. Monitor services and their effects. Develop proposals for reforms to legislation, public policy, and state programs based on these experiences.
8. *Mobilize resources from traditional and alternative sources* to guarantee free direct services for women in situations of violence and the implementation of various related activities.
9. *Participate in coordination bodies* among civil society organizations and intersectoral ones with state institutions. Provide leadership in intersectoral bodies. Participate in coordinating bodies of feminist and women's movements at the local, national, regional, and global levels.
10. *Organize networks of local popular defenders.* Provide support, accompaniment and follow-up to women in situations of violence. Provide information to the community in general, including grassroots leaders and WPS users, as well as other services and institutions. Train defenders in human rights, gender justice, and women's citizenship from an integrated gender, intersectionality, and power perspective.
11. *Strengthen the expertise of professionals and leaders* in the feminist and women's movements regarding these issues through training and exchange programs. Promote and provide leadership training to young women and women from marginalized sectors to advance the fight for gender justice and the eradication of every form of violence against all women.

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# **Studies of Women's Police Stations in Brazil, Ecuador Nicaragua, and Peru**

**SECOND PART**





# Violence, Gender, and Access to Justice: The Brazilian Case

Wânia Pasinato

## INTRODUCTION

This chapter is a summary of the Brazilian contribution to the comparative study of the role played by women's police stations in providing access to justice for women in situations of violence. The research was carried out in the municipality of Belo Horizonte, capital of the state of Minas Gerais, in south-eastern Brazil. The selection of this particular site was based on criteria established and applied jointly by the national teams, who together prepared the comparative approach used in this study. The Specialized Police Station for Crimes against Women (DECCM) of Belo Horizonte was selected because, in addition to meeting said criteria, this locality has a tradition of developing public policy regarding violence against women. Belo Horizonte also proved a favourable research site due to both the willingness to contribute to the study expressed by police and other operators as well as the existence of an institutional political context currently in transformation towards further improvements in police services and the Service Network for Women in Situations of Violence.

Since the 1990s, women's expectations for filing a complaint<sup>1</sup> against an abusive husband/partner have been the subject of studies regarding the criminalization of violence against

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<sup>1</sup> In Belo Horizonte, there are two common expressions used to refer to a woman going to the police to press charges for an aggression, which are, as translated literally: "make a complaint" or "register an act." When a complaint is filed, an "incident report" is filled out. This marks the beginning of the police investigation procedures to identify those responsible and gather evidence and information regarding the crime.

women. One of the still unanswered questions concerns the impact the women's police stations have on the lives of women who live in situations of violence and have sought help from the police. Specifically, the question concerns the limits of policies that deal with the criminalization of violence and access to justice in the face of a problem that requires a comprehensive and intersectoral approach.

The "Access to Justice for Women in Situations of Violence" study focused on researching this matter, by putting emphasis on the perceptions of women who suffered violence and sought help from the police. By means of in-depth interviews carried out with fifteen women who went to the DECCM in Belo Horizonte, researchers attempted to ascertain women's perceptions regarding the concrete effects on their lives, starting from the moment when they decided to break the silence surrounding the violence and seek support from institutional and family networks.

In Brazil, the project found fertile ground for development, as the political and social context was rather favourable both at the national and local levels. At the national level it is worth pointing out, among several events, the implementation of a National Policy to Prevent, Combat, and Eradicate Violence against Women (2003). It was proposed at federal level by the Special Secretariat on Policies for Women (SPM) and implemented at the state and municipal levels through the actions taken via the National Pact to Combat Violence against Women (SPM, 2007). These governmental actions contributed to recuperating the importance of the Specialized Women's Police Stations (DEAMs)<sup>2</sup>, as they triggered discussions regarding their scope of action. Among other changes, this process implied moving beyond the debate between police intervention (repressive) and social intervention (welfare-oriented), which is typical of policing services and one of the main topics of debate regarding the DEAMs in the nineties. Another one of the initiatives to strengthen the DEAMs was the publication of *Specialized Women's Police Stations: Standardized Technical Regulations* (SPM, 2005). The final item on this list is the passage of Law 11.340/2006, known as the Maria da Penha Law, a piece of specialized legislation to deal with domestic and family violence against women. The law came into effect in September 2006.

At the local level, the municipality of Belo Horizonte, as described further on, is noteworthy in this context for the progress it has made in organizing the Network to Combat Violence against Women of Minas Gerais (hereafter, Network) as well as for the state government joining the National Pact to Combat Violence against Women. Among

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<sup>2</sup> Translator's note. The women's police station in Belo Horizonte is called the Specialized Police Station for Crimes against Women (DEC-CM), while the generic term used at the national level is Specialized Women's Police Stations (DEAM). Throughout this chapter, DECCM is the term used to refer to the women's police station of Belo Horizonte in particular and DEAM is used in discussions of women's police stations in Brazil in general.

the projects proposed in the framework of the Pact is the upgrading of services for women who go to specialized services and the restructuring of police services through the creation of the Centres for Integrated Services for Women Victims of Domestic and Family Violence (CIM).<sup>3</sup>

The “Access to Justice for Women in Situations of Violence” project is inserted into this new political and social context. In the municipality of Belo Horizonte, these changes are taking place in the midst of reforms to local security policies. The research team hopes that the results of this project will contribute to presenting proposals that seek to improve these services and policies, in order to put into practice women’s right to a life free of violence.

## CONTEXT

An analysis of the historical context of policies to combat violence against women in Belo Horizonte needs to highlight that the struggle against this form of violence came to the fore during the 1980s, when the country became more aware of accusations concerning crimes perpetrated against women. During that time, the city of Belo Horizonte was shocked by the murder of two women by their intimate partners. These were neither the first nor the last such crimes, but in the context of political mobilization to end the military dictatorship, they contributed to the organization of women’s and feminist movements at the local and national levels, and had great repercussions on Brazilian society. As a consequence of those actions, in November 1985, Belo Horizonte became the second Brazilian state capital to create a DEAM. Starting in the 1990s, public policies aimed at services for women in situations of violence began to be formulated and implemented by the municipal government as a response to demands made by the women’s and feminist movements (Coelho, Caldas, and Gomes, 2008: 19). Among these policies, the creation of the “*Benvinda*” Women’s Support Centre and the “*Sempre Viva*” Women’s Shelter stand out, both of which were established in 1996. Another is the Municipal Women’s Rights Coordinator, which was created in 1998. All of these are still active today.

In the first decade of this century, following a nationwide trend, discussions on networks for intersectoral support to women in situations of violence gained strength. The Network currently brings together services in the fields of security, justice, social assistance,

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<sup>3</sup> The Integrated Women’s Centres (CIM) will provide comprehensive and intersectoral services to women living in situations of violence. The idea is to bring together under a single roof all the services essential to providing support: police services, the public prosecutor, the public defender, a courtroom, and social and psychological assistance teams. In addition to uniting the physical spaces to facilitate access for women seeking institutional help, the project offers an integrated and comprehensive structure that guides women along their path through the different services required to meet their needs.

psychological counselling, and health, which are offered by municipal, state, and federal entities, in addition to NGOs. As currently organized, the Network offers several entry points where women can go to seek information about their rights and find the means to exercise them.

Starting in 2006, with the passage of the Maria da Penha Law, the Network to Combat Violence against Women of Minas Gerais included in its agenda a discussion on the challenges to applying the new legislation, and the demand for new services aimed at applying the law. Another important event related to policies to combat violence took place in November 2008, when the government of the state of Minas Gerais signed the federal agreement called the National Pact to Combat Violence against Women. By subscribing to this agreement, the government aims to ensure there are more resources available for the years 2010-2011, which would allow for improvements to be made to the specialized services for women.

With respect to the police itself, it is worth mentioning the institutional reform being promoted by the state government since 2003. The result is the implementation of a new management model for urban security policy in the state, which is based on planning and preventative intervention, as opposed to the classic “crisis management” approach (Sapori and Andrade, 2007). The Specialized Police Station for Crimes against Women (DECCM) is a subordinate unit of the Civil Police of Minas Gerais. The changes currently underway have led to the repositioning of the DECCM within the organizational structure of the state Civil Police. Starting in 2007, with the establishment of new police divisions, the DECCM became a unit of the Division of Investigations, Protection, and Family Guidance, which also includes the specialized police stations for protecting the elderly, children and adolescents, and persons with disabilities. In practice, there are few noticeable changes thus far in the day-to-day functioning of the police stations. However, there is an institutional proposal to contribute to making significant improvements to services, which was also observed as part of this study.

## METHODOLOGY

The research methodology consisted of a review of the existing bibliography on women’s police stations (Pasinato and Santos, 2008)<sup>4</sup> as well as empirical research activities, as follows. (1) A survey of women’s perceptions regarding rights and the DECCM was administered to a sample of 416 women ranging from 19 to 50 years of age, who are statistically representative of the universe of women residing in Belo Horizonte. The

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<sup>4</sup> Available online at [www.ceplaes.org.ec/AccessoJusticia/port.htm](http://www.ceplaes.org.ec/AccessoJusticia/port.htm)

survey had a 5% margin of error for the total results and a confidence interval of 95% (Pasinato and Santos, 2009).<sup>5</sup> (2) Exit interviews were conducted with 35 women leaving the DECCM. They ranged in age from 19 to 50 years, were residents of Belo Horizonte, had received services at the DECCM, and were victims of violence perpetrated by their husbands or intimate partners. (3) Interviews were held with specialized operators and professionals: 4 police and other staff of the DECCM; 3 Public Defenders and 1 social worker from the Defence of Women's Rights Unit (NUDEM) of the Office of the Public Defender; 2 representatives of the Special Prosecutor for Domestic and Family Violence against Women; 1 operator from the judiciary; 2 coordinators of reference centres; 2 public policy advocates; 1 NGO representative; and 1 city councillor. In addition, observation was conducted of daily activities at the DECCM, in particular the various phases of the services offered.

The set of empirical data is rounded out with in-depth interviews held with fifteen women who went to the DECCM and also used other services available through the Network. The information gathered from these women constitutes the core of this investigation and represents their main contribution to studies on access to justice, violence, and gender. The fifteen women interviewed were selected based on information provided by the DECCM and other service providers in the Network. An effort was made to ensure diversity based on age, race/colour, place of residence, level of education, profession, and employment status. As concerns age, the fifteen women are distributed as follows: six were between ages 25 and 34, six between 35 and 44, and three were over 45. Regarding race/colour, they self-identified as follows: eight declared they were mulatto,<sup>6</sup> three said they were black, and four stated they were white. Five of the women had completed their university education, one was still in university, five had not finished primary school, one had finished primary school, and two had finished secondary school. In relation to the total population of Belo Horizonte, the sample is over-representative of women holding a university degree, which may be a reflection of the greater ease they felt when discussing their experiences of violence.

Of the fifteen women interviewed, nine had remunerated employment, three were housewives, one was a student, one was unemployed, and another was on medical leave. Ten of the women were legally married to their aggressors, and for five of these it was their second relationship. At the time of the interview, eleven were already separated from their husband or intimate partner. Another four were separated, but still shared the house with their aggressor. Only one had no children, while ten had 1-2 children, three had 3-4 children, and one did not answer. Four of the women had children from an earlier marriage.

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<sup>5</sup> Ibid.

<sup>6</sup>Translator's note. Mulatto refers to skin colour. It is used to designate persons who descend from a mixture of Afro-descendants and whites.

It is important to stress that this is a qualitative study, centred mainly on the life stories and narratives of these fifteen women. The results cannot be generalized to cover the state of Minas Gerais, nor the Brazilian experience with DEAMs. They do, however, contribute to filling in the information gaps found in studies of access to justice by providing the points of view of women living in situations of violence who seek institutional alternatives to get out of this situation and exercise their rights.

The results presented here derive from the analysis of the in-depth interviews, along with the opinion survey and exit interviews. They reflect the women's opinions regarding the issues that were discussed. The interviews conducted with advocates, professionals, and DECCM and justice-system operators are also analyzed. The issues discussed below reflect the four hypotheses that were defined for this study. As is the case with the other methodological components of the study, these hypotheses were the result of regional agreements and were shared by all the national teams.

## ACCESS TO JUSTICE AND THE PERCEPTION OF RIGHTS

What does it mean to speak of access to justice and the exercise of rights when the subject is women living in situations of violence in their conjugal relationships who go to a Specialized Women's Police Station (DEAM) in order to file a complaint against their aggressor? And what of the police, judicial operators, and professionals who provide specialized services for these women? These were some of the questions that guided the analysis in this text. The point of departure was some of the perspectives on access to justice found in the literature. The first of these is the formal legal/institutional perspective on access to justice, that is, the type of justice sought through the just application of laws in both formal institutional spaces such as the courts and through public policies that regulate this access. In Brazil, for cases of violence against women in the domestic context and in family and conjugal relationships, this perspective is reflected in at least three types of specific legislation.<sup>7</sup> At the state level, there are decrees that create the DEAMS and other specialized services for women in situations of violence and define how they operate. At the federal level, in turn, there are two types of legislation. One is national, such as Law 11.340/2006 (the Maria da Penha Law), which is specific to combatting domestic and family violence against women. The other type consists of international treaties and conventions

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<sup>7</sup> Here reference is made only to domestic and family violence against women. There are also other laws and regulations at the national, state, and municipal levels that define policies to combat other forms of violence against women, such as sexual violence, trafficking in women, and the exploitation of girls and women for sexual purposes.

for the defence of women's rights that have been signed and ratified by the Brazilian state, among which stand out the Convention to End All Forms of Discrimination Against Women (CEDAW – UN, 1979) and the Belém do Pará Convention (OAS, 1994).

The second perspective incorporates a feminist approach to the issue, and is guided by discussions of gender, power, and human rights. It emphasizes the recognition of women as subjects of rights, that is to say, as active, autonomous citizens with the capacity to make decisions and exercise their rights. This perspective is present in the debates on mainstreaming gender in public policy and can also be found in the Maria da Penha Law, for instance, through the integrated and comprehensive model of services and the proposal to combat violence through criminalization, protection, assistance, and prevention measures. It is also found in the definition of domestic and family violence against women as a violation of human rights. It is important to note that while this approach to violence was a guiding principle of the formulation of this piece of legislation, nevertheless, it cannot be said to be shared by all operators involved in its application.

A third perspective on access to justice concentrates on family protection, or “family values,” and pushes the defence of women's individual rights into the background while privileging the maintenance of the family institution. This framework still has a very strong presence in the Brazilian justice system, and is put into practice through “criminal family protection policies” used to promote acquittals in crimes against women (Izumino, 1998). This attitude is also present in the formulation of social policy that prioritizes the role of mother/wife as the person responsible for protecting family unity, to the detriment of promoting women's rights.<sup>8</sup> The main criticism of this perspective is that it is based on an understanding of the ‘universal family,’ that is, it considers the family to be nuclear, patriarchal, and heterosexual, and does not acknowledge the existence of diverse family arrangements in society and the variations that derive from economic and regional situations that imprint a polysemic character on families.

### **Access to Justice and Rights in the Experience of Women in Belo Horizonte**

Based on the analysis of the fifteen women's experiences, the interviews with operators and professionals, as well as the notes taken during the observation of police services, it can be stated that the perspectives on access to justice mentioned earlier were identified in the daily operations of the Specialized Police Station for Crimes against Women (DECCM)

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<sup>8</sup> A fourth approach regarding access to justice can be found in the literature and has to do with the debate about the police carrying out conflict mediation. Although this topic is relevant and current, it will not be dealt with in this chapter as it was not brought up in the interviews nor is it part of common practice at the Belo Horizonte DECCM.



in Belo Horizonte and the services provided by the Network to Combat Violence against Women of Minas Gerais. It was also observed that it was not applied in a homogeneous way by persons and institutions belonging to the Network. For example, it can be seen that since the Maria da Penha Law has come into effect, a more formal legal/institutional perspective regarding access to justice has been gaining ground. This is more obvious among specialized services (NUDEM of the Office of the Public Defender, reference centres, etc.) than at the actual DECCM. In the discourse of some of those interviewed it was also possible to discern a gender and power approach – an approach that is closer to the feminist perspective – and is expressed in practices that seek to strengthen women and their recognition of themselves as subjects of rights. It was in policing practices that the family-protection perspective was most noticeable.

As concerns the services provided at the DECCM, there was an absence of standardized services, which was the result of a lack of both training for all operators and service protocols to be applied by all staff. This situation confirmed that this police station does not always contribute to universal access to justice and the rights of women who seek services in this institution.

The Brazilian criminal justice system is made up of several bodies: the Civil and Military Police, the Office of the Public Prosecutor, the Office of the Public Defender, and the courts. The participation of each is fundamental to the organization and functioning of the justice system and the official route or case flow. Police stations, including the DEAMs, are the point of entry into the system, a position that indicates the importance of this first stage of the process for women in situations of violence. The work carried out by these police stations in terms of carrying out police investigations – and the relevant procedures for requesting protection orders, according to the Maria da Penha Law – provides the initial material used by the Office of the Public Prosecutor to decide if the aggressor is to be accused of having committed a crime or not. If a complaint has been filed, the process will continue until a final decision is reached as to the guilt or innocence of the accused. According to this route, access to formal justice only begins at the police station; how it concludes depends on the intervention of other bodies and agents.

The women interviewed seemed to know what the role of the police should be, even if most of them do not understand how intricate the route may get until their judicial processes reach their outcome. In the opinion survey of women living in Belo Horizonte, for example, 51.9% of respondents who know about or have heard of the DECCM<sup>9</sup> think that it receives and investigates police complaints, while another 18.3% recognize that

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<sup>9</sup> Women interviewees who know of / have heard about the Women's Police Stations: N=410 (Pasinato and Santos, 2009).

it should apply protection orders.<sup>10</sup> Asked which procedures they would use at the DECCM, 76% replied they would file a complaint, while another 41.9% would also request protection<sup>11</sup> (Pasinato and Santos, 2009).

Based on the material collected during the survey at the DECCM, it was possible to identify at least three filters being applied in the process of providing services. These amount to obstacles to women's access to justice. The first of these is determined by a rule that regulates the functioning of the station and has to do with a woman's marital status. According to this rule, the DEAMs must only register complaints involving conflicts in conjugal relationships of cohabiting couples, meaning they continue living together despite the violence. While the study was being carried out, cases involving couples that were separated were being dealt with at regular district police stations. This division in services was a topic of debate among members at the different services offered by the Network to Combat Violence against Women of Minas Gerais.

A second filter was applied to the type of crime women wanted to file a complaint about. According to the accounts of those interviewed, already at the reception stage a selection process takes place that classifies incidents as "criminal" or "not criminal," and priority is given to those that fit into the first group. In the DECCM it was observed that cases of physical violence are recognized as serious by police officers and classified as "criminal." Meanwhile, women who said they were victims of threats or psychological violence had a more difficult time having their cases accepted, and on occasion the incident was recorded only because the woman strenuously insisted. This type of experience was described by interviewees such as Dora – who lived in a situation of psychological violence for sixteen years, though never suffered physical violence – and Noemi, who was shoved by her partner during an argument and as a result had an injury to her leg. "Then the officer said to me, 'yes, but were you knifed, shot, beaten black and blue?' Do we really have to show up like that before they pay attention to us?" (Noemi, age 31, mulatto, primary school incomplete, unemployed).

Although this selectivity in service delivery is not recent, it became more polemical after the Maria da Penha Law came into effect, as both these selection criteria run counter to what is stipulated in the new legislation. The Maria da Penha Law recognizes violence in conjugal relationships, but encompasses other domestic and family links as well, based on affinity and kinship, regardless of cohabitation.<sup>12</sup> With respect to the type of crime committed, the law also includes an expanded set of violent acts, classified as physical, psychological, moral, sexual, or patrimonial. In this case, it can be said that the observed

<sup>10</sup> Q504: What services are offered by the DECCM? (Non-directed and multiple answer.) Ibid.

<sup>11</sup> Q508: Why would you go to a DECCM? (Non-directed and multiple answer.) Ibid.

<sup>12</sup> The definition of what constitutes domestic and family violence is found in Title II, chapter I, article 5.

selection process is an outcome of the lack of knowledge regarding the specificities of violence based on gender and power differences.

A third filter identified is related to differentiation based on social class. This issue is difficult to address, especially since its practice is clouded by the perception that most women who seek services at the DECCM have low levels of education and come from the poorer classes. This contributes to the affirmation that any class bias found in the services is an isolated case or an exception to the rule and, therefore, should not be a cause for concern. What actually happens, however, is that the difference in treatment is manifested in various ways, or affects women differently. In its most serious expression, filing a complaint is made impossible. This differentiated treatment was described by Isabela, who had difficulty getting the incident registered at the DECCM. It was also recounted by Gabriela, who had no such problem herself, but who observed other women and was sensitized to their suffering. "The very humble people, they're sort of ignored. [...] Many badly hurt women go there, with children in tow, wearing cheap rubber sandals, [and have] no money to even buy food for their children" (Gabriela, age 40, white, university degree, administrative officer at a private firm).

In addition to this selectivity, police practices also reveal a family-protection perspective. Situations were observed while services were being provided in which officers used arguments about protecting the family in an effort to dissuade women from starting a police procedure against their abusers. For example, when policemen or policewomen suggest the women had best think it over before making the decision to file a complaint, they place the women in a dilemma, forcing them to choose between living without violence or ensuring the protection and sustenance of their children. Betina, one of those interviewed, said she had been through a similar situation when she tried to file a complaint against her partner for repeated acts of psychological violence. Eventually Betina gave up, having been dissuaded by the police officer, who insisted she think hard about the situation as it could end up having a detrimental effect on her partner.

Family protection and guidance is part of the name of the police division where the DECCM is located within the police's institutional structure. This change is recent, and it was not possible to determine whether there was an institutional policy geared towards family protection, nor does there seem to be a consensus on how the Civil Police might act in this field. The absence of standards and protocols for services enables individual perceptions regarding access to justice to coexist in the performance of police duties. This includes the formal legal/institutional perspective in which, once the first barriers are overcome, women are referred on to filing a complaint and, thus, gain access to a police investigation and protection orders.

Among women, too, the study identified several different perceptions regarding access to justice. There are those who share the family-protection perspective with some of the police officers. Francisca, for instance, went to the DECCM to file a complaint, but expected the police to call her husband in for a conversation. "I wanted them to scare him a bit. Well, not really scare him, but I wanted them to call him in and talk with him, explain to him that you don't beat women" (Francisca, age 42, black, primary school incomplete, housewife). Other women, for their part, provide evidence that they left the situation of violence as a family-protection strategy, above all in terms of protecting the children. Other informants have a formal legal/institutional perspective or one based on rights, both of which hold that making the aggressor responsible by applying the law will guarantee them access to the right to live without violence.

The women interviewed also mentioned economic obstacles (lack of money to go to the different services, or even to go back to the DECCM), as well as social and cultural barriers, such as a lack of information concerning their rights and the difficulties they had in understanding what reparations could be requested. The importance of these obstacles and their relevance to the discussion on access to justice have already been identified in the literature (Souza Santos, 1996; Cappelletti and Garth, 1988), and taking them into consideration is fundamental if the goal is to expand and improve access to justice policies for women living in situations of violence.

When analyzing the interviews, it is also possible to identify another aspect of access to justice, which is related to the right to information. In this sense, the interviews also reveal that the DECCM contributes little, and unevenly, to providing the women with information. On this point, women conferred greater importance to the services they received at the reference centres and from the Office of the Public Defender.

The Network to Combat Violence against Women of Minas Gerais plays an important role in providing access to justice for women living in situations of violence and guaranteeing their rights. All professionals interviewed recognize the importance of the Maria da Penha Law, and some are still in the process of adapting their procedures to the new legislation. It can be said that among the professionals interviewed there prevails the recognition that violence against women is a human rights violation. This perception is compatible with the formal legal/institutional perspective on access to justice described earlier. Some also recognize that this process can only be applied in practice if women's understanding of themselves as subjects of rights is strengthened. As was noted when observing the performance of the DECCM, the application of the Maria da Penha Law depends far more on personal efforts than on institutional policies.

Among the services involved directly in the application of the new legislation are the Defence of Women's Rights Unit (NUDEM) of the Office of the Public Defender and the

Special Prosecutor for Domestic and Family Violence against Women. These are part of the local justice system and operate complementarily to the services provided by the DECCM. A formal legal/institutional vision prevails, in the sense of referring incidents through the criminal justice system. However, the women interviewed drew attention to the fact that the Special Prosecutor, while created with specific duties regarding the application of the Maria da Penha Law, demonstrates a tendency to prioritize a social approach to violence. In this sense, it values interventions that are geared towards strengthening the self-esteem of women and providing protection, which means that criminal cases take longer to complete the official route of the justice system and reach an outcome.

At all services provided by the Network, the coexistence of differing perspectives regarding access to justice and the lack of services protocols means that professionals face a challenge. It is one that implies, among other things, finding a balance between the criminalization of violence and offering guidance to women who seek help to leave the situation, but do not necessarily wish for a solution via the criminal justice system or one that entails the dissolution of their family. Debates on this issue have made considerable progress and it is already recognized that the criminalization of violence must be one of the alternatives for women who wish to live free from violence, but not the only one.

When the judiciary proves unresponsive, some women simply give up on this avenue to resolve the conflict in their conjugal relationship. Others, having exhausted all the alternatives known and available to them, express only discouragement and helplessness.

I'm already discouraged with the justice system, the police, the DECCM, because people have to keep after them, you see it... I went to the Special Prosecutor's Office and I had to keep after them. Nobody ever did anything and the threats just continue. One doesn't know if there's going to be an end, or if the end will come with one's death" (Alice, age 27, mulatto, primary school complete, live-out maid).

It was not the object of this study to discuss if the filters identified in the services are applied to a large number of women, or only a few, as the aim was to analyze the services in qualitative terms, not quantitative ones. The issue at hand is that the opportunity to file a police complaint must be guaranteed to all women victims of gender-based violence in a domestic or family context, regardless of their marital status, the type of violence they suffered, or their physical or social traits. Differences in the services provided according to these factors end up by establishing distinctions among women based on who can or cannot use police services, and, at least in theory, gain access to justice. This undermines the universality of rights and citizenship.

There are other perspectives on access to justice beyond those discussed here, and these can be observed on a daily basis in the services provided. The important thing to highlight is that these approaches are dynamic and may manifest themselves with greater or lesser intensity, in isolation or combined with other approaches related to women's characteristics or women's rights. In this scenario, what stands out in all sectors is the absence of institutional policies with a gender-based approach that contribute to defining guidelines for services that guarantee both access to justice and the exercise of rights by all women.

## **THE PATHS IN SEARCH OF JUSTICE, RIGHTS, AND AN END TO VIOLENCE**

There has been much debate regarding the factors that lead to violence in intimate partner relationships, as well as the reasons why women endure the situation, sometimes for several years. Although some studies have explored the reasons and causes for violence, little progress has been made towards understanding how women perceive the experience and what factors influence their decision to seek help.

In addition to social, cultural, and economic obstacles, in cases of violence that take place in affective and family relationships, women also face psychological and emotional barriers. In these circumstances, violence based on gender differences, which involve inequality in the exercise of power by men and women, becomes more complex when it occurs in relationships that are based on affective links and are often built on an idealization of the family unit as a locus of harmony and marriage as a bond that should unite people forever.

These idealizations weigh down the barriers women must remove if they are to recognize their right to live without violence. This weight may manifest itself as the shame felt by women who find themselves living a situation of violence; a feeling of failure in their conjugal relationship; the fear of starting a new life alone, or as sole parent and breadwinner; the insecurity felt in the absence of support from family members and/or the community; and even the belief in the validity of making new 'sacrifices' to ensure the relationship survives by taking on the task of preserving the family and the marriage, even if this places their physical integrity at risk. These idealizations regarding marriage and the family also shore up the family-protection perspective discussed earlier.

In Brazil, no studies have been done as yet on the institutional route taken by women who seek help to escape violence. Still less is known concerning the responses women receive and the impact they have on their lives. What research does exist, however, has allowed for advances in understanding the factors that influence a woman's decision to seek help. It is known, for example, that some of these factors are related to the history

of the violence itself. Thus, for example, women's willingness to seek help appears to increase when: there are changes in the intensity of violence (when it becomes more serious, they feel their lives are endangered), the frequency of the assaults increases, or the violent acts (threats or aggression) begin to include the children or other family members. Furthermore, part of these factors refer to the existence of conditions that allow women to envisage ways to exit the violence, such as access to information on rights, services available, and acquiring social and economic resources, among others. It is not possible to establish which factor or set of factors has the strongest influence on women's decisions. This situation varies with each woman, and is influenced by their geographical, social, and cultural references, the opportunities they find, and the adequacy of the responses they receive as they go along their path, among other factors.

This diversity of experiences was recounted in the interviews conducted with fifteen women in the context of the "Access to Justice" project. Some said that during the first years they lived with their intimate partners they enjoyed a harmonious and happy relationship. Others lived with men who were jealous, controlling, and aggressive from the outset, thus putting a distance between their conjugal experience and the model of harmony and happiness they had envisaged. Some of the women remained with their violent partners for several months, even years, subjected to threats and different types of physical, psychological, and patrimonial violence, but always hoped the relationship would improve. Alice, for example, lived with her partner for six years, and relates that she wanted to believe that his jealous behaviour and aggression were a way of expressing his love for her. Betina tried to mediate the conflicts between her adolescent daughter and her partner, and put up with the psychological violence to which she was routinely submitted. Gabriela, in turn, thought her partner could abandon his dependence on drugs. "I had the illusion that he would kick the habit and we would be happy once again" (Gabriela, age 40, white, university degree, administrative officer at a private firm).

The first reactions to the violence were also determined by the motives identified by the women for the violent behaviour. Some of the motives they named are circumstantial, external to the relationship, and refer to the aggressor, such as: dependence on drugs and alcohol, personality disorders, violent behaviour, and exacerbated jealousy. It is important to understand these motives in the precise formulation used by the women insofar as they play an important role in the organization of their narratives regarding the strategies they used to face up to the violence, the search for help, and the road they took. It is not a matter of questioning whether or not these are the 'real' reasons for the violence, but of understanding that they determine the way in which women perceive the rupture with the expected models of behaviour for men who are marriage and are part of a family, as well as how their formulation contributes to legitimizing their appeal for help from the family, the police, and society.

To speak of permanence in these situations of violence does not mean these women did not attempt to escape the situation one or more times. Some sought help soon after the first assaults, but others hoped it was only a stage in the relationship or they could find solutions on their own. In their accounts, Isabela and Elisa said that on some occasions, even though they feared their partners, they tried to flee the house. The first time Gabriela and Claudia looked for help, they sought spiritual comfort in religion. Dora and Marisa fell ill; Marisa attempted suicide more than once. These different ways of dealing with violence have in common the fact that for long periods of time most of the women interviewed lived through their problem in silence. Breaking the silence took place at a different moment for each woman, but in general was motivated by a worsening of the violence and its extension to their children or other family members. At those times, seeking alternative ways to get away from the violence was also seen as a means of preserving the family and the safety of its members.

In the absence of a pre-defined, institutionalized course, women must build their own road as they advance in search of information and help. The paths described are non-linear, extensive, and discontinuous. They present comings and goings, and the intervals among them may also vary. These movements are the result of times in which the women faced doubts about the decisions they were making, along with a lack of institutional responses. Others retreat because they feel that the small movement they began had an influence on the behaviour of their partners and they believe that the violence may cease, much as their appeal for help might be interrupted. There is no single path; each woman establishes the course she wishes to take. Often there is also not just one single road in each woman's experience, as she may try parallel and simultaneous means to deal with the problem, combining the use of family members or religion with specialized institutional channels such as the Network of services.

In Belo Horizonte, all the women interviewed shared the objective of escaping from violence, but the paths they took and the strategies they developed were defined as they advanced towards their ultimate goal. Their perceptions regarding access to justice were formed as the experience unfolded, and the alternative of finding a judicial response to their problem took shape as their knowledge of their rights increased. Still, each woman's experience differs from the others.

When questioned about the role of personal support networks, the women interviewed revealed that these networks played a fundamental role in their lives. Consisting of relatives, friends, neighbours, and work colleagues, the members of these networks collaborated by providing emotional and material support, as well as information and guidance. Above all, they contributed to increasing the women's confidence in the steps they were taking to get out of the situation of violence. It cannot be confirmed which



approach to access to justice prevails among these personal networks. Some of these encouraged the women to go to the police, while others discouraged them from doing so by referring to the importance of preserving the family's privacy.

Despite the importance of the support provided by the personal networks, the women also mention that to break the silence and talk about the violence with family and friends was not an easy experience. The difficulty seems to stem from a concern about involving the family in the couple's problems, but also relates to the shame they feel in admitting to being in a violent relationship, as well as a feeling of guilt and failure because their conjugal relationship does not match the expected model. Perhaps for this reason, when activating the personal help networks, the mother figure is the most important. Among the women interviewed, Gabriela and Laura stressed the importance of their mothers, as both went back to live with them after the episodes of violence. This view was also reflected in the opinion survey of women of the local population: 42.1% said that if they were victims of violence they would appeal to their mothers for help, while 19.5% mentioned other family members. Interestingly, 10.6% of respondents said they would not ask for help from family or acquaintances.<sup>13</sup>

Perhaps the stated intention of this last group reflects the fact that women do not only receive support from the members of their personal networks. In some cases, those interviewed explained that the interventions of some relatives (or their silence, for that matter) made them feel compelled to remain in the violent relationship. Among these women, Francisca complained of the lack of support from her partner's family, who knew of the difficulties she was facing in the relationship. But it was Claudia who most suffered family pressure. After filing a complaint against her intimate partner at the police station, her own daughter pressured her – "I don't want my father to go to jail" – as did her family, to withdraw the charges and avoid making a scandal. This type of family intervention does not go unnoticed by the professionals working at the specialized services, who consider that this lack of support is another reason why women should be treated well at the services of the Network. "Often the women feel alone when making a decision like this. Often the family is the first to turn their backs on these women" (Notary of the police, DECCM, Belo Horizonte).

The specialized and non-specialized services for women in situations of violence also play a relevant role for the women. Sometimes the services they received contributed to their decision to file a complaint against the abuser and get out of the violent relationship; on other occasions it left them no alternative but to stay living in the situation of violence.

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<sup>13</sup> Q401: If your husband/partner were abusing you, which persons known to you would you ask for help? (Non-directed and multiple answer.) (Pasinato and Santos, 2009).

Belo Horizonte has a good supply of public entities that provide specialized services for women in situations of violence. These encompass services in the fields of security; justice; social, psychological, and legal assistance; as well as health services. The coordination of these services through the Network in Opposition to Violence against Women of Minas Gerais was a major advance for gender policy in Belo Horizonte. Still, the Network faces constraints such as the limited articulation among the services, which is expressed, for instance, in the lack of a joint protocol for services and referrals, as well as the limited awareness of some of these services among the women in the community.

When analyzing the course of the women interviewed, it was observed that they are relatively short. As their stories make clear, the women face many barriers they must overcome when they decide to seek institutional assistance. One of the most important concerns the lack of information about where to go, what to request, and which responses to expect. The fifteen women interviewed had varied trajectories: ten went first to a police service, of which three chose the Specialized Police Station for Crimes against Women (DECCM), three went to the district police station nearest to their homes, and four went to the Military Police. Of the others, four went to a reference centre first, and one went directly to the Defence of Women's Rights Unit (NUDEM) at the Office of the Public Defender. Two interviewees said that before going to any service they searched on the Internet or used "Dial 180" (the information hotline of the Special Secretariat on Policies for Women, Presidency of the Republic – SPM/PR), where they obtained information about where to go.

The way in which the women's search for assistance breaks down can be explained, at least in part, by their scarce knowledge of the Network of specialized services available in Belo Horizonte. This can be verified in the opinion survey of the female population. Asked about the existence of services, 72.6% said they knew / had heard of the DECCM (created in 1985), while another 29.8% stated they knew of the women's police station established in 2008 in the district of Venda Nova, on the outskirts of the capital. Other services, such as the *Benwinda* (22.4%) and Risoleta Neves reference centres (32%), the NUDEM (25.5%), and the Special Prosecutor (18.5%), seem to be less well known by women, regardless of the length of time they have been in operation.<sup>14</sup>

Other reasons the women interviewed gave for not going directly to the DECCM were: they did not intend to file a police complaint, they had been there before and were not satisfied with the services and/or the response they received; the assault occurred outside the DECCM's hours of operation; or they live far away from the DECCM and they preferred to go to the Military Police or the local police station.

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<sup>14</sup> Q404: Have you heard of the following services? (Directed and multiple answer; respondents were shown a card with all the local services listed.) (Pasinato and Santos, 2009).

The paths taken by these women also vary as a function of how many times they requested help and the time it took them to make a decision about each new step. These variations are related to the internal pathway of each woman, in the sense of developing her self-awareness as a subject of rights and, in particular, of the right to live without violence. This internal road has been identified with the women's process of strengthening themselves, during which they develop the capacity to recognize themselves as persons with rights. This process advances as they acquire information about these rights and the capacity to exercise them in a manner that is appropriate to their principles and needs. It is, therefore, a far more complex process than the simple transmission of information to and provision of guidance for women, as it depends also on the social and cultural conditions that may facilitate or create barriers to said process.

As the women acquire more information and knowledge regarding their rights and alternatives, they also gain the tools needed to advance in the process of internal strengthening. This internal road is not linear, includes many obstacles, and is different for each woman. It helps to look at these experiences through the lens of intersectionality among gender and other social markers (such as race/colour, social origin, generation, among others) in order to gain an understanding of the variety and complexity of the barriers these women must overcome.

Some of the professionals who work at the services offered by the Belo Horizonte Network recognize the existence of this process that women must go through so they can denaturalize the violence and women's submissive role in society. They also understand the complexity of the process, and that the final decision must always be made by the woman.

Sometimes it takes her a while to take action because of her perceptions of the situation. Perhaps she doesn't think the violence is as unacceptable as some would like her to consider it. Sometimes it depends on providing treatment to the victim, so she begins to understand that this [violent] behaviour is not acceptable, [...] Because sometimes people live in settings where there is lots of violence, which makes it so she considers violence to be natural (Public Defender at the Defence of Women's Rights Unit – NUDEM, Office of the Public Defender, Minas Gerais).

It can be said that despite the recognition of these specificities with respect to women living in situations of gender-based violence, the Network to Combat Violence against Women of Minas Gerais operates based on a formal legal/institutional perspective of access to justice. Thus, in practice, although the women themselves are not always certain of what kind of police intervention they want, the criminalization of violence is the alternative most highly valued by professionals of the various services.

## WHAT DO WOMEN WANT? WHAT RESPONSE IS OFFERED BY OPERATORS?

The point of departure for the analysis presented in this section is the hypothesis that the responses provided by the DECCM do not necessarily coincide with women's expectations, nor do they guarantee an end to the violence in their lives. Understanding women's assessment of the services they received is fundamental to advancing towards the formulation of a policy to combat violence that is guided by the respect for women's rights and strengthens women so they can exercise these rights.

After 25 years of existence, the Belo Horizonte DECCM has achieved recognition as an institutional expression of a public policy to combat violence against women in that city. This recognition is reflected in the number of women that go to the DECCM, since for many of them it represents the first step on their paths that may lead to ending the violence. When the women go to this service they have different expectations. Many are looking for information about: their rights, what they can do to separate from their aggressors, or the help they can get at other services. Not all of them want to start a judicial process in the criminal sphere. Some go to the DECCM only once, while others return several times until they find a response that will allow them to change their lives. The training manuals and good practice documents for police stress the importance of this first contact for women, as it is key to their decision about continuing along this course or returning home and, as a consequence, to the situation of violence (Soares, 2005; UNODC, 2005).

But it is not only among women and the general public that the DECCM enjoys a distinguished position. It is also an important reference point for other services, and for the Network itself. This is especially so given that the formal legal/institutional perspective of access to justice is shared by many actors in the Network and it guides the services they offer in the sense of finding ways to effectively criminalize violence and hold the perpetrators legally responsible.

The DECCM services are intended to be offered using a comprehensive approach to violence against women, by providing police and forensic medicine services, as well as psychological counselling and legal guidance. After going through reception, which is organized around the filters mentioned above, and once the police officers receive a request to register a criminal offence, the women are referred to police services where an incident report is filled out and they can request the protection orders foreseen in the law. When necessary, they also receive referrals for a medico-legal exam and services in other sectors.

Compliance with the judicial functions of the police – such as registering an incident report, setting up a police investigation, and filling out and forwarding requests for

protection orders – is carried out in a bureaucratic manner and is currently in the process of being adjusted to the new regulations for policing that reflect a results-based management approach. In the specific case of the DECCM, this approach has left little room for listening with a human touch, which is required for integrated and comprehensive services. Implicit in services designed to provide listening with a human touch is the recognition that violence against women is a violation of human rights and a matter pertinent to public security policy. But it also recognizes the existence of specificities that derive from gender and power relations, in which these situations of violence are embedded. This deficiency in the services has consequently caused a good part of the difficulties faced by women when seeking help to break free from their violent relationship.

During the observation activities at the DECCM it was noticeable how the lack of specialized training for all police officers was aggravated by the absence of institutional regulations for the services. This makes it so that practices that should be applied by all of the staff are subject to the approach used by each individual police officer when providing services. This means that women with similar needs might receive different guidance depending on who serves them. It also means that gender specificities are for the most part ignored. Due to the lack of regulations and standards for services, it is not possible to say that services are guided entirely by either a traditional family-oriented perspective or gender perspective, although the latter are expressed by some of the police.

While observing the DECCM, the research team witnessed situations in which women were told not to accept violence, even if they found it difficult to file a complaint against the husband/partner. No situations were observed in which the women were held responsible for the violence they suffered. However, there were occasions in which women were told of the difficulties that filing a police complaint could have on their lives. They were told that family rearrangements would have to be made regarding child-rearing and the family's livelihood. Debert (2006) sees this discourse as a way of re-privatizing the conflicts with the aim of preserving the family, where the responsibility for finding alternatives to overcoming the violence is 'devolved' to women.

As explained earlier, the first step in the services provided at the DECCM is based on filters that classify incidents as "criminal" or "not criminal," in addition to other distinctions that end up functioning as criteria for defining which women qualify for services at the DECCM. As a consequence, these are the women who may benefit from the services as a means of exercising their right to live without violence. In order to understand the implications of these procedures in the women's lives, it needs to be recognized that they arrive at the DECCM with different expectations. Considering there are a variety of motivations, an effort was made to elicit from the female population what they would

expect to obtain as a response from the Belo Horizonte DECCM. Asked what they would do in a hypothetical situation of violence perpetrated by their husband/partner, 39% of the women said they would go to the DECCM in order to have their abuser detained, but would also seek psychological counselling (33.6%), as well as legal guidance and other measures to remove the abuser from the home (22.4%).<sup>15</sup>

In the in-depth interviews it was identified that the fifteen women were also motivated by a variety of expectations when they sought help from the police. Some considered that the services they received were good, while for others, their experience at the DECCM did not result in the changes they expected. Some thought their partner/husband would be sent to jail; others felt a great need to acquire more information regarding their rights and receive psychological counselling. Betina, for example, wanted a measure that would help get her ex-partner out of her house, in order to carry out the separation she wanted but he refused to accept. However, she was discouraged from filing a complaint and told to think again about what she wanted to do. She was not presented with any alternative to solving her problem, nor was she referred elsewhere. Although initially she was not certain about the need for police intervention in her case, from the moment she sought the service, the expectation was created that things would be resolved. The lack of response and referrals were perceived not only as an institutional problem, but also as the result of her own cowardice regarding the situation.

As in the case of Betina, it is clear from the interviews that the women who went to a police station (whether it was specialized or not) had expectations that went beyond merely filing a complaint. An interest in learning more about their rights and obtaining information about other services and alternatives for getting out of the situation of violence is part of this expectation, as is being treated with respect and receiving high-quality services. All these aspects of the services exert an influence on women's possibilities of turning their right to live without violence into a reality.

Service with dignity is related, for example, to the waiting time to file a complaint. The team observed that on the busiest days (when there were eight or ten women in the waiting area), the total time taken for a woman to be processed through all the different steps was at least six hours. The average waiting times recorded were: 30-45 minutes to file the initial complaint, 30-40 minutes to see the psychologist, and 20-30 minutes to obtain legal guidance. The long overall waiting time was described by Francisca and Noemi as hurdles for those who seek help at the DECCM. This wait may seem even longer if it is taken into account that many of the women go to the DECCM accompanied by

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<sup>15</sup> Q403: If your husband/partner abused you, what type of help would you seek? (Non-directed and multiple answer.) (Pasinato and Santos, 2009).

their small children and often don't have money to buy food while they wait. Claudia also suffered through the long waiting times, and in her opinion the tiredness discourages women and may also affect the quality of their statement.

It is important to point out that the police services provided at the DECCM only guarantee that an incident report is registered and protection orders are requested. Completing the police procedures at the DECCM – those that are part of the police investigation, such as taking statements from witnesses as well as the suspect – and beyond the DECCM, when all the documentation is sent to the judicial branch, may take several months. During this time, many of the women return to live with their abusers, while others, even if they separate from their intimate partner, still run the risk of suffering new threats and assaults. Of the fifteen women interviewed, none found short-term solutions to the situations they faced.

It is equally important to draw attention to the fact that after the Maria da Penha Law came into effect in September 2006, the volume of procedures carried out at the DECCM has been increasing with each passing year, including the number of police investigations and requests for protection orders. This has led to further delays in completing the bureaucratic procedures. However, the problem with the bureaucratization of services and the lack of integration between the DECCM and the services of the Network is not due to the new context created by the Maria da Penha Law, as this trend had already been diagnosed in the period prior to the new legislation (Pasinato, 2006). Marisa, one of the women interviewed, had gone to the DECCM before the law went into effect and was not satisfied with the services she received. She was being threatened by her husband, who was a drug user. Besides not being able to file a complaint against him, the police officer even advised her to “[...] ‘find another job and change houses.’ Do you call that support?” (Marisa, age 48, white, university degree, currently on medically-authorized sick leave due to depression).

In addition to police services, the DECCM houses a branch of the Forensic Medicine Institute (IML), where examinations of the ‘body of evidence’ are done in cases of physical violence. This usually takes place the same day, and the report is annexed to the police investigation file during the same week the procedure gets underway. Setting up a branch at the DECCM was a significant step forward, as IML headquarters are located in a neighbourhood far away from the specialized police station, and this distance led many women to not do the examination. Lack of proof, of course, can lead to the police investigation being shelved.

The DECCM also has offices for legal and psychological services, but referring the women to these services is not part of the service protocol. As regards psychological care, referrals are made depending on the victim's emotional state, which in turn is assessed by the

police officer who files the initial incident report. When women are visibly distressed upon arrival – for example, they come in crying and have difficulties explaining what happened – they are sent to the psychologist even before meeting with a police officer. Others are sent after filing their complaint, as is the case with referrals for legal guidance.

Applying an integrated and comprehensive approach to cases of domestic and intimate partner violence against women through intersectoral policies and services is recommended in the policies and guidelines issued by the Special Secretariat on Policies for Women (SPM), and is also included in the text of the Maria da Penha Law. The national documents state that services to women in situations of violence are based on the principle that these must include combatting violence, but also its prevention and women's protection, as well as guaranteeing services to aggressors by means of sanctions and re-education to live without violence (Pasinato and Santos, 2008). They also recognize that a judicial response alone is insufficient for either guaranteeing women will live free of violence, or ensuring they will receive the strengthening they need to exercise their rights.

In this regard, the proposal for an integrated and comprehensive approach to combatting violence is fundamental if women are to obtain responses that are more favourable towards leaving a situation of violence and gaining access to their rights. It would allow for referrals that strengthen women in their decision-making, taking into account their needs and the alternatives available to them in order to escape their situations of violence, despite the social, economic, and cultural obstacles previously mentioned.

The delivery of psychological and legal services at the Specialized Women's Police Stations (DEAM) is a controversial aspect of the services and in Brazil there is no standard for this. The Standardized Technical Regulations of the DEAMs recommend that the stations be integrated into a network of services to which women can be referred and where they receive psychological, legal, social, medical, and any other type of services they need. There is no consensus on the way these services should be articulated (Pasinato and Santos, 2009), and despite the recommendations mentioned, some DEAMs continue to offer psycho-social and legal services to their users, as is the case in Belo Horizonte. Considering the way in which these services are being offered, it is important to question whether they really contribute to providing women with integrated and comprehensive services, or if they rather represent an obstacle to the articulation of the DEAMs with the Network of services.

The internal and external flows of services at the DECCM of Belo Horizonte do not function according to the integrated and comprehensive approach, and therefore users are only referred to other services in extreme cases. At one end, there are those situations in which women do not report any situation of violence (or do not mention physical



violence). They may be sent to the NUDEM, where they can file for conjugal separation and procedures related to the children. At the other extreme, women whose lives are at risk are referred to the “*Sempre Viva*” Women’s Shelter. Finding a balance between these referrals – in order to guarantee access to justice and the exercise of the right to a life free of violence for all women who seek help – remains a challenge for the DECCM and the entire Network.

Regarding this aspect of the services, the women interviewed are of the opinion that receiving psychological support when they file their complaint would contribute to them feeling safer. This point of view is expressed by Kátia and Cláudia, who shared their feelings of helplessness when talking to the police, but also afterwards, when they felt insecure about whether they had made the correct decision. Cláudia refers to this insecurity in the following way.

I think there should be some accompaniment. [...] One would leave feeling much more secure. Because the fear you feel going down those stairs when leaving the building is tremendous. You have no idea how scared one feels going down those stairs. It’s really terrible (Cláudia, age 44, mulatto, high school diploma, decorator).

As concerns legal advice, the presence of representatives from the Office of the Public Defender at the core of the services provided at the DECCM ensures some standardization. This service is also offered to women who indicate an interest in a conjugal separation or have doubts about the situation of their children. There are also cases in which the women arrive at the DECCM accompanied by private lawyers (Marisa and Laura) or by lawyers who work at the reference centers (Gabriela, Dora, and Betina). In those cases, the women declared that the services were facilitated by the fact that the lawyers already knew how the DECCM operated and were personally acquainted with the chief, a contact established through participating in the meetings of the Network to Combat Violence of Minas Gerais.

The problems observed notwithstanding, the overall assessment of the DECCM by the women interviewed was positive. Most of them declared that in case of another assault they would return to the DECCM, as they understand the importance of police intervention. In general terms, when it comes to assessing the importance of having sought institutional help to put an end to the violence in their lives, the women consider that it was an important step, as in so doing they showed their husbands/abusers that they are capable of making decisions and reacting to the situation of violence. That said, this recognition does not imply that they attribute a prominent role to the DECCM in the process. Although women recognize the importance of filing a police complaint for breaking with the situation of violence, it was not by formalizing their complaint or through other actions in the criminal justice system that the problem was resolved. In

terms of more concrete responses, they rated more highly the psycho-social support received from other services in the Network. As they explained, the recovery of their self-esteem was fundamental to them being able to break away with the situation of violence in which they were living.

## IMPACT ON THE LIVES OF WOMEN IN SITUATIONS OF VIOLENCE

One of the objectives of the project “Access to Justice for Women in Situations of Violence” consists of understanding the impact of the interventions of the Specialized Police Station for Crimes against Women (DECCM) and other specialized services on the lives of women and the exercise of their right to live without violence.

When asked about the role played by the Specialized Women’s Police Stations (DEAM) in general in eradicating violence against women, the first thing mentioned is their contribution to making violence against women visible as a social and public policy problem. Indeed, since the creation of these specialized police stations, they have become a privileged site for observing and collecting information on the profiles of the women and their abusers, as well as the contexts in which the violence takes place and the motives that seem to perpetuate it as a cultural practice that violates women’s rights (Izumino, 2003; Izumino, 2002; Jubb and Izumino, 2002).

Furthermore, the female officers in charge of the DEAMs have become privileged interlocutors. A growing politicization of their discourse was noted, as well as their frequent presence in the media, campaigns, and seminars, in which they discussed features of the violence and the need to file a complaint with the police. The impact of their appearances on the DECCM is easily traced, as demand for services rose in the days that followed. The same account was obtained from other services in the Network.

In the opinion survey of women residents of Belo Horizonte, 98.6% stated that they knew / had heard of the DECCM.<sup>16</sup> Of these, 88.5% thought of it as a place that facilitates or provides justice to women who have suffered abuse from their husbands or partners.<sup>17</sup> They are also of the opinion that women are treated with respect at the DECCM.<sup>18</sup> The same survey showed that 76.6% of respondents believe the DECCM has contributed to diminishing the abuse in women’s lives. Asked to explain what their contribution is, the

<sup>16</sup> Q501: Do you know / Have you heard of the Women’s Police Station? (Pasinato and Santos, 2009).

<sup>17</sup> Q513: Does the DECCM of Belo Horizonte facilitate or provide justice for women who have suffered abuse from their husbands/partners? (Pasinato and Santos, 2009).

<sup>18</sup> Q511: Do you think women are treated with respect at the DECCM? (Pasinato and Santos, 2009).

two most popular replies were that men fear police intervention (33.7%) and that women who went to the DECCM learned about their rights (33.7%).<sup>19</sup> The importance of this recognition is also noted by policewomen who work at the DECCM. “They talk here like the Women’s Police Station is a port or something, [...] like they are lost and Women’s Police Station sounds to them like it’s going to straighten out their lives” (Notary of the police, DECCM, Belo Horizonte).

The fifteen women who were interviewed also talked about the difficulties they faced when making the decision to seek help to get away from the violence. In addition to social, economic, and cultural obstacles, they spoke of overcoming internal barriers, which were aggravated by their shaken self-esteem and lack of self-confidence. “One arrives more broken emotionally than physically” (Gabriela, age 40, white, university degree, administrative officer at a private firm).

Even though they had to deal with these problems, all fifteen made the decision to separate from their intimate partner as a way to get out of the situation of violence and eventually establish another affective relationship based on greater equality and respect. At the time of the interview, eleven of the women had separated from their husbands/partners and were trying to rebuild their lives with or without children. Another four were separated, but continued to share the house with their former husbands/partners. Of these, only Francisca and Kátia said they still suffered violence at the hands of their partner. They justified continuing the relationship on the grounds of economic and emotional dependence, and both claimed to be waiting for the moment when they would feel strong enough to definitively end the relationship. To be able to do so they expect to receive support from other services. Although they still share a residence with their partner, Betina and Olga said that the episodes of violence had stopped. Betina believes that the change in her partner’s behaviour is a reflection of her reaction to the violence and the fact that she took action to find help. Although aware of the importance of the steps she took, she still did not feel strong enough to follow through with her decision all the way to the end.

Although for the women interviewed, conjugal separation is the final outcome in their histories of violence, it is important to keep in mind that when DECCM users were contacted to set up the interviews, some women declined the invitation to participate in the project, stating that they had returned to the marriage and did not want to talk about the matter any more. Without a doubt this situation occurs frequently or, in other words, many women stay in the marriage even after having filed a complaint with the police. This is precisely the situation that shaped police and judicial discourse regarding

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<sup>19</sup> Q516: Why do you think the DECCM has contributed? (N=314) (Pasinato and Santos, 2009).

“women’s demand” for a life without violence, but without the necessary recognition that the violence they suffer may be classified as a crime or a human rights violation. Unfortunately, the researchers did not find any woman who stayed in the marriage and was available (in terms of time) or willing (emotionally) to share her story. For those who opt for conjugal separation, it is not easy to break with a violent past. One can imagine that it is not easy for those who decide to stay, either. In any case, the women interviewed and the police suggested that while being served at the DECCM, the police must listen to and grasp women’s expressed needs, so that in addition to filing a complaint, the DECCM contributes to their receiving the most appropriate responses through their referrals to other services.

Despite having separated, Alice, Gabriela, and Marisa stated that the end of the relationship had not meant the threats had ceased, and they still did not feel entirely free of violence and, therefore, safe. Given this situation, all three said they still were afraid. This was due, at least in part, to the fact that their former husband/partner did not receive any judicial sanction. Thus, they still had a sense of strength and power over the women, as though they were above the law. “He’s there, as if he were saying, ‘nothing’s going to happen to me’” (Heloisa, age 44, mulatto, university degree, public official).

If access to formal justice, meaning criminal justice, is intended to have as a consequence that the aggressors are held responsible and a sanction is imposed – be this jail time or some alternative penalty – then it can be said that none of the women interviewed got such access. Of the ten women who went to the DECCM after the Maria da Penha Law came into effect, only Laura knew how her legal process had ended, namely with the acquittal of her aggressor. Gabriela, Heloisa, and Marisa were following their cases through the justice system, and expressed their discontent with the delays caused by the courts and the Office of the Public Prosecutor in considering the evidence and passing a sentence. For three of the women interviewed, their cases were still being investigated at the DECCM. Another three had their cases closed. Of these, Cláudia used this as a bargaining chip to get her husband to leave the home. Noemi’s case was closed for lack of material evidence regarding the aggression she suffered, and Francisca could not explain why the inquiry into her case had discontinued.<sup>20</sup>

These outcomes notwithstanding, most women recognized that the problems they faced were due not only to the poor performance of the DECCM. When asked what they would do in case of a new episode of violence, many stated that they would once again

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<sup>20</sup> Of the other five women interviewed, one went to the police before the Maria da Penha Law went into effect and stated that the only decision taken by the justice system was that her abuser had to attend meetings of Alcoholics Anonymous. Another went to the DECCM, but was dissuaded from filing a complaint. The remainder did not provide information about the stage of the process or police investigation at the time of the interview.

file a complaint and/or go to the Military Police. They thus echo the widely publicized idea about the importance of filing a complaint as a way of getting out of a situation of violence. Even though the women show little knowledge regarding how the justice system operates, many interviewees perceive that the delays they face in reaching the final outcome of their processes are not the responsibility of the DECCM, but are rather caused by the Office of the Public Prosecutor and the courts.

In addition to seeing their abusers held responsible for the violence they exercised, women in Belo Horizonte state that the way out of a situation of violence depends in large measure on access to information about their rights, services available, and the paths they might follow. Information on legislation and rights regarding children and property is highly valued by the women and is considered an ingredient fundamental to them being able to make decisions about their lives. Furthermore, for these women a life without violence is attainable insofar as they acquire some degree of financial independence. Some of them consider that it is precisely their dependence that caused the violence, as do three of the women interviewed: Francisca, Kátia, and Dora.

Others think it is fundamental that women recognize their capacity to live an independent life without having to submit to abusive treatment. "Women need to gain confidence, something I lack. Women are capable of doing many things, and they don't know it" (Francisca, age 42, black, primary school incomplete, housewife). When discussing women's capacities and how important it is to know how to 'choose a partner,' the interviewees also mention the importance of recovering their self-esteem in order to start a new life. This is something they learned from the services of the Network to Combat Violence against Women.

The women interviewed stated that acquiring knowledge and recognizing their own capacities implies a dual process. On the one hand, there is a formal process of gaining access to information about their rights included in the national legislation and protected by international conventions and human rights treaties. However, in addition to knowing that such rights exist, women must know how to fight for them and have access to strategies to exercise them. The state and society must guarantee that these rights are consolidated and respected. In this regard, what the women in Belo Horizonte demonstrate about institutional responses is that there is no single solution, and that integrating a gender analysis into crime policy is fundamental if judicial responses are to take into account the diversity of women's lived experiences and pass sentences that can guarantee women's exercise of their rights.

On the other hand, there is a process of empowerment, which refers to women strengthening themselves so they are able to see themselves as subjects of rights. As a result they are able to call into question the naturalization of violent relationships, while

building affective relationships based on equality and mutual respect. It is not possible to establish an average time for this process to run its course. Of the women interviewed, Elisa offers the best example of how long this road can be. She has been separated from her husband/aggressor for eleven years. For six months she lived at “*Sempre Viva*” Women’s Shelter, and participated in two reflection groups organized by the “*Benvida*” Women’s Support Centre. She was able to rebuild her life, with her four children at her side, and continues to participate in activities organized by the “*Benvida*” Women’s Support Centre. She is an artisan, and sells her pieces at the solidarity market that operates at the Centre’s headquarters. Since her separation, she has had other affective relationships, and over time has learned to set limits concerning her expectations of a relationship with a man. She states that she would never again allow herself to live in a situation of violence.

Another ‘symptom’ of the progress made in this strengthening process can be found in the desire of some of the women interviewed to help others living in situations of violence, so they, too, can free themselves from the situation. Laura, for instance, gathered information on the Maria da Penha Law and the different forms of violence against women. She used her new knowledge not only to strengthen herself, but also encouraged a maid who was suffering domestic violence to go to the police. Heloisa also said she offers guidance to women in situations of violence. Marisa went further: she went to law school, furthered her knowledge of the Maria da Penha Law, and created a virtual community on Orkut (a social networking website), where she posts news and information regarding the law and domestic violence. Currently she is engaged in the struggle to defend the integral application of the Maria da Penha Law.

In general, the women’s assessments of the specialized services that make up the Network are more positive than those of the criminal justice system. The women identify the reference centres as places where they were welcomed, they were able to express their doubts and feelings, and they were offered words of support and guidance. The two reference centres of Belo Horizonte, (the *Benvida* Women’s Support Centre) and the Risoleta Neves Centre) are described as places where the women found support to rebuild their lives and recover their self-esteem. The time these processes take and the emotional strengthening they need varies, but this is not considered a problem by the women, who appear to recognize the difficulties posed by this internal process and perceive the professionals involved as important allies along this road. Similarly, staying at the “*Sempre Viva*” Women’s Shelter was also described as a fundamental stage in the lives of those women who took temporary refuge there. It can be gathered from their interviews that the time spent at the shelter provided an important opportunity for the women to break with the past and their violent partner, as experienced by Elisa, Alice, and Isabela.

The Defence of Women's Rights Unit (NUDEM) of the Office of the Public Defender and the Special Prosecutor for Domestic and Family Violence against Women are also perceived as places where women get access to information. Also, some of those interviewed filed their complaint at one of these services and received referrals from there. This was the case with Dora, who only got access to protection orders when the Office of the Public Prosecutor intervened. For these women, the difference in the performance of the institutions is quite obvious, in particular with respect to how the Maria da Penha Law is applied. The women report that at both the NUDEM and the Special Prosecutor the professionals are more respectful and are more willing to listen to them and offer the necessary guidance. The major difference they point to between the services they received from entities belonging to the Network and those at the police stations – including the DECCM – is the excessive bureaucracy at the public security institutions, as opposed to the services with a human touch provided elsewhere.

In defence of the DECCM, it can be argued that the demand is higher there than at the NUDEM or the Special Prosecutor, or even the reference centres. This explains why the police have less time to treat the women with greater care. Nevertheless, similar to the DECCM, other Network services also operate with constrained infrastructure and limited human resources. The Office of the Special Prosecutor has three legal advocates and two assistants, in addition to a few interns who do not have direct contact with the women. The NUDEM also operates with a reduced staff of only three public defenders, as well as a social assistant and a psychologist. The other Network services are equally precarious.

At issue, then, are different types of difficulties. The scarcity of material and human resources certainly affect the quality of the services to the detriment of women. However, this situation cannot be used to justify that a service not be based on respect and the promotion of rights and safety for all women who use it. The differences in how the services are structured and offered can be explained much more by the practices derived from the institutional culture than any precariousness in human or material resources. To not consider violence against women to be a crime or not recognize it as a human rights violation appears to be more deeply rooted in policing practices than those of the other services. In this regard, it is important to remember that some of these services – notably the NUDEM and the Special Prosecutor for Domestic and Family Violence against Women – reflected an existing commitment that was subsequently more clearly defined as part of a national policy to combat violence against women. The creation of the DEAMs was the first *de facto* public policy to address violence against women, but they were born, multiplied, and sustained for years without the support of a legal framework or other public services and policies with which they could collaborate.

After listening to the women and the stories of their experiences with the various services, it would seem correct to state that, despite the scarce articulation among the services, they do offer the conditions to women to reflect on their lives and provide the information they need to decide which path they want to take in order to live without violence.<sup>21</sup> Better articulation among the services and improved integration centred around the women, might allow the women to make these choices with greater self-assurance and lead to a greater possibility of overcoming the social and cultural obstacles that make their path to a life without violence slower and more complicated.

## CONCLUSIONS

*I kept thinking about your question, about whether anything had changed in the violence exercised against women.*

*If we say that nothing has changed, will people say that having a women's police station was not worthwhile?[...] I would like to think that there has been a change, but it is going to take a long time for the change to become more noticeable.*

—Ms. Umbelina Lopes, Public Defender, NUDEM

The study “Access to Justice for Women in Situations of Violence” had as its objective to learn about the impact the women's police stations may have on the lives of women who suffer violence and file a complaint against their aggressors. This chapter contains a condensed version of the results. An effort has been made to synthesize the main results of the in-depth interviews carried out with women who filed a complaint with the police and/or went to other specialized services for women in situations of violence. The objective was to give women a voice and, based on their stories, understand the performance of the Specialized Police Station for Crimes against Women (DECCM) and the results it provides for those women. Another goal of the research was to make

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<sup>21</sup> It is clear that this success is not absolute. In interviews with professionals from the reference centres carried out during the study on the Network of services (Pasinato, 2006), the teams recounted that many women are unable to break the affective ties with their abuser. There are cases in which, even after having spent some time at the shelter, when they left the service, they went back to living with their aggressors. For some, the services they received helped them to change the relationship and put an end to the violence; for others, the services were insufficient and they ended up returning to the relationship and the violence. It is not unusual that in some cases, months later they start a new course in search of assistance in a renewed attempt to leave the violence. What is important in these cases is that the services are offered as though it were the first time the women are seeking help, without judging them for past decisions or denying them information or alternatives that had been offered previously.



recommendations to improve the policies and the contributions made by the DECCM and other services to women exercising their rights.

The DECCM in Belo Horizonte has been in operation for 25 years, and its work is recognized by society at large and women in particular. When looking into how effective their responses are for women, a first conclusion of this study is that the lack of a consistent standard in the services offered by the DECCM causes some women to be excluded from the services and, therefore, hinders their access to justice and the exercise of their rights. Police practices and routines are such that many women see their expectations fall short, and for many of them this means continuing to live in situations of violence. These practices need to be revisited in light of the experiences observed here, so that the services provided are expanded, more inclusive, and consistent with the Maria da Penha Law and the guidelines of the National Policy to Prevent, Combat, and Eradicate Violence against Women.

It was observed that the women interviewed and the professionals who work at the services offered by the Network have different perceptions of access to justice. Still, they place a higher value on the formal legal/institutional perspective as a result of discussions around the application of the Maria da Penha Law. It was further noted that those interviewed have great expectations for responses provided through the formal system of justice, including having their aggressor held accountable. These women also helped to reflect on the views concerning family protection. They showed that there are different ways of conceptualizing this protection, such that they do not necessarily think they need to stay in the situation of violence in order to protect their family. The protection and safety of their children may provide a powerful motivation for women to decide to get out of a situation of violence, even if they may not recognize their own right to live without violence.

This recognition of their rights was the point of departure for the women interviewed, and was consolidated as they advanced along the road in search of assistance. When they talk about strengthening themselves or their empowerment they describe a dual process. One is formal, collective, and refers to knowledge concerning citizenship and the guarantee of their rights and mechanisms for exercising them. The other is individual, subjective, and has to do with taking ownership of these rights and their self-recognition as subjects capable of exercising them. Through their narratives the women showed that these processes are not easy and they do not develop in a straightforward manner, in the short term, or in the same way for all women. While the external processes depend on the existence of social policies, the internal ones depend on the way in which these policies are implemented through the intervention of professionals who work at the services and the members of their personal support networks. With the opportunities available before

them, some of the women took action the very first time they suffered violence, while others had to go to the different services several times before they were able to leave the situation of violence behind them. Escaping the violence did not always result in gaining access to justice, and not all women felt strong enough to live life freely and with autonomy.

The DECCM made a contribution to this process, but it is full of defects in the way it treats women and enforces the Maria da Penha Law. Policing practices continue to sustain gender inequality; consequently, it cannot be said that it has guaranteed women's access to justice. That said, the specialized police station is not the only source of obstacles women must overcome. The entire flow of the criminal justice system needs to be rethought in terms of how it deals with gender-based violence.

The Maria da Penha Law brought innovation to the national legal scenario. Its text makes important contributions to ensuring that the justice system takes gender differences into account concerning women's access to justice and citizenship, as well as in regards to overcoming inequalities in the exercise of those rights. For the benefits foreseen in the law to become a reality, legal practices and the flow of justice must be reworked and adjusted to the specificities of gender-based violence. In this regard, the analytical framework of gender and power used in this study contributes to improving local public policy. The public defender cited above is right in stating that since the DEAMs were created in Brazil, much has changed regarding: the definition of violence, public awareness of the issue, and the state's commitment to stop this practice. However, it will be a long time before these changes are noticed by all of society.

Policies regarding violence against women in Belo Horizonte are currently undergoing significant changes. In addition to reforms to public security, the state government's signing of the National Pact to Combat Violence against Women will ensure the investment of financial resources in the formulation and improvement of these policies in the years ahead. One of these changes is the recent approval given to build an office for the Integrated Women's Centre (CIM), as well as the allocation of resources for the education and training of police officers and professionals who work at the services of the Network. This is an important initiative of the Minas Gerais state government and the Civil Police, and it is hoped that the results of the "Access to Justice for Women in Situations of Violence" project will contribute to organizing these services so as to guarantee women's access to justice and the exercise of their rights.

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# Women's Police Stations: A Path towards Justice? Case Study: Cuenca, Ecuador

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## INTRODUCTION

As part of the regional study called “Access to Justice for Women in Situations of Violence,”<sup>1</sup> the Ecuadorian case study was carried out in the canton of Cuenca by an interdisciplinary team from the Centre for Planning and Social Studies (CEPLAES). The Woman to Woman Corporation (COMAM) of the city of Cuenca provided support for the data collection process. This canton was selected using the criteria defined at the regional level. Unlike in the other countries, the Women and Family Justice Units (*Comisaría de la Mujer y la Familia*, or CMF) of Ecuador are justice administration entities.

As is the case in the regional comparative study, the research carried out in Cuenca took into account the perspectives of the various actors related to the local specialized units: women users, CMF operators, related state and civil society actors, women's organizations, the feminist movement, public policy decision-makers, and the general female population. It was guided by four common hypotheses and followed the theoretical and methodological guidelines agreed upon by the regional team.

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<sup>1</sup> This study was carried out in Brazil, Ecuador, Nicaragua, and Peru. It was led by the Centre for Planning and Social Studies (CEPLAES) and was sponsored by IDRC.

Gender constitutes the main point of entry for this analysis, as it brings one closer to the unequal power relations that are woven together in intimate partner relationships, among other places, and give rise to violence against women. Further, the approach has been joined together with other categories of analysis – such as power, domestic violence, citizenship, rights, and gender justice, and other variables like socio-cultural diversity – so as to extend the analysis from an intersectional perspective. The concept of *gender* posits that ‘man’ and ‘woman’ are not biologically determined beings; rather it is the historical, social, economic, and cultural context that defines gender identities and assigns unequal values to them that produces discrimination, especially for women. These classifications mark how power is distributed, and how it is translated into inequitable and hierarchical relationships between men and women. Thus, *power* is also a historical-social construct that presupposes a set of asymmetrical relationships not only in the public sphere, but also in terms of everyday relations among subjects. This study acknowledges that power is attributed to the masculine through gender constructions, which also provide a basis for explaining domestic violence. It is also important to understand *citizenship* as a dynamic social construct closely linked to the issue of rights. This is where the state plays a central role, as it must create mechanisms and offer guarantees so that people can defend and exercise their rights. This leads to the inclusion of yet another category, *gender justice*, which relates justice in a critical way to rights, citizenship, and relations between the sexes. Its intent is to guarantee equality among all persons, not only at the level of discourse, but in legal, social, and institutional practice. From this feminist perspective, gender, citizenship, the law, and gender justice are tied to the issue of power, and, therefore, entail taking a critical and political stance on violence against women.

In methodological terms, this case study is based on a qualitative and quantitative approach that combines social and anthropological research techniques with statistical analysis. Furthermore, in order to obtain both a micro and macro view at the same time, testimonies were gathered and interviews held with women CMF users in the canton of Cuenca, CMF operators, and various actors related to the topic, as well as a survey of the female population in the territory. The issues analyzed in each case focused mainly on perceptions and perspectives on violence, rights, and access to justice for women who experience abuse in their intimate partner relationship, as well as the quality of CMF services and the CMF's contribution to tackling this problem.

The research process itself was divided into four stages. The first consisted of a *national mapping study of current CMF models*, which was based on the existing bibliography and complementary information gathered from semistructured interviews with specialists on gender-based violence issues. In the second stage, a *population-based survey of adult*

*women* was carried out in the canton (urban and rural areas).<sup>2</sup> The sample was defined using a systematic, random process. A total of 432 questionnaires were filled out (220 in the urban area and 212 in the rural area), ensuring that the sample was representative of the entire locality. In addition, thirty *short exit interviews* were held with women users in order to gather their first impressions of the service quality. The third stage of the research process was more qualitative in nature and centred around *in-depth interviews* with 25 CMF users, 5 CMF operators, and 17 people representing other actors and related local services, both governmental and non-governmental. The information was complemented by several visits to the CMF to carry out observation. Finally, in the fourth stage, a *national forum* was held in the city of Cuenca to share the results of the study and gather recommendations intended to contribute to the strengthening of these specialized entities and, thus, contribute to improving public policy so women may fully exercise their right to a life free of violence.

## **WOMEN AND FAMILY JUSTICE UNITS: CONTEXT, EVOLUTION, AND PERSPECTIVES**

To familiarize the reader with the area where the study was done and the specialized entities, the following provides the context of Ecuador in general and the canton of Cuenca in particular, as well as the situation of violence against women at the national and local levels and a first brief look at the Women and Family Justice Units (CMF).

The canton of Cuenca is made up of 21 rural and 15 urban parishes, and is itself one of the 15 cantons in the province of Azuay, located in south-central Ecuador. It has an area of 319,651 hectares and a population of 436,688 inhabitants, of which only 20.8% live in the rural sector. Of the total population, 86.4% self-identify as mestizos (mixed indigenous-Spanish descent), 9.5% as white, 2.7% as indigenous, and 1.3% as Afro-descendent. The high rate of male migration abroad is reflected in the majority of women (53.1%) in the population. Cuenca is a canton with a relatively good economic performance compared to others in Ecuador. According to the Ecuador Comprehensive Social Indicators System (SIISE) (2003), 42% of the population has unsatisfied basic needs, compared to 76.8% in the rest of the country. In addition, education indicators in this canton are significantly higher than the national rates: 87.5% women and 88.2% men for basic education; 20.4% women and 20.9% men for higher education; and one of the lowest illiteracy rates.

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<sup>2</sup> The questionnaire was the same as the one used in other countries, with adjustments made to fit the local reality.

Although socio-economic conditions are better in Cuenca in general terms, gender gaps persist both at the local level and throughout the country. For instance, it is obvious that women are at a disadvantage in the workplace (lower remuneration, higher unemployment and underemployment, less access to social security). Ethnic discrimination further deepens gender inequality. The discrimination experienced by the female population is also reflected in the high rate of gender-based violence they face in both the public and private spheres. This violence constitutes one of the most significant problems nationwide, much as in several other Latin American countries.

In the mid-eighties, the first news items appeared and public actions began in Ecuador around violence against women. This issue had previously been silenced and considered a private matter, one in which the state and the justice apparatus had no role to play. Domestic violence did not constitute a crime; therefore, a complaint could not be filed. In fact, it was expressly prohibited in the Criminal Procedures Code for persons to file a complaint against their spouse on the grounds that family unity had to be preserved. Given this reality, women's organizations and the women's movement in general began to demand changes to the legislation and advocate for the creation of specialized entities to deal with and punish this type of violence. This entire process was made possible due to the confluence of several factors and efforts.

On the international scene, some important milestones had their influence on the country and served as precursors to the creation of the CMFs. Above all, these are the conventions adopted to guarantee women's rights, as summarized in the introduction to this book. At the national level, Ecuadorian women's organizations carried out a number of actions designed to place the topic on the public agenda and demand state intervention. During the second half of the eighties, the first writings referring to the problem appeared in the media. At about the same time, several non-governmental organizations (NGOs) incorporated the subject of violence in their work and opened alternative legal services for women. In addition, during these years, forums, seminars, and sensitization and training sessions were held, alongside a growing process of organizing and mobilizing women and political advocacy work.

The Ecuadorian state's concern for this issue was first expressed in 1979 with the creation of the National Women's Office. Its status was later enhanced in 1986 and it was transformed into the National Women's Directorate (DINAMU). The agency promoted some initiatives, such as shelters for women in situations of violence, training courses on violence and gender, and a telephone hotline known as the Lilac Thread, which provided initial support to women victims of assault and remitted them to free legal clinics.



By the early nineties, the number of women's organizations had grown substantially, along with initiatives and studies to combat gender-based violence.<sup>3</sup> These activities, which were supported by international donors, made it possible to develop legal reforms and public policies to ensure women's rights. The CMFs started up in 1994 as the main state action implemented to deal with violence against women. Shortly thereafter, in 1995, the Law on Violence against Women and the Family (Law 103) was promulgated, thus laying the legal foundation for the operations of the recently established CMFs. In 1998, the Ecuadorian Constitution took up many of women's demands, including the recognition of gender-based violence as a human rights violation.

Despite the progress achieved on the matter, gender-based violence in Ecuador continues to pose a serious problem, as can be noted in a number of social indicators. According to a national survey (Endemain survey, 2004), 9.6% of women aged 15 to 49 years report having been the victims of sexual violence. During the period from 2005 to 2007, a total of 26,818 complaints of sexual crimes were filed; this is a rather high number if one considers that many of these acts are silenced for multiple reasons. Among women living with their partner, 41% report having suffered psychological violence or verbal abuse from their intimate partner, 31% reported physical violence, and 12% sexual violence. However, the complexity of the problem becomes obvious when it is taken into account that more than half of the women who suffered physical or sexual intimate partner violence during the previous year did not seek assistance from any person or institution (CEPAR, 2006). There is clearly a long way still to go before women's right to a life without violence is respected and before the CMFs provide real opportunities to gain access to justice for those women living in situations of violence.

In Ecuador, the CMFs are not police stations as in most other Latin American countries, but rather constitute a specialized institution that hears, decides, and sanctions summary offences (lesser crimes) of domestic violence. This is so because to this day,<sup>4</sup> the justice administration system divides responsibilities for criminal matters according to the seriousness of the offence. While indictable offences or major crimes are heard by the judges and courts of the judicial branch, summary offences are processed by entities attached to the executive branch, such as the CMFs, their non-specialized counterparts, and others.

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<sup>3</sup> In the nineties, three national organizations were consolidated: the Permanent Forum of Ecuadorian Women (1994), the Women's Political Coordinator (1996), and the Movement of Feminists for Autonomy (1997).

<sup>4</sup> In 2009, the Organic Code of the Judiciary was passed, which unified the judicial system. However, its provisions have yet to be made operational.

The CMFs have gone through three stages from their creation until today. Their management and service model have changed over time, without them ever ceasing to be an entity that provides a specific and integrated service to women in situations of violence. However, this goal has not always been made effective due to a number of circumstances. As the first CMFs were created as the result of a transformation of five already existing justice administration units into specialized ones for assaulted women, these were at the outset very similar to the original ones, both in terms of structure and jurisdiction. However, a second stage consisting of a joint management model between the state and civil society emerged shortly thereafter, in which an NGO provided legal counselling and psychological and social support to users. DINAMU also participated in the model by training the staff of the CMF and the NGO. It was also in charge of deciding on the viability of creating additional CMFs. It was through this tripartite management model that the CMFs gained their own identity; demonstrated the importance of providing integrated and comprehensive, specialized services to women in situations of violence; and consolidated their institutionalization, with the passing of a Ministerial Agreement in 1997 that established the creation of 22 additional CMFs. When the 1998 Constitution was approved, which provided for all justice administration units attached to the executive branch to be transferred to the judiciary,<sup>5</sup> a new model was discussed and a consensus was reached in 1999 called the CMF Model in Transition to the Judicial Branch. In it, emphasis is placed on ensuring the exercise of rights and access to justice for abused women; this model is still in effect today. Starting in 2002, a third stage of the CMFs began when the NGOs and the National Women's Council (CONAMU, formerly DINAMU) stopped participating in their management. At the time of writing, these entities are in a transition process towards becoming specialized courts that are no longer attached to the executive branch, in keeping with the institutional and legal reform process underway in the country.

It is worth pointing out that over the past few years, public policy dealing with violence against women has expanded. Under the current government, profound changes are being made to the legal and institutional framework, as well as the structure and administration of the state. Changes are also being made to the approach to and scope of policy in general, above all in relation to human rights and the right to a life free of violence. These changes are reflected, for example, in several laws, national plans, and Executive Decree No. 620, which makes the eradication of gender-based violence a state policy backed by economic resources allocated specifically for its implementation.

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<sup>5</sup> This resolution was never implemented.

These changes and reforms are long overdue and key to continuing the fight against violence, especially since this problem continues to affect a high percentage of women in Ecuador, and in the canton of Cuenca in particular. As in the rest of the country, violence against women is a problem of great proportions in Cuenca, as indicated by the 6,580 complaints filed at the local CMFs between 2005 and 2007. Both civil society and the local government<sup>6</sup> have undertaken actions to deal with the issue, as has the national government. Thus, one of the first five CMFs in Ecuador was created in Cuenca in 1994, and a second one opened in 2004. Since 1999, with the organization of the Interinstitutional Network for Direct Services and Prevention of Family Violence (RIAP-VIF), made up of 32 civil society organizations, several contributions have been made to these entities from various sectors, such as health, education, and legal counselling.

## DOMESTIC VIOLENCE, RIGHTS, AND ACCESS TO JUSTICE

What is the meaning of access to justice and the exercise of the right to a life free of violence for women and the different actors involved with the Women and Family Justice Units (CMFs)? This is the key question that underpins the analysis in this section. Here, the existing debates are presented around the different perspectives that circulate among local actors on violence in intimate partner relationships and women's rights and access to justice, as well as the agreements and disagreements among them regarding the perceptions and expectations of CMF users, and how these perceptions influence the actions taken by each actor.

At the end of the twentieth century, with the crisis of the liberal state, the issue of justice and the fundamental rights of persons as a simple declaration of principles was called into question, as actors from several sectors argued that the formal enshrinement of these rights does not by itself guarantee they will be made fully operational. Therefore, they promoted a process to advance towards guaranteeing the full exercise of these rights as a direct responsibility of the state. This led to a debate that is still ongoing, as a single meaning or definition of *justice and access to justice* has yet to be constructed. However, there is general agreement among the various meanings that access to justice is a right, based on the principle that justice, in and of itself, is the expression of a set of human rights. Despite this common element, not everyone understands access to justice in the same way. On the one hand, there are those whose position is based solely on legal equality. They define access to justice as a situation in which all persons have a

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<sup>6</sup> Since 2002, the local government has an Equal Opportunities Plan for Women and Men, which has been used as the basis for supporting the work of the local CMFs and network (RIAP-VIF).

real possibility of defending their rights through the bodies of the judicial branch. This stance is broadly questioned by a number of social movements, including the feminist and women's movements, because it does not take into account either socio-economic inequality or the different positions occupied by the various socio-cultural subjects. If this is correct, then the right to access to justice is not equal for all persons. Thus, the terms "justice" and "access to justice" need to be rethought beyond their hegemonic meaning and understood in terms of the argument for equality within diversity. This voice of alarm gained strength during the nineties with the feminist movements, which hold that there can be no real human rights without women's rights, nor social justice without gender justice. This implies not only that the state has a direct responsibility in the matter, but also requires women's empowerment and their consolidation as social and political subjects. Using this approach, a process of expanding the traditional human rights framework has led to the recognition of gender violence as a human rights violation.

On the basis of these arguments, this chapter reflects on the perspectives of the various local actors on access to justice for women in situations of domestic violence. Its point of departure is the recognition that the female population of Ecuador, including the canton of Cuenca, is highly diverse in social, economic, ideological, and cultural terms. Therefore, these different women require particular treatments that address their needs and are in keeping with their reality, their specific demands and interests, and their perceptions of the various topics. Understanding the diverse perceptions and discourses on the issue that circulate in daily practice is essential, as it will provide a guide to understanding whether and to what degree the CMF constitute a point of entry into the judicial system for the diverse women living in situations of violence, and what its main strengths and weaknesses are.

As concerns perceptions of rights and violence against women, a first approach can be found in the national legislation and enshrined, among other places, in the Ecuadorian Constitution and the Law on Violence against Women and the Family. Both instruments recognize, at least formally, that women's rights are an integral and indissoluble part of human rights, and that violence against women is a human rights violation. Specifically, the Ecuadorian Constitution recognizes the equality of all persons before the law. In order to guarantee this right, the Constitution reads as follows. "The state shall adopt affirmative action measures that promote real equality for the holders of rights who find themselves in a situation of inequality" (chapter II, article 1.2), and goes on to declare that all types of discrimination are subject to sanctions. Along the same lines, the Constitution protects "the right to personal integrity," understood to mean "physical, psychic, moral, and sexual" integrity and "a life free of violence in both the public and private spheres." Special reference is made to violence perpetrated against women, boys, girls, and adolescents (chapter VI, article 66, clause 3). The Law on Violence against Women and

the Family (Law 103) sets much the same tone, and is intended to protect the physical and psychic integrity and sexual freedom of women and the members of their families by preventing and punishing family violence, which is defined as “any act or omission that consists of physical, psychological, or sexual abuse, carried out by one member of the family against the woman or other members of the immediate family” (article 2). In addition, Law 103 stresses that “the rights enshrined herein cannot be renounced” (article 4), and “the norms regarding the prevention and punishment of violence against women and the family contained in international instruments ratified by Ecuador has the force of law” (article 6). However, although this law highlights and is based on a rights approach, and indeed specifies the protection of women living in situations of violence, it can also be noted how it displaces or dislocates women from the centre of attention as subjects and ultimately makes invisible the unequal power relations that still prevail within family units. This, in effect, postpones taking any position or embarking on a real struggle to promote, guarantee, and protect the full citizenship of women in situations of violence and their full right to access to justice.

For its part, within the dynamic of the social microsphere (made up of public and private entities) of the canton of Cuenca, one of the perceptions found with respect to violence against women is that it is *a violation of their rights*, thus coinciding with what is stated in the legislation. In general, women’s organizations are the ones that support this approach. They also demonstrate that domestic violence is a clear result of unequal power relations between men and women, which, as Rico (1996) maintains, perpetuates the devaluation of the feminine and its subordination to the masculine. From this perspective, women are conceived of as subjects of rights and central subjects of attention; also, gender-based violence is a public matter, thus deconstructing the traditional notion that violence is a private and individual problem. Certain private institutions that provide free legal services, much like some public entities, agree with this idea in general terms. One of these is the Cuenca municipal government, which has institutionalized a gender policy and promotes multisectoral and interinstitutional activities to eradicate violence. However, it would be illusory to think that this perspective is generally held by all of its staff and officials, as deconstructing representations that have made violence against women appear natural for centuries and are deeply embedded in people’s subjectivity demands long and continuous processes. This being the case, more than one way of perceiving rights and violence interact and coexist within these bodies. This situation is clearly evident at the CMF analyzed, as beyond the vision stipulated in the formal legal and regulatory framework, its operators hold a variety of views on the matter. On the one hand, there are operators who have gone through a training and sensitization process and have accepted that their work entails a social responsibility. They align themselves with the idea that *domestic violence is a violation of women’s rights*. On the other, there are those who think that *violence is an individual problem*, a perspective that only adds to the barriers women face when trying to gain access to justice.

In addition to the perspectives mentioned earlier, many of the actors (including some of those who consider that domestic violence is an attack on women's rights) understand *violence from a family-values perspective*, meaning that it is a form of violence suffered in the family. This approach can be found among both society and institutions in Cuenca. It is stated also in the national legislation, specifically in Law 103, which places family violence at the hub of the issue, thus covering up the power relations that underlie violence against women in the home. From this perspective, "the family institution [is privileged] over the violation of victims' rights and freedoms. [...] Women are not seen as individual subjects of rights, [but rather] are reduced to the role of caretaker, the one responsible for the family unit" (Londoño, 2001: 26).

It needs to be emphasized that the different perspectives on violence analyzed thus far are generally not expressed in isolated or autonomous terms. On the contrary, most of the time these are intertwined, overlaid, and coexist within institutions and people's subjectivities, in an interplay of contradictions and tensions that influence institutional practice.

The results of the survey of *the female population of the canton of Cuenca* and the in-depth interviews with *CMF users* demonstrate that women also have more than one way of interpreting domestic violence. For the most part, their perceptions reflect two approaches that are not mutually exclusive, but rather blend together over time. The first of these is linked to the family-values perspective, in which, as described earlier, the family unit is prioritized above domestic violence. Thus, only 20.4% of the women surveyed propose conjugal separation as an alternative for ending the violence, and over half (54%) state that family unity is more important than a life free of abuse. Another fact that confirms the prevalence of this notion among women is that almost 70% of the female population surveyed is of the opinion that the CMF should attempt to reconcile couples in cases of family violence. It is worth stressing that while this opinion is fairly generalized, in rural areas this perception has even more strength. This does not mean that these women justify or accept violence, but that it is closely linked to the concept of the family held by indigenous and rural populations. Among these sectors, the notion of the extended family<sup>7</sup> predominates as a unit for social, economic, and cultural production and reproduction. This could be posing a dilemma for indigenous/rural women who find themselves forced to choose between defending their individual or collective rights.

This family-values perspective is also expressed by women who have lived and/or continue to live in situations of domestic violence. Thus, when they go to the CMF, their paramount objective is to get their husband/partner retrained, so they change

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<sup>7</sup> Above that of the 'nuclear family,' which is more typical of urban areas.

their behaviour and attitude and cease attacking them “for the good of the children and the home,” although also for their own well-being. However, as has been shown, the women’s perceptions are neither unique nor static. Their stories and testimonies show how these ideas are blended together and change over time. As the years pass, and due to multiple factors, they attempt to maintain family unity while simultaneously beginning to rethink the notion of “family” and critically question the relationship with their partner and the violence in the relationship. As one of them said, “I’m not going to let him attack me as he pleases, just because I’m a woman.”

Thus, some of these women believe that the *violence exercised by their husbands/partners runs counter to one of the rights* that they benefit from and have no reason to renounce. Although this is not a generalized perception, it is expressed more emphatically by women in urban areas, most of whom have been living in situations of violence for a long time and have been able to put a stop to it. These are women who have “knocked on several doors” – including the CMF – on numerous occasions in an effort to put a halt to the violence. Others are young women who have only been in a relationship for a few years and go to a CMF after the first episode of violence. This demonstrates that, in some way, the issue of women’s rights has been more assimilated by the population and is now better positioned in public opinion. The survey data support this statement: 42% of the women said that one of their rights is to live a life free of violence, with no difference based on the respondents’ age or area of residence. Also, 40% made reference to equal rights between men and women; however, those who mentioned it varied significantly according to place of residence, as this idea is far more extensive among urban women. These numbers explain the high percentage (77.3%) of women surveyed who mention that in a situation of violence caused by their husband/partner, women should file a formal complaint. However, putting this discourse into practice is always more complex, as it is not enough that women know their rights in order to defend them. It is also crucial that women feel and know that they are subjects of rights. This is not a simple task, given the historical situation of discrimination and denial of full citizenship, which is even more the case for indigenous and Afro-Ecuadorian women and women from popular sectors, who are socially excluded because of both being women and their ethnic group or social class. The situation is worse yet in cases of women in situations of violence, for whom consolidating a vision and considering themselves as subjects of rights and full-fledged citizens is a long and complex task that requires the confluence of multiple elements and actors.

Much as is the case in public and private entities, the female population of the canton of Cuenca and women users of the CMF have at least two perceptions regarding violence and rights, which, far from being tightly sealed compartments, rather they interweave with each other, at times oppose one another, and on occasions merge. Decidedly, perceptions on the issue are nuanced differently in each person’s imaginary, as are their

responses to domestic violence. These undoubtedly exert an influence on the women's views of access to justice, a subject discussed in detail forthwith.

Ecuadorian women's right to *access to justice* is protected by both national and international law. There are several international legal instruments that, in general terms: proclaim the right of all persons without distinction to appeal for protection before competent courts against acts that violate their fundamental rights (Universal Human Rights Declaration); urge states to provide effective procedures for filing complaints, reparations, and indemnification (Convention to End All Forms of Discrimination Against Women – CEDAW); and adopt the necessary measures to protect, punish, and eradicate violence against women (Belém do Pará Convention). The CEDAW and Belém do Pará Conventions place women at the centre of attention as social subjects with their own rights; their rights are not linked or subordinated to those of family members, as usually is the case in policies with a family-values perspective. Further, violence against women is understood as a social matter that requires state protection and action to guarantee that women have a life free of violence, including the right to access to justice.

As stated earlier, Ecuadorian legislation recognizes and guarantees, among other things, “the right to physical integrity,” which includes the right to “a life free of violence in the public and private spheres” (article 66). It also stipulates that “victims of domestic and sexual violence shall receive priority and specialized services in the public and private spheres” (article 35), and that “every person has the right to access to justice, free of charge, and the effective, impartial, and expedite protection of their rights and interests” (article 75). In addition, the law grants women the legal authority to “make declarations in criminal trials against their spouse, partner, or relatives [...] [in cases of] family, sexual, or gender-based violence” (article 77, clause 8). For its part, Law 103 establishes sanctions for those who attack women and other members of the family, and makes it mandatory for judicial authorities to provide immediate protection to a person who has been assaulted by applying the stipulated protection measures. This approach, while recognizing human rights in general, perpetuates a family-values perspective, one that makes invisible the existence of asymmetrical power relations within married couples and the home. To sum up, the main approaches to access to justice contained in the legislation vary among these three: one is feminist, another is based on the defence of human rights, and another prioritizes a family-centred intervention.

Do these formal notions of access to justice find an echo in the perceptions of women<sup>8</sup> living in situations of violence? Taking into account the considerable diversity of women, and that within this collective there exists a gamut of viewpoints on access to justice,

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<sup>8</sup> The term “women” refers to a collective that is diverse in terms of age, ethnic group, socio-economic situation, level of education, and so on.



the results of the study show that most women users' perceptions do not coincide with the formal, legal concept of access to justice. In general terms, the concept held by the various legal bodies is anchored in the 'protection–reparation–punishment' triad, which often prioritizes exclusively punishment. However, women who file domestic violence complaints have other expectations and understandings of justice. From the testimonies of women who go to the CMF, it can be gleaned that, above all in the cases of poor women or those who live in rural areas, *access to justice does not necessarily mean "putting the aggressor in jail."* In their imaginary, a criminal sanction is not the foremost means of serving justice, since for a variety of factors, mainly economic ones, they find that the imprisonment of their spouse/partner is counterproductive for them and "too drastic" a measure. It also entails a process of direct confrontation with the aggressor, which could lead to reprisals and even conflicts with third parties, but, above all, with the women themselves. A contradiction emerges at this juncture. On the one hand, their desire is to change the violent situation they are in because they know they do not have to live that way. On the other, they have feelings of guilt and shame because 'they still love him,' as well as remorse mixed with fear, insecurity, and uncertainty because they are not complying with their prescribed roles of 'good wife and mother,' which is the discourse found in the family-values perspective. These traditional social imaginaries, built around ideas of women's prescribed roles, have impregnated the subconscious and constitute one of the main barriers to putting an end to domestic violence.

The results of the survey confirm that the prevailing idea of access to justice is not directly related to a criminal sanction. When asked regarding the Law on Violence against Women and the Family, only 8.1% indicated its purpose is to "punish men," while 70% see it above all as a mechanism by which to protect women (Camacho and Hernández, 2008). In effect, *this idea that access to justice entails women's protection*, rather than sentencing the aggressor to a jail term, is the most generalized concept among women in Cuenca who go to the CMF, regardless of age, level of education, area of residence, and even their particular experience of violence.

However, for many of these women, access to justice also means that someone in authority listens to them without passing judgment, believes what they say, and, above all, helps them understand that what is happening is not their fault and they are right in defending themselves. In many cases, this perception of access to justice is not reflected in the service provided by CMF operators, as some of them have a number of ideas about the family, women's prescribed roles, and gender roles that have a negative influence on how they respond to complaints. They tend to give preference, from an acritical perspective, to the assumption that the well-being of the family and the children is more important than women's rights. This constitutes a significant obstacle for women who seek access to justice.

Another viewpoint on access to justice shared by women users of the CMF relates to *reparations for injuries*, meaning that the aggressor is obliged to pay for the harm caused and the women and their children are financially protected. This idea is a key element for these women, as they are the ones who, in most cases, must provide for their children and pay expenses in the home. This is yet another form of violence and is one of the main obstacles to the women getting out of this situation.

Although it has been shown thus far that there is no link between the women's perceptions regarding access to justice and the formal legal/institutional perspective, there are some women who think that *access to justice is achieved by punishing the aggressor*. However, few argue this idea in a categorical manner, and those who do are women who have been strengthened through the support of an organization, a professional, or family members, and have internalized the idea that they have rights, including the right to fight for their rights. Although it cannot be affirmed categorically, the profile of women who associate "access to justice" with "punishment of the aggressor" vary between two poles. On the one hand, some are adult women (over 45 years of age), who have a lengthy experience with domestic violence and have tried over a long period of time and in many ways, including with the strong support from third parties, to put a stop to the assaults, without seeing any improvement in their intimate partners. On the other, some are young women who have gone to the CMF after the first episodes of violence, motivated by family or friends or on their own initiative, and who have a certain degree of economic independence.

However, it must be reiterated that these understandings of justice and access to it are often overlaid, in conflict, or intertwined in different ways in each woman's imaginary. What is clear from the analysis is that, for most women surveyed and CMF users, the struggle against violence and the defence of family unity are not necessarily mutually exclusive aims. What these women seek is a way to keep the family together while simultaneously eliminating aggressive practices. As is emphasized throughout this chapter, women and men social subjects build their own vision based on the legal/institutional framework and the different social facts. A multiplicity of factors (ethnic or cultural group, socio-economic situation, education level, religious beliefs, personal experience, etc.) influence the ways in which justice and access to it are conceptualized, thought about, and imagined. This is so because these perceptions are individual and collective social constructions that are dynamic; therefore, they are reconfigured and resignified in a permanent process of dialectic interaction between the personal and the social, between 'I/we' and 'others' (Hernández, 2005). For this reason, they often differ among the various actors, but also within each group, as has been stated throughout. The conflicts among some of these perceptions sometimes impede gaining access to justice and going to the CMF. On other occasions, although the feminist perspectives does not coincide with the perceptions of women in situations of violence, they constitute important sources of support for them.

In short, it is this interaction among the various perspectives that will ultimately mark the praxis of these women in response to the violence, and will act as factors that motivate or inhibit them to go to the CMF and/or if they already have, then pursue the process to its conclusion. Likewise, women's perceptions will guide the various paths they take, where each are strategies to try to put an end to the violence, as will be studied next.

## **PATHS TAKEN BY WOMEN TO STOP THE VIOLENCE**

In the canton of Cuenca, domestic violence continues to be one of the most common and extensive forms of rights violations among the female population. Women react to this situation in different ways and pursue different paths in their efforts to halt the abuse. These strategies depend not only on each woman's perception of the issue, but also on multiple factors to be analyzed here. Unfortunately, these actions have not been made sufficiently visible or recognized, which feeds into the still widely held social opinion that women are passive victims and even 'accomplices' of the violence, thus overlooking their capacity for action as well as other elements that come into play and either inhibit or encourage these women to make a particular decision or take a certain action to combat the aggressions. The aim of this chapter is precisely to demonstrate women's agency, by examining the various paths they take – including the Women and Family Justice Units (CMF) – as they seek to end the violence, and the strategies employed to that end. An analysis of their testimonies reveals at least four key moments along women's trajectories; in each of these a number of factors interact with each other to hinder, facilitate, or restrict the steps these women take and their permanent struggle to stop the abuse and gain access to justice. Their 'choices' and decisions will depend on a variety of circumstances, including the dangerousness of the violence; the assistance and opportunities in their reach; their expectations concerning the relationship; their perceptions of the system of justice and their access to it; the barriers and obstacles they must overcome; their views on violence, rights, and family; the information available to them; and others.

When the first acts of violence took place, a period the women commonly refer to as "*the beginning*" (moment 1), the vast majority of those interviewed (22 of 25) did not file a complaint of any kind at the CMF. In general, they describe this period as one in which they lived through the situation alone and in silence. They may have made a few vague statements to close relatives or friends to explain why they stayed in the relationship, such as: "there were some problems," "[so as not to] upset or worry my family," "out of fear of him," "because I felt ashamed," or "because I had seen that my mother said nothing either." However, even though these women reported that they had done "nothing" at the beginning, it can be deduced from their testimonies that all of them reacted by adopting certain measures, whose main goal was basically to get their

partner to change and the violence to cease. Among these were: almost total silence; changing her own attitude, thinking that this might be the solution; limiting herself to listening and avoiding doing anything that could irritate her partner; trying to ignore the situation; talking to her partner in an effort to get him to reflect on his actions; complain to the aggressor about his behaviour; seek spiritual refuge; talk with someone at a very superficial level, and so on. The following testimony provides the opportunity to observe some of the attitudes expressed by many women:

The abuse began practically during our honeymoon. [...] I am very attached to my father, so I told him, "Dad, it's going badly with him, he insults me over small things, he yells at me. [...] I don't feel good; I don't want to stay married." And he would say, "listen, my daughter, this is what marriage is like. Jesus said, 'take up your cross and follow.' Imagine it's two different worlds [...] and overnight, they have to live together, morning, afternoon, and night. So there won't be that understanding, but that's how it is. It's hard. But as the years go by, one gets to know each other little by little." "Alright, Dad, I'll follow your advice." And so I stayed with [my husband]. He continued doing the same things. I ignored him, pretended I didn't hear him, and gave him no excuse to continue fighting. [...] After two years I went back to my dad. "Dad, I can't continue, I can't. He doesn't treat me well; I'm really suffering." But I didn't tell my father he beat me (Florence, age 38, urban area).

It is worth pointing out that although many of the actions used may coincide, each woman experiences the violence in a particular manner, which in turn makes those strategies nuanced. For this same reason, the moment they refer to as "the beginning" has no established time, nor is it the same for all women, since this period has a particular meaning for each one. In addition, the actions they take are not mutually exclusive; women may take a number of measures simultaneously in a process of trial and error. They prioritize certain actions in some moments, while they change strategies on other occasions in an effort to find the 'formula' that will put a stop to the violence without ending the relationship. In fact, during this period, almost no one considered breaking off the relationship as a way of stopping the abuse. This makes sense if one takes into account that the ideological-cultural order has naturalized violence against women in the domestic sphere, and has assimilated this behaviour as part of a conjugal relationship. In this sense, women do not want to end the relationship because there is a tendency to idealize and defend the family at any cost; another reason is family and social pressures that oblige women to live according to the dominant cultural mandates (Rico, 1996).

These pressures are expressed even more strongly when the women see that the strategies they attempted in this period have not been effective, and thus decide to break the silence. They begin to seek help and guidance in different places and from various people, as they embark on new paths that they define as the "after" moment (moment

2). At this point, they may seek help from a priest or a social assistance organization and request that they provide counselling to their husbands or advise them to attend couple's therapy. Other women stated that they attended medical clinics or private doctors in a search for personal support. Much as in the "beginning" period, women use different tactics to end the violence. These combine the search for professional or spiritual assistance for themselves with requests for help for their partner, since they still intend to help them change their attitudes. The underlying assumption is that the issue of domestic violence is a matter of individual conduct. The strategies explained thus far do not exclude other paths women may take, such as turning to their relatives or in-laws, friends, or other persons close to them, whether for the first time or not; but this time they directly mention the violence they are suffering. The women say they opted for these measures because they were seeking to unburden themselves or they were expecting those persons to offer them guidance or assistance. Some women even left their home as a way of trying out a temporary separation. But at this point in time, none of them went to any of the local organizations that provide specialized assistance for women in situations of violence, let alone a CMF.

The results of these actions varied, and were at times contradictory, unclear, and counterproductive. In some cases these served only to unleash hostile attitudes and threats, in particular from their in-laws, as well as 'advice' from their own family and friends, which far from helping women to leave the situation, blocked them from making any decisions and even revictimized them. However, there were also cases in which people encouraged the women to take more decisive action, and on rare occasions, motivated them to seek help from local authorities. For these women, the third parties from whom they received decided support became fundamental pillars for making other decisions (for example, separating from their intimate partner) and even reporting the violence, as stated in the following testimony.

I kept telling my mom. She would say, 'my daughter, you've got to suffer, that's why you got married. There's nothing more to be done. You've got to suffer, for the children.' [...] My mother is now dead. [...] Before that, I went to the parish, to the priest. He also said that he couldn't do anything, but that I should go – this was before there were Women's Justice Units – to the authorities. [...] Since here we have the immediate response police force, I asked the police. One [policeman] said to me, 'ma'am, go file a complaint at the Women's Justice Unit. How can you continue suffering?' [...] But before there didn't use to be anything, there just wasn't (Miriam, age 45, rural area).

It is likewise necessary to take into account that there are diverse and significant obstacles women face when they decide to separate from their intimate partner or file a complaint. Thus, making such a decision is never easy. These barriers can also lead the women to

delay such measures, as they create: an internal conflict; doubts as to whether they are doing the right thing; fear of reprisals from their partners; uncertainty as to whether these actions might put a definitive end to the conjugal relationship (an undesired situation in many cases, as they do not consider that ending the violence and keeping the family together to be mutually exclusive); shame for going to a CMF; and the fear of rejection from her social environment in general.

Again, it needs to be stressed that the roads travelled by women living in situations of violence are not linear, exclusive, or one-way. Rather, they are constantly intertwined and superimposed; they trace 'comings and goings' and movement in different directions, even though they always have the same goal of halting the violence. Nor are these paths common or travelled in the same way by all women, since the processes experienced by each one is different, just as the pace they take. However, what all these women do have in common is that during this period, they broke the silence in one way or another and brought the violence out into the open.

Although the results of the population-based survey indicate that 92.4% of the women consulted said they would go to a CMF if they were in a situation of domestic violence, the accounts relating actual experiences show that the CMF is not exactly the first place assaulted women go. On the contrary, *their first visit(s) to the CMF* (moment 3) is one of their last resorts. It is, therefore, no coincidence that only 2 of the 25 women interviewed went to this specialized entity immediately after the first act of physical violence. This low number can be explained by the fact that women prefer to seek non-legal ways to deal with abuse, as their objective is to end the violence, not the relationship. In addition, other factors can have an influence on the women postponing this measure, such as considering the CMF to be 'alien' to them, as well as their mistrust of the CMF and the justice system in general. This idea is rooted even more deeply among women from popular sectors, in particular rural and indigenous women, given that within their cultural logic, justice is not necessarily regulated by legal codes or formal entities. To this must be added the generalized perception that justice is only for "those in suits and ties," meaning only for men with a good income and who belong to a hegemonic group. For women from popular sectors, these reasons act as major obstacles that prevent them from going to justice administration bodies, as expressed in the following quote.

I worked here in the market, and people told me, 'go on, dear.' I said 'no.' They said, 'you've got to be brave.' [...] because we are very separate. [...] Is it because we don't wear a suit? Because we look simple? That's why they don't listen to us, why they don't consider us important. But when you show up in a suit, then they pay attention (Yazmín, age 38, rural area).

However, it is not only women in ‘situations of social disadvantage’ who mistrust these entities. The same holds true for women in the middle and upper classes, although the reasons given may differ. Their concerns are usually centred on the influence or financial pressure their partners may be able to exert on officials given their contacts or social standing. To these fears must be added, for all women, lack of knowledge of the law and procedures to follow. During their first incursions into the CMF, most women take the process only to the point at which they obtain one of the protection measures. Most often they request an immediate protection order,<sup>9</sup> which is one of their main ‘shields’ to protect themselves from violence. This situation exists because women usually do not want their aggressor to be punished with imprisonment, but rather they seek protection and support for themselves, as well as a warning for their intimate partner, in the hope that this will make him change. But this expectation is almost never met. Although sometimes the aggression lessens, it rarely ceases entirely, and on occasion may become more dangerous. This is why women must sometimes make repeated use of the immediate protection order, while some women even have their partner jailed or request additional protection measures, such as a restraining order. This process is not always understood by CMF officials, who accuse the women of wanting to continue living in a situation of violence. In so doing these operators reproduce the sexist ideology and reinforce the gender-based system. That said, there are others who staunchly defend women’s rights and comply with the institutional mandate to provide support and protection to women in situations of violence.

The evidence shows that the perception of access to justice as synonymous with protection has a strong presence among the users, since once they are granted the protection measures, some women discontinue the judicial process, at least temporarily. One woman put it this way. “Now I have the most important thing; there will be no more violence [and] he won’t get near me.” In this moment, the core issue is that several women now propose with greater clarity to use the immediate protection orders or return to the CMF if their aggressor tries to assault them again or breaches a restraining order.

It needs to be stressed that women’s strategies, actions, paths, and lived experiences are not identical. They do not have identical timeframes and do not follow the same trajectory. What has been presented so far are the general tendencies found in the testimonies of women victims of violence. The evidence demonstrates that their internal and external processes do not move through defined stages and they do not follow a single sequence. Thus, it cannot be said that their paths conclude at any particular point in relation to

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<sup>9</sup> If an immediate protection order (*boleta de auxilio*) is breached, a woman can call the police and have her aggressor brought before the judicial authorities.

access to justice procedures. However, it is possible to speak of the women putting these processes 'on hold' or taking a pause, then wanting to resume the process after new acts of violence, when the process will take on new nuances and directions.

The increasing degree of dangerousness of the violence constitutes one of the triggers for women to go to the CMF, for the first time or a return visit, once they have decided they will "*no longer tolerate aggression*" (moment 4). In general, they take this measure only after having lived through long years of violence and done everything within their reach to get their partner to change their attitude, or when they feel they have reached an extreme situation and their life is in danger or their husband also attacks their children. In such cases, women not only request an immediate protection order but also a restraining order, given the seriousness of the circumstances. The decisions made at this point entail that they are willing to separate from their intimate partner and end the relationship. However, this does not necessarily mean that the process will continue straight through until the aggressor is imprisoned, as this may prove counterproductive. A very few women also undertake additional action (divorce, child support) at other justice administration entities (juvenile court, civil court). In general, these are women who have been through the process at the CMF several times and have received some sort of psychological assistance that has strengthened them. Therefore, they begin to think more decidedly about the defence of their own rights and those of their children, above the defence of so-called family unity. In this sense, these women have also rethought their understandings of access to justice and given it new meanings: they have added sanctions, reparations for injuries, and, perhaps, restitution of their rights to the concept of protection. As one woman pointed out:

[...] perhaps if all women had the opportunity to know our rights, if they taught us them at school or, even better, starting at home, and then we could say, 'NO! No more abuse!' (Renata, age 29, urban area).

This demonstrates that women are not passive victims of domestic violence; to the contrary, they are actors who are constantly resisting, searching, and struggling to deal with their situation. However, the factors and elements that create obstacles along this path are many and varied. There are socio-economic barriers, for example, the costs involved in the various steps in the process or the fear of not being able to make a living and support the children should she break up with her intimate partner, even though it is often the women who support the family. There are cultural, social, and ideological barriers, such as: concepts of justice that do not involve going through the formal judicial route, family-values perceptions, social and family pressures, ignorance of the law, mistrust of the judicial system, and so on. There are also institutional barriers that include deficient services, delayed processes, a police response that is not always effective,



practices by operators that reproduce discrimination and abuse, and formalities that predominate over the defence of rights. Finally, there are personal or internal barriers resulting from the prevailing concepts of gender and the situation of violence itself. All these factors are counteracted by other elements that facilitate women's access to justice. Among these are family and social support networks (although these may become an obstacle), as well as the assistance and protection provided by the CMF and other related services and organizations.

Therefore, guaranteeing access to justice for women living in situations of violence, as well as putting an end to assault and abuse, entails having a plural system of justice that is responsive to these women's expectations and needs. It also requires that there be a network of public and private organizations and individuals that work in a coordinated and decided manner to defend their rights. This is why it is important to strengthen not only specialized entities, such as the CMF, but also other services. And, finally, these various institutions need to recognize and facilitate the multiple strategies used by women to stop the violence, beyond the procedures of the judicial system.

## **THE RESPONSES OF THE CMFS AND RELATED ACTORS**

As stated previously, one of the paths taken by women in situations of violence is to go to the CMF, usually after having tried other means. This section concentrates on the CMF and analyzes in particular the institutional response in relation to women's expectations for defending their rights and facilitating access to justice. It will also examine the services provided, service quality, due diligence, and the roles these play (contributions or constraints) in dealing with domestic violence.

Before initiating this analysis, the jurisdiction and functions of the Women and Family Justice Units (CMFs) and related actors need to be explained. As already mentioned, the CMFs are not police stations, but rather form part of the justice administration system under the executive branch. They only hear complaints for summary offences or lesser crimes; they do not decide cases of sexual violence or child abuse. CMF decisions regarding domestic violence use one of two types of procedures: criminal procedures in the case of acts of physical violence that constitute summary offences and civil procedures, which are generally only applied to acts of psychological violence. The former concludes with a sentence and the latter with a resolution.

These specialized entities coordinate with several civil society, women's movement, and other state institutions as a strategy to make integrated and comprehensive services viable for women users, since the CMFs themselves lack human and financial resources to cover all these needs. The first actor with which the CMFs must coordinate are the *police*,

specifically the Family Violence Department (DEVIF), which is charged almost exclusively with delivering citations and notifications to aggressors and implementing protection measures when they have been breached. Other pertinent actors are the *medical examiners*, who determine the seriousness of the injuries caused by the assault. Women's NGOs have been of vital importance, as they offer specialized direct services such as legal and psycho-social counselling, which have served to strengthen many users. In the canton of Cuenca, this role has been filled by the Woman to Woman Corporation (COMAM), an autonomous organization whose offices are located in the same building as the two local CMFs. This NGO provides the social and psychological reports requested by the CMF free of charge. Other members of the local network include the free legal aid clinics at the Catholic University and the University of Cuenca, although not a specialized service, and the battered women's shelter, *Casa María Amor*. Finally, the Cuenca municipal government has to be mentioned, as it was a pioneer in the institutionalization of gender policies in the country. One such example is the establishment of the Interinstitutional Network for Direct Services and Prevention of Family Violence (RIAP-VIF),<sup>10</sup> which has sought to coordinate its actions with the CMFs and works in a number of areas, including health, education, legal services, psychological counselling, communications, and so on. As can be noted, there are several organizations in this canton linked to the CMF that have been and still are important sources of support for these entities and women users.

Although women go to the CMF with diverse expectations regarding the responses they seek or the effects they hope will result from filing a complaint, all of them do so with the goal of seeking protection, halting the aggression, and in the hopes of achieving some degree of peace and quiet in their lives. For this reason, some of women's main demands are to be listened to, understood, and helped, though not necessarily for their aggressor to be sanctioned. These expectations are closely related to their perceptions of justice.

Protection measures, and the immediate protection order in particular, are a concrete response to women's expectations to seek protection in the face of future acts of aggression, as the immediate protection order allows women to request police intervention if they are under attack or their partner fails to comply with any of the other stipulated measures. Although the immediate protection order is what is most frequently requested at the CMFs in Cuenca (87%), the percentage of women who request and are granted a restraining order is also high (57%), as is the percentage of measures that restrict third parties from persecuting victims (67%). The first of these is requested most often because it is best known, makes women feel protected, and can be used to dissuade the aggressor by scaring him and provoking a change in his conduct. This last idea is quite relevant, considering women's wish to not punish their aggressor, but rather to give him

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<sup>10</sup> RIAP-VIF is a network made up of 32 civil society and state organizations.

a strong warning. However, CMF operators read women's expectations and actions in different ways. While the official in charge of the CMF tries to "empower" women users by explaining their rights to them, so they feel free to initiate and carry through the process of filing a complaint, other operators cast doubt upon the truthfulness of women's testimonies and even claim that some women "take advantage" of the institution and protection measures. Evidently, their various perceptions translate into attitudes and actions that influence whether women decide to continue defending their rights or abandon the case.

As with CMF users' expectations concerning protection, in general, these protection measures are partially effective. Many women highly value the measures, as they indeed protected them, intimidated their partner, and reduced the acts of aggression. For others, however, they were not effective. In some cases, they were counterproductive, were not obeyed by their partners, or the police simply failed to respond despite their obligations. Furthermore, the limitations of immediate protection orders in particular also have to be considered. They are not always issued for indefinite periods, yet many women do not get them renewed, and thus are unprotected. To this must be added that these orders are almost completely ineffective in rural areas since police access is practically nil, making the measure almost impossible to apply in case of a breach. Although many women state that they feel safer if they have a protection measure, they are frequently insufficient in practice to change the situation of domestic violence.

That is why, in order for the protection measures to have the desired positive effect, there must be a timely and efficient institutional response, women must have support from those close to them, and, above all, specialized and committed accompaniment is necessary throughout the entire process. Women's own actions also play a fundamental role, and their impact will depend on the women's motivation for requesting the measures, their degree of decisiveness as concerns moving ahead with the process of filing a complaint and obtaining a sanction, as well as their expectations for ending or continuing their relationship with the aggressor. It has been noted that women usually request an immediate protection order when more conciliatory measures have failed and they are no longer interested in continuing the relationship with their aggressor. They are also used in extreme situations of violence and risk. As stated earlier, the process is fraught with fears, contradictions, difficulties, and ambivalent feelings, which often have the effect of making women regret having filed a complaint against their partner and then abandon the procedure. Most operators do not understand these actions very well, which tends to lead to a loss of motivation on their part and a deterioration in service quality, expressed through revictimizing these women and not contributing to them moving forwards in their efforts to deal with the violence.

The prevalence of the family-values perspective, not only among women users, but also among some CMF operators and professionals at some of the other services, influences the services in such a way that they do not always prioritize women's rights. For this reason, when operators study a case, the family-values perspective often prevails upon how they assess the risk women face and the level of threat posed by the aggressor. This would explain the low percentage of protection measures issued that order the aggressor to leave the home, since it is the CMF operator who assesses the case and determines the pertinence of this and all the protection measures. It also needs to be pointed out that another reason for this low percentage is that few users request it.

All these perceptions, obstacles, and the social pressure faced by assaulted women must be understood by those who accompany them, not only to provide assistance during the legal procedures, but also to support their internal process. This is the only way to avoid further damaging their self-esteem, while contributing to their self-recognition as subjects of rights. Along the same lines, CMF operators must act with an appropriate level of professionalism and use a human touch, regardless of the operators' sex, as well as act in strict accordance with the law and demonstrate increased sensitivity and disposition to provide services to women in situations of violence. These are all essential factors for motivating women to not just file a complaint against their aggressive partner, but also to defend their rights and try their utmost so that the case goes all the way to sentencing and a sanction is imposed.

Much as is the case nationwide, in the canton of Cuenca there is a striking disproportion between the large number of cases received (complaints filed) and the number of those that complete the judicial route. On occasion this is perceived as a lack of decisiveness or a contradictory form of behaviour on the part of women, often discrediting their having gone to the CMF in the first place. However, it must be considered that some women users see the granting of a protection order as both a penalty for the accused and an act of justice towards them. Despite this perception, there are women, albeit only a small minority, who go to the CMF specifically seeking sanctions, especially if the affective bond with the aggressor has been broken. In the case of Cuenca, only 2.4% of the complaints filed concluded with a guilty sentence, and a mere 1.8% of convictions carried a prison sentence. Why are the numbers so discouraging?

In the first place, women users' concept of justice has to be taken into account. It is not necessarily aligned with the formal legal and institutional framework. The same holds true for the family-values perspective that is widely held by various local actors, as well as the lenient sentences handed down when compared to the seriousness of the violence perpetrated (a maximum of seven days in prison and a US\$ 28 fine). However, perhaps one of the greatest impediments to concluding the legal process are the various and

significant hurdles women must overcome in order to obtain a sentence or resolution, to which must be added the financial costs and time required to reach those outcomes. There follows a brief presentation of the main steps of the official route that must be followed by women who go to the CMF in search of justice.

The first thing women need to do is *find the CMF*. The fact that the two CMFs are located in the same building constitutes one difficulty, as it lends itself to confusion and does not facilitate access, in particular for rural women. In general, there is a lack of information concerning the exact location of these entities and their days and hours of operation. Once they have found the CMF, women users must *hire a lawyer or legal service to draw up the complaint*. Although according to Law 103 filing a complaint is a free procedure, the actual drafting of the complaint almost always carries a fee. Depending on their resources, women must choose between hiring a private lawyer or going to COMAM or one of the free legal aid clinics at the two universities. Although in the past year this service has been offered free of charge at the centres, women have to cover their transportation costs and have the necessary time available, as they cannot always provide immediate attention. Once the complaint has been drawn up, women must *go to the Intendency*, which is in the same building as the CMFs, and wait until it is decided which of the two stations will hear her case. The service at the Intendency is deficient, as the official charged with distributing the cases must also deal with other matters, and, although it is not part of this procedure, the official often reviews the complaint, thus attacks the confidentiality of the document. Immediately afterwards, the women *go to the CMF* assigned to them to *file their complaint*, where they submit the original version of the complaint and photocopies, as well as a folder with ten sheets of paper. Depending on the availability of the authority, the complaint is received and read, the women are interviewed, the protection measures are decided, and reports are requested. Then users go to the secretary who registers the complaint and issues the protection measures. Often the latter are temporary, obliging the women to return later to get the definitive measure. Another part of the process is to obtain a summons for the accused to appear at the hearing and be notified of the protection measures granted. The women must take this document *to the Family Violence Department (DEVIF)* of the police to set the date and time when they will accompany the police to deliver the summons to the accused. This is a rather delicate and difficult situation for them, and it contradicts the standards for services to women who have suffered violence. In addition to having to accompany the police when they serve the accused with the summons, they also have to supply the transportation, since the DEVIF does not have a patrol vehicle to dedicate to this. Obviously, when the aggressor lives in rural areas, the obstacles and costs are even greater. This easily explains why the summonses are never served in a high percentage of cases (40%).

The next step in the route followed by women at the CMF is the *conciliation and sentencing hearing*. A hearing is only held in one of three cases in which a summons was served since the accused do not always appear; this stops or hinders the process. In addition, there are various formalities that may impede or hamper the hearings, even when the accused is present. These moments are very difficult for women users, as they must confront the aggressor, and, in addition to reliving the violent events, listen to their denials of the abuse and their belittlement of them since, as is usually the case, the aggressors do not admit to the accusations. Therefore, in most cases an *evidence-gathering period* is opened to support the accusation. Most women go to the *Institute of Criminology*, which provides its services for free. However, the medico-legal exam is yet another obstacle, not only because it must be paid for, but because the women might be revictimized. Once the evidence has been gathered, it is presented, and then the review period may run from a few weeks to three months, depending on the case. Finally, once that step has been completed, *the sentence is delivered*. Only 4.9% of complaints filed at the CMF reach at this stage. However, women's path does not end here, as they must go to the police and make arrangements so they will enforce the sentence or resolution. Part of the problem is that there are no effective mechanisms for enforcing the payment of damages or fines.

The route described here reveals the ordeal that women who have suffered violence must go through if they wish to obtain a sentence. Each step constitutes yet another obstacle, as each one requires more procedures, time, and money, which they usually do not have at their disposal. This demonstrates how the possibility of offering an integrated service on the part of the CMF and other actors depends in large measure on access to resources. It is therefore fundamental that the state develop strategies to provide those resources on a permanent basis.

Service quality encompasses all aspects related to the institutional response offered CMF users. Therefore, material conditions, staff, environment, and infrastructure are all variables that must be considered. The fact that the two CMFs are located in the same building, together with the Intendency and a non-specialized justice administration unit, creates a lot of confusion. This, in turn, generates an inadequate environment for battered women since there is no privacy. Further, the deteriorated infrastructure and lack of maintenance makes the CMF scarcely appropriate or inviting places, despite this being a pertinent indicator for this type of service. Regarding staff, it should be noted that most CMF operators have received little training in gender and human rights. Likewise, their knowledge regarding how to treat women in situations of violence is limited or not specialized. Thus, the attention provided is inappropriate and staff's attitudes are not very friendly. Another deficiency found was that the CMF provides no information to users on Law 103, the requirements for filing a complaint, protection measures, or

general information about the procedures they must follow. It is not possible to acquire information by phone or on the Internet. Finally, the time and expenses required to complete the route are excessive and lead many women to drop their cases.

Despite the many shortcomings, the CMF is a very important reference point for women and constitutes an institution that, to a certain degree, fulfils their expectations of receiving help, protection, and being recognized as subjects of rights. Thus, this entity has contributed to women who have suffered violence initiating self-assessment processes and improving the exercise of their citizenship. Herein lays the importance of not losing these institutions, but rethinking them, elevating their status, and endowing them with the necessary resources and tools to comply with their original objective, which is to prevent and punish violence against women and provide quality and cordial services to users.

## THE IMPACT OF THE CMF ON USERS AND SOCIETY

To conclude this analysis, the impact of the Women and Family Justice Units (CMF) on the canton of Cuenca needs to be examined, with a focus on their effects on the lives of women users as well as the changes produced among the local population and society in general. This analysis is based on the hypothesis that the CMFs have contributed to making the problem of violence against women visible as a public, collective, and punishable matter, but they have not necessarily been able to reduce – let alone eliminate – violence or guarantee access to justice for these women.

In terms of the CMF's *effects on society in general*, it should be highlighted that the CMF has been fundamental in making visible the magnitude of violence against women in order to denaturalize it but, above all, to prove that this is a social problem that demands and requires the intervention of multiple actors, particularly the state. Therefore, it is no coincidence that a high percentage of women in the canton of Cuenca are aware of both the CMF (98%) and Law 103 (86%) as a result of information received through the media or informal networks of friends or neighbours. However, when talking specifically about their effects on reducing or eliminating domestic violence, the female population's perceptions are diverse and not necessarily very positive. On the one hand, the majority of women surveyed (88.6%) maintain that the CMF facilitates access to justice for women in situations of violence and have contributed to diminishing intimate partner abuse. On the other, there are also those (12.7%) who state that they have made no contribution to reducing the problem. The former point out that the positive impact has been possible basically due to two factors: the aggressor's fear of having a complaint filed against him or being punished, and the possibility women have nowadays to defend their right to a life

without violence in the home, a positive turn of events that was unthinkable in Ecuador only 15 years ago. It is worth noting that women living in urban areas put greater emphasis on the issue of rights, while rural women emphasize men's fear of an intervention by the justice system. Those who are of the opinion that the CMF has not contributed to stopping the violence argue that this is due to delays in the judicial process, the poor quality of services provided, and the scarce guidance given to women regarding their rights.

Along the same lines, a variety of opinions emerged from the interviews with the staff of the various services and the CMF. Nevertheless, they all agree that the existence of this entity has contributed, in some way, to eradicating family violence. The most positive statements value the fact that a specialized institution exists where women can file a complaint. Mainly, however, their opinions centre around the protection offered to women who file complaints and the deterrence of aggressors, rather than on access to justice in terms of punishing the aggressors or awarding reparations to the victims. In contradiction to these views, other operators and professionals relativize the achievements of the CMF, as they consider that CMF actions alone will not eradicate domestic violence, especially since so many women do not continue the judicial process through to its conclusion. Despite these somewhat pessimistic assertions, it must not be overlooked that these entities have helped a number of women to leave a violent relationship, regardless of whether they concluded the legal process or their aggressor was punished. Thus, a considerable portion of users value the CMF's contribution not merely because of what it did for them, but also for other women. Above all, they feel supported and protected by the CMF, and they see that it is possible to break free of the cycle of violence. The latter occurs, in particular, when women are willing to end the relationship with their partner, after exhausting all other options.

Thus, in the perceptions and experience of some women, as well as a number of the various actors involved, the CMF constitutes a mechanism that contributes to stopping intimate partner violence. In some cases it ends entirely, though in others there is only a partial change, with a drop in the physical but not psychological violence. In some women's experience, the aggression persisted for several reasons, which partially explains why a high percentage (44%) of users go to the CMF more than once. Unfortunately, any research intending to go beyond the qualitative analysis of perceptions and experience will find that in Ecuador, with the exception of a few partial studies, there is no baseline information that would allow for measuring CMF impact in terms of reducing the occurrence of domestic violence. However, what can be observed is that the very existence of this entity, as well as Law 103, has forged open a path for filing complaints, although it has not always been possible to adequately address the seriousness of this type of violence. This issue relates directly to access to justice and the role played by the



CMF in this regard, as was pointed out at the national conference called Evaluation of State Compliance with the Application of Law 103 and the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Arroyo and Herrera, 2007).

As stated previously, the different formal perspectives on access to justice agree that it constitutes a human rights principle that must be guaranteed for the entire population, without distinction. However, this stated equality is not put into practice in the judicial system since, as Alda Facio (2004) indicates, access to justice is not viewed as a human right that involves both the state's responsibility to provide a public service and the exercise of that right by the men and women who inhabit said state. From this approach, to ensure that access to justice is not reduced to the creation of certain judicial entities, but rather entails the true disposition of judicial instruments and mechanisms, the law must be applied in a manner that is fair, expedited, and transparent. Furthermore, the specific needs of different groups must be addressed, above all, those in vulnerable situations, such as women who suffer violence.

Keeping the foregoing in mind, the question emerges as to whether the CMF has constituted a suitable mechanism to guarantee and improve women's access to justice. Based on the analysis in this chapter, it can be said that the state, despite the efforts made in the past few years, is not complying with its due diligence in terms of eliminating the obstacles that hamper or impede the effective exercise of the right to justice for women who experience domestic violence. All of the steps needed to obtain a sentence or a resolution, together with the quality of service provided by the CMF, point to the various deficiencies of this institution, which include: inadequate infrastructure; scarce resources; lack of sensitive and specialized staff; low quality services; lack of integrated and comprehensive services; delays in the judicial process; the costly, awkward, and drawn-out procedures; the lenient sentences defined by law; and the impossibility of insisting on compliance with judicial decisions. For these reasons, it can be stated that access to justice for women users – at least in terms of the formal legal framework – is still very precarious and the levels of impunity continue to be high in this country.

Despite this situation, if this topic is analyzed based on the perceptions, expectations, and experience of the users themselves, the conclusion is that their assessment is generally quite positive, since they consider that they did indeed gain access to justice – regardless of whether the aggressor was punished – because they were treated well, they felt supported, they were granted a protection measure, and, mainly, the violence was stopped. Another group of women interviewed declared that, in effect, justice was served because their complaint was proven true and the false accusations made by aggressors were shown to be baseless, even if the sanction or resolution was minimal or was never enforced. Along the same lines, there are also users, although only a minority, who

consider that they gained access to justice because the aggressor was punished. It must be pointed out, however, that there are also those (two or three of the women interviewed) who maintained that, although they completed the entire legal process and the aggressor was convicted, justice was only partially served as there are no mechanisms to enforce the judicial sentence or resolution. Or, despite having been granted a protection measure, justice was not served in their case due to the incorrect information they were given, the corrupt or inefficient practices on the part of some of the CMF operators, or the strategies used by the aggressors' lawyers to help them to evade justice. These experiences not only generate women's distrust in the justice system, but it also places them in a more vulnerable situation, violates their rights, and lets the violence perpetrated by their partner go unpunished.

This chapter has presented the various obstacles that CMF users in Cuenca must surmount and has criticized the CMF's institutional deficiencies. Nonetheless, it is also true that these specialized entities have contributed to producing certain positive changes in the lives of these women. Little by little, they strengthen their resolve to file a complaint against their partner, rediscover their internal strength, and begin to defend their rights. No woman can go through a judicial process against her spouse without undergoing changes in her perceptions, understandings, attitudes, and many other aspects of her life.

Ending the relationship with their partner and breaking the cycle of violence in which they were trapped constitute a radical change for most of the users. After the rupture, their lives and well-being improved, and they threw off their yokes. Evidently, this is a long and difficult process, and one that comes with high costs and considerable effort. But ultimately it concludes in peace and tranquility, loss of fear and guilt, an end to the abuse, a release of the permanent tension, and renewed internal strength. As Amanda put it, "I am not afraid; that's the difference. He left my house. I told him I had an immediate protection order; I told him, 'you have no right to take anything from the house.' That's when I felt supported. Now my life is calmer."

The study also showed how those women who went beyond filing a complaint to putting an end to the violence in one way or another began processes of rediscovering themselves and recovered their potential and self-esteem. This led them to find new horizons and a renewed sense of purpose in their life. The support they received from the specialized services offered by the CMF and other related actors was fundamental to this process. As a result, some of the women begin to recognize themselves as citizens with the right to have rights. Then they begin to fight for those rights and defend them, and demand justice for themselves, while also supporting other women going through similar experiences. This was underlined by several of those interviewed and Norma's testimony sums up their opinions very well. "And so one learns little by little. And one also teaches

others, so they will [also] go there [to the CMF] and will no longer be assaulted [...] and they will assert their rights.”

The foregoing is an important indicator of the positive effects that can result from an institutional response suited to women’s expectations, along with a correct application of the law and administration of justice. Not only can the violence be stopped, but women’s quality of life as well as that of their children improve, thus contributing to denaturalizing violence, setting precedents, improving their perception of the justice system, and opening the door for women to fully exercise their citizenship. This is why it is important to improve CMF performance, expedite the procedures so that users will follow their case until it reaches a resolution or sentence, and ensure that sanctions are enforced. Only this way will women be guaranteed access to justice, while at the same time these results will contribute to sensitization and prevention; these are indispensable to eventually eradicating gender-based violence.

## CONCLUSIONS

This study proposes an approach to the issue of access to justice for women in situations of violence that calls into question the conventional perspectives on justice and access to justice that are centred around the formal legal framework. It adopts instead a much broader vision that places women as subjects of rights at the centre of the analysis. The framework draws on the perspectives of gender, rights, and multiple citizenships, as well as a proposal for gender justice. The conclusion that emerges from this integrated approach is that there is an urgent need to rethink this issue by linking it closely to social exclusion and the need to conceptualize access to justice as a right of ‘diverse’ women and men. This presupposes taking into account social, cultural, and gender-based heterogeneity, among other variables. To that end, formal declarations of the right to access to justice must be transcended by demanding that the state and society as a whole act in a committed and decided manner to benefit the most unprotected sectors. Further, ‘legalist’ discourses must be replaced by multiple voices, and a new definition of the problem from the perspectives of the various actors involved, in particular women living in situations of violence and users of the Women and Family Justice Units (CMF).

The analysis showed that while Ecuador’s legal instruments (the Constitution and Law 103) take a rights-based approach to domestic violence, there persists a family values perspective that conceives of this issue as a family problem, ignoring the power relations and inequalities within the family, as well as the gender specificities that place women in situations of greater vulnerability. Something similar can be found in public entities – including the CMF – and most civil society organizations. However, within each

institution a diversity of viewpoints on violence and access to justice coexist, ranging from those that address women's rights, to the family-values perspective, and others that individualize the problem and its solution. These perceptions, which also have a presence in operators' subjectivity, are not expressed in a pure or unequivocal manner, but instead they are nuanced and interwoven, though not entirely without conflict. In turn, these exert an influence on the actions taken at these entities, as well as in the type and quality of services provided to women in situations of violence. In contrast to these attitudes, the proposals and activities of organizations that defend women's rights (above all the Woman to Woman Corporation and the *Maria Amor* women's shelter) come much closer to feminist understandings of violence and access to justice in the way they advocate for gender justice.

The study also made evident that the female population in the canton of Cuenca and CMF users interpret domestic violence in more than one way. Their perceptions range from the family-values perspective to one that addresses rights, though the latter is less frequent. These perspectives are not mutually exclusive, nor are they static; they intertwine continuously, generating a number of variations over time. It was also found that a gap persists between discourse and practice on this issue, for although many women declare that domestic violence is a rights violation, this position gets diluted when they are faced with choosing between family unity and their personal well-being.

With respect to access to justice, the perceptions of most CMF users do not generally coincide with the formal legal/institutional perspective found in the various legal bodies and at the CMF. The institutional perspective is based on the protection-reparation-sanction triad, and often prioritizes sanctions. Meanwhile, the viewpoint that prevails among the many women is associated with protection and getting help to stop the violence, as well as, to a lesser degree, reparations for injuries and punishment of the aggressor.

The results of the research show that women in situations of violence travel different paths and generally use several strategies to find a middle ground between maintaining the relationship with their partner and eliminating aggressive practices. The women's actions and the decisions they make about moving in one direction or another depend on many aspects of each one's experience and circumstances: dangerousness of the violence, assistance and opportunities within their reach, expectations for the relationship, perceptions, etc. These roads are neither linear nor mutually exclusive; nor are they experienced in a similar fashion by all women. Nevertheless, four general tendencies or moments can be identified that were shared by the women interviewed, regardless of their age, ethnic/cultural background, socio-economic situation, or place of residence. In the *beginning*, they keep silent and only take actions designed to avoid conflict. *Afterwards*,

they seek help in different places and from a variety of people in an effort to effect change through the intervention of third parties and by exerting a certain amount of personal pressure. In their *first incursions into the CMF*, they mainly seek personal protection and a warning for the aggressor about the consequences of his abuse. In the fourth moment, women take *more decisive actions*, either due to the increased level of dangerousness of the violence or because their previous strategies have not been effective. In these cases, women are willing to continue on with the legal process through to the end and also end the relationship with their partner. All these measures employed by women affirm that they are not passive victims of domestic violence; to the contrary, they are actors who are permanently resisting as they search and struggle to put an end to these situations. The CMF is neither the only nor the first door these women knock on, but it is an institution they turn to in search of protection.

The protection measures issued by the CMF are highly valued by most users, as they are one of the main responses that make them feel they have acquired access to justice. To them, these measures represent real and symbolic protection, a form of punishment for the accused, and one of the most important factors in stopping the violence. Nevertheless, the effectiveness of these measures is quite relative, as their ultimate objective is not always met for a number of reasons.

The low percentage of cases that end in a sentence or resolution can be explained by these perceptions regarding protection measures or the scarce interest most women have in their partners being imprisoned. However, it also reflects the many obstacles and limitations that hamper the struggle against gender-based violence and access to justice for abused women. Among these factors are cultural, socioeconomic, and ideological obstacles; institutional barriers; and ones that are personal or internal. In addition, the CMF also has deficiencies, such as not providing an integrated and free service, and not having effective mechanisms to enforce aggressors' compliance with judicial decisions. Thus, these entities reproduce in some ways the social inequalities that, come together to create discrimination and limit users' access to justice. To this must be added economic restrictions and the deficiencies of related entities such as the police's Family Violence Department or the police in general, which oblige the women to manage their legal process.

Further, the experiences these women have to live through and the processes they undergo, as well as the strong social presence of perspectives that perpetuate male power and family values and the resulting social pressure, cause many women to regret having filed a complaint and abandon the process. This behaviour is little understood and highly criticized by most CMF operators, which translates into a lack of motivation to do their jobs, a deterioration in the service quality, or the revictimization of women.

Notwithstanding the foregoing, the study also proved that a considerable portion of CMF users succeed in ending the violence, and the CMF and other support services play a very important role in this process by providing guidance, understanding, protection, and assistance. In some way, women found a receptive ear and responses that met their expectations, they learned to recognize themselves as subjects of rights, and, if only in a few cases, underwent a process of personal reaffirmation that led to their becoming more assertive in the exercise of their citizenship. This demonstrates the positive effects and changes that can be promoted in the lives of these women when there is an adequate institutional response to their expectations and a correct application of the law and the administration of justice.

Finally, while it is true that over the past few years considerable progress has been made regarding this issue, the construction and application of a plural and interdisciplinary system of justice is indispensable. It must take into account women's social, economic, and cultural diversity and, based on the tenets of gender justice, promote, defend, and guarantee these women's right to a life free of violence. To do so presupposes the design and promotion of actions, plans, and policies that reflect these women's different realities and their specific demands and needs; the creation of expedited, efficient, committed, and specialized institutions that serve women in situations of violence; and the establishment of a network of public and private organizations that coordinate their work to provide integrated and comprehensive services.

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# Access to Justice for Women in Situations of Violence: Case Study of Ciudad Sandino, Nicaragua

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## INTRODUCTION

This chapter forms part of a regional study that sets out to evaluate, compare, and circulate learnings about the contributions made by women's police stations and related services. The aim is to improve their efficacy and impact, not only in order to meet the state's obligation to respond to the demands put forth by the women's movement, but also to ensure that women gain access to justice and are able to put an end to the violence in their lives.

The research was conducted in two phases. The first consists of a mapping study of: the situation of violence against women in Nicaragua; the extant legislation, public policy, and services related to this issue, in particular the *Comisaría de la Mujer, la Niñez y la Adolescencia* (Police Stations for Women, Children, and Adolescents, or CMNA); and an analysis of their capacity to provide justice for women who are victims of violence (D'Angelo, Molina, and Jubb, 2008). The mapping then became the entryway to the second phase of the study, which was the primary research component. The case study of one women's police station (CMNA) analyzed the concrete dynamics among the different actors involved, with a view towards identifying the impact of this specialized entity on the lives of women in situations of violence and their degree of access to justice.

The National Demography and Health Survey (ENDESA) (INIDE-MINSA, 2007) showed that 48% of women who had ever been married or lived with a partner had been victims of verbal or psychological abuse, 27% had suffered physical violence, and 13% sexual

violence. Almost one in three women (29%) said they had experienced physical or sexual violence in the course of their lives. The percentage of women who reported situations of violence during the twelve months preceding the interview may be considered an indicator of the current dimension of the problem: 21% of women reported psychological violence, 8% physical violence, and 4% sexual violence.<sup>1</sup>

A recent study of femicide in Central America, defined as “the murder of women for gender-based reasons,” an extreme form of violence against women, used data gathered by women’s organizations to conclude that violent deaths of women in the region have increased, in some countries to an alarming degree (Carcedo, 2010). Based on an analysis of the information available (newspapers and police reports) it was noted that most assassinations of women – where it is known who committed the crime, how it occurred, and in what context – are femicides.<sup>2</sup>

The study concluded that femicide may occur in any setting, since in all such homicides the prevailing factors are discrimination and unequal power relations. The scenarios are socioeconomic, political, and cultural contexts that produce or enable particularly unequal relationships between men and women, based on the specific dynamics of violence against women that may lead to femicide.

Finally, the study reported that femicide in Nicaragua (D’Angelo, 2007) has gradually increased between the years 2003 to 2005. In the six years from 2000 to 2005, femicide more than doubled: from 29 cases in 2000 to 65 in 2005. During that same period, episodes of family violence and sexual crimes have more than tripled, which indicates that gender-based violence is on the increase. One of its most dramatic manifestations is the homicide of women, or femicide.<sup>3</sup>

To carry out this study in Nicaragua, the CMNA in Ciudad Sandino was selected, using the same criteria agreed upon for the region. The research set out to find answers to the four key questions that guided the study in the four countries chosen. The methodology used is described in the introduction to this book.

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<sup>1</sup> Several surveys have been carried out, with different methodologies, geographic coverage, and population groups, therefore arriving at varying conclusions. *Candies in Hell* reports on the results of a 1996 survey carried out by the National Autonomous University of Nicaragua, León campus, according to which, one in every two women have been physically abused by their partner at one time or another, with one out of every four having suffered physical violence in the twelve months before the interview (Ellsberg et al., 1998). The Inter-American Development Bank (IADB) and the International Foundation for the Global Economic Challenge (FIDEG) carried out a study in Managua in 1997 in which they found that 70% of all women said they had experienced physical violence at some point in their lives, with 33% having been victimized in the preceding year (Morrison and Orlando, 1997).

<sup>2</sup> The percentage of femicides in each country is: 64.5% in Guatemala, 98.2% in Honduras, 83.3% in Nicaragua, 71.6% in El Salvador, 71.7% in Costa Rica, 77.8% in Panama, and 66.2% in the Dominican Republic.

<sup>3</sup> According to police records, in 1997, 38.8% (23,953) of all victims were women; in 1998, 41.3% (26,890); in 1999, 42.7% (30,633); in 2000, 43.4% (32,574); in 2001, 44.6% (39,328); and in 2002, 45.2% (41,487). The type of violence most frequently mentioned by women is injuries, and its proportion continues to grow among victims. In 1998, 47% (7,448) of all victims of injury were women; in 1999, 48% (8,900); in 2000, 50% (10,313); and in 2001, 52% (12,250).

Ciudad Sandino was created by Law 329, which was published in *La Gaceta*, the official parliamentary record, in January 2000. It encompasses 51.11 km<sup>2</sup> and has an annual growth rate of 2.5% (INIDE, 2008). Of the total population of 75,083, 48.2% are men and 51.8% are women.

There are some 24 organizations and state institutions that make up the Municipal Children's Committee. As part of their work, members have developed awareness-raising processes on issues related to HIV/AIDS prevention, education, health, violence prevention, and the commercial sexual exploitation of girls, boys, and adolescents.

## MAIN FINDINGS

As is known, violence against women manifests itself as a pandemic that affects vast parts of the world. Several studies undertaken in Nicaragua have shown that one in every three women has suffered physical or sexual violence in their lives, and that since 2005 there has been a steady increase in femicides, representing almost all murders of women.

In 1992 and 1996, laws were passed to prevent and punish family violence. Later, in 2008, the National Assembly passed the Criminal Code, in which family violence is defined as a specific crime and is punishable with from 2 to 13 years imprisonment. Further, emergency protection measures for victims were established. Mediation, an alternative conflict resolution procedure, is recognized by Nicaraguan legislation and may be carried out only once, in cases where the injuries are considered to be minor.

Created in 1993, the CMNAs, now institutionalized as the Division of Women's and Children's Police Stations, constitute a national specialty of the National Police of Nicaragua.

The CMNAs have moved through three phases, as defined by different programs of services. In these, a number of actors have intervened together with the Police, in particular the Women's Network against Violence and the Nicaraguan Women's Institute (INIM). There are currently no jointly administered projects, although in the territories there is often coordination with local women's organizations.

Since the creation of the CMNAs, the intention has been to establish a comprehensive services model that includes community prevention and direct services. To these were added, in the second phase (2002-2004), victim empowerment and recovery, including defining a new life project.

Despite the fact that in recent years the CMNAs have promoted two communications campaigns for violence prevention, in practice this comprehensive model is not being implemented. It is only in those territories where there is a certain amount of coordination with women's organizations that work specifically on this issue that certain levels of prevention are achieved, mainly through volunteer community promoters and awareness-raising campaigns directed towards the general population.

Finally, the empowerment of users, which was one of the purposes that guided the participation of the women's movement, turned out to be an overly ambitious goal for a model framed around service delivery. This was also due to the hegemonic ideas prevailing in the justice system, which are still plagued by traditional sexist values.

This study has as its main subjects of analysis the women who go to the CMNA in Ciudad Sandino. The questions it sought to answer were the same as in the countries, as follows:

- 1) What are the paths of women who suffer violence, given the options available?
- 2) What responses are forthcoming from the various institutions involved in their paths towards justice, in particular from the CMNA?
- 3) What are the views and perspectives that guide women and the institutions that provide services to them?
- 4) Through their paths, and their experiences at the specialized police station, are women able to put an end to violence and gain access to justice?

## **THE PATHS TAKEN BY WOMEN**

### **The CMNA is the Point of Entry**

According to results of the opinion survey conducted with women in Ciudad Sandino, the vast majority believes that violence constitutes a violation of women's rights, and is aware there is a law in place that punishes it.

The results of the survey also indicate that the CMNA is perceived as the point of entry for women, children, and adolescents in the municipality who decide to file a complaint regarding the situation of violence they live in and seek justice.

The field work showed that women in Ciudad Sandino consider the CMNA to be an important point of reference for women. It is a place where they would go, at least hypothetically, if they intended to file a complaint for violence.

### **Long Histories of Violence**

However, in practice, the histories of violence told by the women are long. They describe several years of abuse, during which time they have repeatedly been subjected to episodes of violence. Likewise, the path taken until they actually file a complaint is lengthy and contradictory.

Faced with a specific situation of violence, women in general seek help from the persons closest to them or, if possible, try to get away from their partner.

There are several reasons why women tolerate the violence for so long. Among these the following stand out: they often do not recognize violence, in particular psychological abuse; they got married at a very early age; the absence of a family and social support network; the presence of children; economic dependence; and fear of the man's reaction.

But ultimately the cause that most stands out is the subordination in which the women live in relation to their partner. In general, the man imposes his rules and controls and dominates the relationship. This is further strengthened by 'family-values' and religious beliefs concerning the role of women, the indissolubility of marriage, and other ideas that are imposed by the setting and that, as could be verified by listening to the women's voices, also exercise a strong influence on their own judgment.

### **Filing a Complaint: The First Step on a Long Path**

There are several factors that trigger the decision to file a formal complaint. One of the most important of these is fear, meaning that the abuse becomes so violent that women begin to fear for their lives. Women often decide to file a complaint when the partner attacks close relatives, such as their mother or children. With help from others, women are apt to feel supported, and this, too, is frequently a determining factor in their decision to file a complaint.

Once the complaint is filed, a process fraught with difficulties begins. In it, several institutions intervene in the investigation stage (CMNA, police, state prosecutors, the Forensic Medicine Institute), to determine if whatever has occurred constitutes a minor offence that can be resolved through mediation or rather a crime to be taken to trial.

The relationship with the institutions involved, each one with its own regulations and procedures, is rather complex and the response is not always immediate. This situation is made even more challenging because the institutions in charge are relatively new, a factor that implies a number of constraints.

Since the Forensic Medicine Institute does not have an office in Ciudad Sandino, women who decide to file a complaint must travel to Managua for an assessment. The capital is some fifteen minutes away by bus, which involves more time and greater expenses.

There is a lower court of first instance in the municipality, where summary offences and minor indictable ones are tried. If an indictable offence (or major crime) has been committed, the judicial process takes place in one of the upper courts of first instance located in Managua.

On occasion, CMNA users are referred to other agencies the police have agreements with, where women receive psychological services or legal advice. The work of some non-governmental organizations – Ixchen, the Association of Women for Family Integration in Nicaragua (AMIFANIC) and Solidarity Networks – has been particularly important, above all as concerns psychological follow-up and, in some cases, legal assistance.

Further, the CMNA receives support from government offices and public services in the municipality. One example is the Ministry of the Family, which addresses cases of child support and/or child custody. The Nilda Patricia Velazco de Zedillo Hospital provides services to women who have been abused.

### **Mediation as a Recurrent Practice**

During the research it was found that many of the cases brought by women are resolved through mediation procedures. Often the women lack the necessary information to assess the implications of this decision. In effect, the process of determining whether a summary or indictable offence (i.e. lesser or major crime) was committed involves several institutions (Directorate of Alternative Conflict Resolution, DIRAC; Forensic Medicine Institute; Office of the Attorney General), and frequently takes place without women fully understanding what is going on. If it is decided the case is a summary offence, it may result in mediation.

The CMNA is charged with following up on cases that can be solved by means of mediation. However, due to the large number of cases of this kind, it is not always able to comply with this task.

The judge of the lower court of first instance in Ciudad Sandino considers that, in the short and medium terms, the mediation procedure makes it more difficult to punish repeat offenders.

### **Many Women Leave the Path**

The path leading to a trial is a long and wearisome process, involving emotional and economic costs and demanding women make a tremendous effort to see it through to the end. Furthermore, the toll can be even greater since, as the statistics indicate, in most cases the final decision is not in their favour.

In general terms, the actors involved in the Ciudad Sandino institutional route are aware that along the way there are procedural bottlenecks and other difficulties; these cause delays and play a negative role in gaining access to justice.

For these reasons, as well as the complexity of the relationship with the aggressor, many women spontaneously interrupt the judicial path. It was found that in many cases women have been to the CMNA more than once, without their cases ever going to trial, let alone reaching a sentence.

## **CMNA RESPONSE**

There is a generalized consensus regarding the fact that the CMNAs have contributed to making the issue of violence against women visible and that, in those places where they exist, these police stations are an important point of reference for women. At the same time, however, there are a number of constraints. One of the most obvious is limited coverage, as the stations cover only parts of Nicaragua.

### **CMNA Services**

The work of the CMNA is complex. Among its main activities are the following: receive complaints; hold appointments with aggressors; provide psychological services for women who suffer violence; investigate cases; arrest the abuser if warranted; attend trials; and do community outreach and training. The CMNA not only deals with matters



concerning violence; it also provides referrals for women who visit it with cases related to property rights, child support, child custody, and so on. Finally, a new service has been offered since 2008: counselling for men.<sup>4</sup>

The wanting facilities, reduced staff and, in general terms, the material resources available are insufficient to deal with user demand. To this must be added, because it occurs quite frequently, that women drop their cases, given the human and institutional difficulties they face. Taken altogether, they have a negative effect upon staff morale and are often manifested as exhaustion and frustration.

It also needs to be recognized that the CMNA staff may also be living in a situation of violence in their own homes. This information was gathered through the women who participated in different moments of the research process: some of the victims were policewomen.

### **What Women Hope to Achieve**

When women make the decision to file a complaint, what they really seek is protection and support for themselves. That is to say, they want to stop the violence and get the abuser out of the house, but not that he be punished for his acts. One of the responses many women mention as a means of protection is to have the police bring in the abuser, then have the police “scare him a little” and then let him go, without the corresponding sanction being imposed through the judicial system. As can be observed in the survey results, only 12.8% of women say that they would go to the CMNA to have their abuser arrested.

In general, women feel that the CMNA is an important point of reference, considering the protection it can provide them or, indeed, has provided them. Most of them expressed satisfaction with the services they received.

It needs to be pointed out that the procedures involved with security and protection measures are carried out in coordination with other institutions that are part of the justice system, which are called upon to both grant and apply protection measures.

However, not all women were satisfied with the services offered at the CMNA, citing the following reasons:

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<sup>4</sup> The repulse method is used. To be eligible, the men selected must have committed only a summary offence.

- An immediate response was not always provided to users living in situations of violence.
- The CMNA did not give enough information and guidance to assist women in making their own decisions, or in any case, to proceed on their chosen path in the most aware and well-informed manner.
- The service was perceived as not being very friendly. They expect warmer and more personalized treatment, in which the operators are perceived as being “on the woman’s side.”
- Some women felt revictimized, not only by the CMNA, but also by other institutions along the criminal justice route.

Despite these limitations, in general terms, women feel the CMNA plays an important role vis-à-vis the issue of violence, as it is a point of reference for women living in situations of violence. This is due to several reasons: they “know where to go,” men fear arrest, and, finally, the silence has been broken concerning violence against women.

Some women assess the support provided by Ciudad Sandino women’s organizations that work on the violence issue in a positive light. The women frequently go to these organizations because they were referred to them by the CMNA.

## **PREVAILING IDEAS AMONG WOMEN AND INSTITUTIONAL ACTORS**

Despite the existence of legislation that punishes violence against women as a crime, the contents have yet to take root in the collective consciousness. This is because the perspectives that continue to prevail see family unity as a good in and of itself, with women as its guarantors.

In large measure women share this view, as the survey of the female population made clear. This contributes to maintaining them subordinate in their intimate partner relationships. These ideas are reinforced by religious beliefs, economic dependence, and the presence of children.

The same family-values perspective is also present in the institutions involved with the issue of violence towards women. They often interfere with and make it more difficult to find a solution that favours women in situations of abuse. It was verified that recourse to mediation, taken in most cases, in large measure reflects this perspective.

## ACCESS TO JUSTICE

One of the main difficulties as regards violence against women is that, existing laws notwithstanding, access to justice continues to be very limited. Less than 10% of cases even go to trial and of these most end in acquittal. This has to do not only with the CMNA but all institutions involved in the criminal justice route women take once they file a complaint for a crime committed against them.

It must be noted that one of the reasons for this is that, in practice, the various institutions that deal with cases of violence have not taken ownership of the laws and instruments that guide their work in this process. Another is that they have not been able to incorporate the violation of women's human rights as crimes in any consistent fashion. This may be due to the predominance of the family-values perspective, which places women's rights on hold in order to preserve the well-being of the family.

Finally, and despite the fact that the CMNAs have contributed significantly to making visible the problem of violence exercised in the home, their actual contribution as regards the possibility that women may exercise their rights has been rather limited.

### Was Justice Done? What Do Women Understand by Justice?

Most of the women that took part in the study consider that the Ciudad Sandino CMNA facilitates justice for women, since in many cases it helps to stop the violence. However, all too often women continue living in situations of violence and danger, as illustrated by the flowing testimony: "Yes, he's calmed down, but I'm still afraid of him."

What is it, then, that women understand by justice in a situation of violence? For the women interviewed, justice begins when they become active and conscious subjects of their right to a life without violence. They think of it as a process that is being built and in which several actors participate.

Many of the women interviewed are aware that the process of achieving justice begins with themselves, insofar as they continue the process of overcoming their subordination in relation to their intimate partner and acquire an awareness of their rights. Some women have already begun to seek and construct their autonomy.

On the path to justice for women it is very important to involve the community. This is a matter of sensitizing the public; organizing support committees; and creating solidarity networks among women that provide information, accompaniment, and raise awareness.

Former CMNA users could also be involved, as they can use the experience of their own paths to support women in situations of violence.

## **ARTICULATION: THE CHALLENGE FOR ALL INSTITUTIONS**

Taking into account the complexity and dimensions of the problem posed by violence against women, this cannot be an issue 'reserved' exclusively for specialized institutions, such as the CMNAs, which, in any case, cover only a fraction of the country.

All of the institutions present in the territory need to get involved, whether these are government agencies or civil society organizations. Above all, it is indispensable that the police institution intervene, involving all its branches and not only the CMNAs. In particular, police assigned to specific beats should take responsibility, as they are in charge of guaranteeing the population's security in the community and must therefore play a preventive role as the best-known and closest point of reference in the community.

It is a matter of taking up once again the ideas that inspired the creation of the CMNAs in the first place, which were based on a comprehensive approach to violence. This would imply working on prevention, services, and follow-up, as well as on coordinating efforts. It is known that there have been specific examples of coordination in the municipality, as well as some processes of collaboration among different institutions aimed at finding more comprehensive and effective responses to the problem of violence against women. The idea is to lend continuity and relevance to these initiatives, as well as establishing a systematic approach. Above all, it would involve the population more directly.

In addition to concentrating on deepening the knowledge extant on the issue, the research team has tried to interact with the CMNA and other actors in Ciudad Sandino working on the matter throughout the project. The aim was to advance ideas that might improve the current approach, as well as to lay the foundation for a more permanent collaboration.

## **CONCLUSIONS**

There is a generalized consensus that the CMNAs have contributed to making the problem of violence visible, and that they are an important point of reference for women in those places where they have a physical presence. At the same time, however, certain limitations were also noted, one of which being their limited geographic coverage.

As for the type of services provided, the CMNAs were created with the intention of establishing a comprehensive model that would include prevention and direct services, including a process of empowerment of the victim and recovery through the formulation of a life project. However, this proved to be overly ambitious given Nicaraguan reality, whether for objective reasons related to the level of development and actual capacity of the institutions involved, or subjective causes such as the prevailing views in society on this issue.

Despite the legislation currently in force that typifies violence against women as a crime, the contents of the law have yet to take root in the collective consciousness. In practice there still prevail perspectives that see family unity as a good in and of itself, of which women are still the guarantors. In large measure women share this view, which is often reinforced by religious beliefs, economic dependence, and the presence of children.

This same family-values perspective is also present in the institutions involved with the issue of violence towards women. They often interfere with and make it more difficult to find a solution that favours women in situations of abuse. It was verified that recourse to mediation, which occurs in most cases, in large measure reflects this perspective.

It must be noted that one of the reasons for this is that, in practice, the various institutions that deal with cases of violence have not taken ownership of the laws and instruments that guide their work in this process. Another is that they have not been able to incorporate the violation of women's human rights as crimes in any consistent fashion.

In the specific case of the CMNA in Ciudad Sandino, it is perceived as an important reference point for women in the municipality. Nonetheless, in practice, the histories of violence told by the women are long, lasting several years, during which they have repeatedly been subjected to episodes of abuse. Likewise, the path taken until they actually file a complaint is long and contradictory; due mainly to the procedural bottlenecks and other difficulties that cause delays and play a negative role in accessing justice. Many women have been to the CMNA four or five times, having filed as many complaints, without ever seeing a process through, while others simply give up. Ultimately, only a minimum percentage of cases go to trial, about 10%, and the majority end in acquittal.

Furthermore, when women go to the CMNA what they are fundamentally looking for is protection and it is in that context that, for the most part, they file a complaint. On this score, most women express satisfaction and consider the CMNA as a point of reference for women who suffer violence. This is because: women now "know where to go," the possibility of being arrested provokes fear in aggressors, and the silence around violence against women has been broken.

Nevertheless, a number of limitations of the CMNA were also mentioned, such as wanting facilities, reduced staff, and material resources, all of which are insufficient to deal with user demand. In particular, it was pointed out that it does not always provide an immediate response to women living in situations of violence, nor does provide sufficient information and guidance to assist women in making their own decisions. In some cases women felt revictimized and were disappointed they did not receive warmer and more personalized treatment, the kind in which operators and professionals “take the woman’s side.”

Finally, and despite the fact that the CMNAs have contributed significantly to making violence against women visible, their actual contribution to women exercising their rights has been rather limited.

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# Study of the Women's Police Station in Villa El Salvador, Peru

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## INTRODUCTION

One of the main public policies to oppose violence against women, in particular that which is committed in the home, has been the creation of the *Comisaría de la Mujer* (Women's Police Stations, or CM). Over the past 25 years, after intense pressure mainly from the women's and feminist movements, states were finally moved to recognize this problem as a matter of public interest and, in legal terms, a violation of human rights. The creation of the CMs in Peru was the first formal response to the demands made by these movements; they were the first concrete action taken, even before the drafting, passage, and promulgation of national laws intended to protect and prevent violence against women. However, it must be recognized that there persist a number of difficulties and constraints that weaken the effectiveness of the CMs, thus having a direct impact on women living in situations of violence being able to fully exercise their rights.

This chapter is a summary of the main findings of the qualitative research carried out on the CM in Villa El Salvador, a district of metropolitan Lima that was chosen as the research site in Peru. It encompasses 35,546 km<sup>2</sup> and is one of Peru's fastest growing districts. Currently there are some 381,790 inhabitants, equivalent to 5% of the entire population of the province of Lima.<sup>1</sup> The population is completely urban, and has slightly more women (50.4%) than men (49.6%). The average age is 27.4 years; thus is made up largely of young people.

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<sup>1</sup> Data and graph obtained from the Demographic, Social, and Economic Indicators System of the National Statistics Institute (INEI), of the 2007 National Census. Available online at: [www.inei.gob.pe](http://www.inei.gob.pe).

One of the main demands of the women in the district has been and continues to be attention to the problem of domestic and sexual violence. The CM in Villa El Salvador was created on 30 January 2002, as a police station specialized in family violence complaints. The establishment of this facility was the outcome of demands made directly to the central government by local women's organizations and the population at large, due to the high percentages of family and intimate partner violence registered in the district. According to the numbers reported by the Ministry of Women and Social Development (MIMDES), Villa El Salvador is one of the districts with the highest levels of violence against women in metropolitan Lima. In effect, the Emergency Centre for Women (CEM)<sup>2</sup> in Villa El Salvador reports that from the year 2002 to June 2009 it had provided services in 8,488 cases of persons who had been victims of family and/or sexual violence, of which over 90% were women. Of abused women, 21.7% are girls and adolescents between 0 and 17 years of age. Another 74.5% of victims are between 18 and 54 years old.

Currently there are decentralized judicial branch entities in Villa El Salvador, grouped together in what is known as the Basic Justice Module. These facilities allow the population greater access to justice. This Basic Justice Module has four lower criminal courts of first instance, two lower mixed courts of first instance, and an office of the Ministry of Justice, which provides legal assistance free of charge. The Office of the Public Prosecutor also has decentralized units operating in the district, two Mixed Prosecutor's Offices and a recently created Family Law Prosecutor's Office, as well as the Villa El Salvador Medico-Legal Division of the Forensic Medicine Institute. At the CM in Villa El Salvador there is now also a MIMDES Emergency Centre for Women.

The research process took place in three stages. The first was the mapping of the existing CM models. The second stage involved research with women, which involved: a population-based survey of opinions and perceptions carried out with 325 women between 19 and 50 years of age who reside in the district; exit interviews with 36 women on their way out of the CM; and 16 in-depth interviews with women who had used the service, were residents of Villa El Salvador and whose age ranged between 19 and 50 years. The third stage consisted of interviews with CM staff, the police, and other related institutional actors. A total of 26 criminal justice system operators and other professionals were interviewed, of which 11 were members of the National Police of Peru (PNP). In addition, non-participant observation was carried out at the CM facilities for approximately 21 hours over the period of one week.

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<sup>2</sup> The Emergency Centre for Women (CEM) is a specialized and free public service provided by the Ministry of Women and Social Development (MIMDES). It offers social and psychological support, as well as legal advisory services to persons filing complaints or anyone seeking guidance on issues related to family and sexual violence.

Finally, this chapter is the result of an analysis of the instruments applied in the second and third stages of the research. It is organized according to the four hypotheses that formed the basis of the regional study.

## **PERCEPTIONS ON ACCESS TO JUSTICE AND THE EXERCISE OF A LIFE FREE OF VIOLENCE**

Among women there are a number of perceptions regarding access to justice. These do not always coincide with formal and institutional approaches, nor do they necessarily refer to imposing a penalty, or at least not in the terms set forth in the legal and regulatory system.

### **Women's Perceptions Regarding Violence**

In women's imaginaries there tend to be two conflicting perspectives: one addresses rights,<sup>3</sup> the other reflects 'family values.'<sup>4</sup> The former allows women to spontaneously identify basic rights; however, the latter idea of conserving 'family unity' prevails over the concept of the right to a life free of violence. CM users perceive that violence is a very negative matter and obviously the main reason for going to the specialized police station in the first place is to put a halt to it. Contradictions emerge when women's capacities are affected by the persistence of imaginaries that hinder the identification of the consequences of abuse and the paths by which to overcome it. Said constructs also cause women to avoid questioning what is fair in their own lives.

The classic elements used to justify violence continue embedded in women's subjectivity, which prevent them from understanding the problem as a social matter and instead transfer it to the personal-private sphere, are as follows: alcohol, drugs, a problematic childhood, male infidelity, and economic difficulties. These myths go hand-in-hand with stereotypes regarding the role of women as mothers, family caretakers, and wives. Thus,

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<sup>3</sup> According to the report of the population-based survey, titled "Perceptions and Opinions Regarding the CM in Villa El Salvador," 51.7% of those interviewed recognized equal rights as being most important, while 43.7% said that non-violence is a legitimate right. Asked about what "should happen" when women suffer abuse, 77.5% noted that the most appropriate response is to go to file a complaint, followed by marital separation (21.5%).

<sup>4</sup> This perspective places the value of family unity above that of personal rights. It is a viewpoint that tends to keep women in positions of inferior power, naturalizes the social role of homemaker, and, based on this, justifies and seeks to make her submission to violence appear normal.

dealing with violence through the legal system and/or separating from their partner/husband is something they experience as a guilt-inducing transgression that carries implicit many risks.

Regarding women's capacity for action, the research indicates that it may be diminished, deformed, and/or strengthened, depending on the living conditions and the socio-historical structure in which it develops. Among the factors that determine capacity for action are: (a) the prevalence and degree of dangerousness of the violence; (b) the information available and/or attainable; (c) individual reflection on the symbolic and material risks of dealing with the situation; (d) women's impoverishment; and (e) the response of institutional actors.

It is worth noting that women do not remain passive in their thoughts or attitudes. The research has shown that they create a series of strategies by which to deal with the violence and prevent it from affecting their lives even further. One of the main actions is to fight back, while simultaneously acting based on practical thinking that helps them take precautions, be it to protect their bodies from visible indications of violence that may be damaging to their daily lives, or to gather evidence of the attack(s) in order to use it as proof. As concerns their imaginaries, it has been detected that some of their ideas allow them to place the violence on the relational/cultural plane, recognizing that sexist behaviour persists, as do unequal relations between intimate partners. Women are able to identify their problem in a complex context, alluding to the continued existence of multiple situations of vulnerability to which they are exposed and that diminish their opportunities to leave the situation, such as their socioeconomic condition and social status. This can be considered a step forward as concerns reaching an understanding of the complexity of the problem. It contributes to avoiding the stigmatization of women as victims and constitutes evidence that persons in situations of violence also have a agency that must be strengthened by channelling it towards an empowerment of their rights (awareness thereof) and, ultimately, the exercise of their citizenship.

On the other hand, it has been found that by the time women decide to accede to the formal justice system, they have already been through a long period of violence. In general, the decision is motivated by the awareness that the attacks are undermining the integrity of their close affective relations (usually their children). Thus taking ownership of their citizenship is not always directed exclusively towards themselves, but may involve others as well.

Ideas about "the collective" are not a constant among users. The demand for justice is put forth as a personal wish and/or requirement. In other words, they do not position themselves as women citizens who form part of a socio-legal structure that is supposed to protect them, regardless of their will.

In general terms, the women's subjective frame of reference is affected by a mixed perspective that is ultimately contradictory, as traditional values that stereotype women and keep them subordinate converge with elements that vindicate the right to a life free of violence and lead to some degree of reflection on the causes that give rise to it.

### **Perceptions of Violence among CM Operators and other Institutional Actors**

Most CM operators, as well as actors of other entities, reject violence and would like to be able to do more than what the institutional structure permits. As concerns their views on violence against women, there are some aspects that coincide with those of the women, as well as others that diverge. For one, some of these actors repeat the justifying myths and factors mentioned earlier, but add other, recurrent arguments based on "women's sexist behaviour" and their "low self-esteem." These form part of an exculpatory discourse that ultimately favours the power structure that supports these practices. The permanence of these imaginaries is extremely dangerous and does not contribute to improving the relationship between authorities and users, as elements of discrimination persist that hinder the fair treatment of survivors of violence.

As is the case among the women, it is still difficult for the CM operators to interpret situations of violence as a collective matter. This leads to their idea of rights as merit-based and not inherent to the human condition. Along these lines, the problem of violence as well as the call for justice is not perceived as a demand made by a social subject, but as a private request. This weakens the symbolic representation of women as citizens. When users retreat, or do not advance with the determination expected of them by the authorities, operators stigmatize them as a form of punishment.

The point of divergence from women's perceptions lies mainly with this difficulty. While women recognize violence as something harmful to their lives and that they have the right to a life in harmony regardless of their daily practice, the actors in the judicial system and, above all, some CM operators, focus on women's practices and fail to understand why, despite the dangerousness of the violence, users do not enter and then follow the judicial process in a linear and uninterrupted manner.

This reflects the fact that their way of thinking is also influenced by various perspectives, some of which are contradictory. Thus there are, on the one hand, clear biases based on the family-values perspective. However, on the other hand, the authorities reject violence through the articulation of a discourse about rights, albeit constrained by the former ideas and the barriers imposed by the legal and regulatory framework within which they must work. Indeed, it must be pointed out that there are operators able to identify

certain concepts related to power inequalities and articulate a discourse that – though not very clear – constitutes a step, however timid, towards the feminist view on the matter. Their acceptance of these ideas may be very useful when advocating for violence against women to be dealt with in a broader gender justice framework. Nevertheless, the persistence of the family-values perspective and a rigid legal and regulatory framework strongly constrain this process.

That said, it should be recognized that most CM operators make an effort to try and understand the problem, so it cannot be said they are indifferent. To the contrary, many react with indignation to the serious situations of aggression they must deal with on a daily basis, and the unfairness that subsists in the system, although again, this is not always evident in practice. While they perceive some important elements of violence, such as power and the cultural aspects of relationships, the lens through which they perceive reality is moulded by a strong family-values perspective and limited by the formal legal/institutional perspective of their role. This undoubtedly weakens their reflections about rights. But their viewpoints are narrowed even further by the professional and institutional training they receive, which they themselves recognize is hierarchical/patriarchal and ultimately determines their behaviour.

It is important to note that the research identified mixed viewpoints in the actors' imaginaries. This constitutes a challenge for public policy, as it opens two pathways to knowledge. The first is to acknowledge that the persistent struggle of the women's movement to make violence visible has left an indelible mark and is manifest today not only in laws, but also in generally accepted ideas about rights. These must be nourished and redirected so they can be internalized more strongly through social interaction. The second pathway evidences the prevailing and worrisome weaknesses that still abound. In other words, while progress has clearly been made, persistent patterns of discrimination renew the gender mandates that hinder the eradication of the patriarchy and favour their survival as a silent overseer that interferes with women's citizenship.

### **Women's Perceptions of Justice and Citizenship**

What is or not just or fair is also organized by a logic of power in which gender is a category of meaning. Women's citizenship exists in a state of constant contradiction. On the one hand, there are a set of laws and policies geared towards achieving equality. On the other, the state's overall response to the specificity of gender-based violence is ambiguous and disarticulated; it cannot grant clarity to or harmonize with the ideals of justice held by the sector of the population affected by this problem.

Replies to questions concerning the quality of services offered at the CM showed women were clearly divided on the issue. Forty percent (40%) of users were not satisfied with the services received, with 23% of women feeling “they didn’t do anything,” since the steps they took in the CM had no positive repercussions on their lives and the sense of impunity has remained. But not all experiences were negative. Another 23% of women said they thought the services they received were “good,” 11% felt neither pleased nor displeased with the services, while 9% stated that they were treated adequately, although their visit did not put a halt to the violence. Only 6% stated that their complaint had been sent to the Office of the Public Prosecutor, which means that the rest of the judicial process has begun and is underway. Thus for a high percentage of users the visit may not have had the impact they expected, but still these women felt they had finally found a source of institutional support.

Users’ ideas concerning justice are located on an ethical plane. This means that the women who go to the CM expect effective assistance, faced as they are with something they consider morally unjust. However, this effectiveness does not necessarily centre around filing a formal complaint and subsequently following the judicial process. What women want is to put a halt to the violence, or at the very least to be recognized as subjects of rights. In this sense, the very existence of a CM is perceived as a vindication. It is also a fact that women expect concrete action to be taken, in such a way that the aggressor comes to recognize that his violent practices are subject to legal and moral sanctions.

A full 96.9% of the women surveyed think that men who beat their wives/partners should be punished according to the law. However, their wishes for punishment are not congruent with the legal reality. The 27.6% of women who tend to relativize the violence begin to relativize the sanction as well, and say that the severity of the punishment should hold some correlation to the harm caused. Seen from that perspective, what women want to see punished is not the violence per se as a dramatic act of power, but the visible physical injury inflicted.

In effect, it was found that women often intended only that the abuser be intimidated by someone in authority, and perceived the measures as a symbolic way to induce their partner to recognize them as subjects of protection and rights. They also want their partner to be arrested and/or jailed, but only temporarily, just enough to make him understand that what he is doing is wrong. This is because the women create the fantasy that in this way the man can change. Those who have decided to stop cohabiting expect the abuser to be removed from the home as a symbolic way of exiling him from his space of power. Finally, some women indicated that the judicial process should be oriented towards and conclude with their abuser effectively making child support payments. This



is accepted as a sanction that vindicates them as persons with rights and the capacity to demand compliance with the rights of their children.

The assertion that “delayed justice is no justice at all” can certainly be applied to what actually happens at the CM. It was noted that the *modus operandi* that has taken hold fails to comply with the principle of simplified, expedited, and impartial access to formal justice. Users’ narratives clearly reflect the obstacles, not only cultural, but also institutional, that women must overcome in order to gain access to justice. Indeed, women often come to feel that there is no such thing as justice, that it does not exist for them. This is so not only due to the separation between their expectations concerning penalties and the concrete reality, but above all because they see no hope of being able to achieve any type of punishment for the abuser, not even in the formal/legal sense.

The time taken up by bureaucratic procedures, the lack of adequate conditions for dealing with these, the revictimization through which women must pass, and the lack of credibility of official discourse lead some women to dismiss the authorities as vehicles for accessing justice. However, there are users who, despite the many frustrations, continue to see going to an institution as providing the possibility of justice. The CM, therefore, is represented as one of the few specific mechanisms that can respond to violence.

Women, then, see justice as the assertion of a claim to a right. Failing to access it negatively affects their sense of empowerment, weakens their awareness of “the right to have rights,” and thus hampers the process of “modifying their subjectivity as citizens.”

### **The Authorities and Justice**

For their part, authorities of the various institutions, including the CM, point to difficulties related mainly to the lack of adequate financial resources and the absence of an effective legal sanction, both factors that limit their intervention. The actors themselves feel they are prey to the system and its ineffectiveness.

A major factor that decouples the existing institutional framework for accessing justice from the real possibility of stopping violence is the persistence of impunity or the failure to impose a penalty generated by the logic of the system. This sends a message of permissiveness to abusers, while constantly and consistently reaffirming their power, not only over women but even over the authorities.

To the latter, fairness means users see to it that in their individual cases “justice is served,” and to this end they must go through the formal system, starting with filing a complaint.

Although operators recognize that in many cases the inefficacy of the procedures obstructs users from gaining access to effective services, they believe the women should insist on seeing the process through. In other words, operators of the institutions studied accept that women have a right to a life free of violence, but they stress that this is something they must negotiate, achieve, and preserve on their own.

Further, the authorities point out that the relationship between access to justice and violence against women is very complex; therefore, it cannot be considered only at the level of CM actions. They note that the CMs do not resolve cases, and are merely an institutional means with specific functions, a point of entry to the system that does not bear responsibility for ensuring that justice is served.

The vision of these actors is thus more institutional, since they remove the issue of justice from the plane of morality and place it on the legal-structural one. From this perspective it is not possible to establish an adequate vision of gender justice because: any reflection concerning the difficulties faced by women is suppressed; the understanding of what justice means for them is constrained; and the criterion of institutional and individual accountability, a key pillar of gender justice, ceases to be operational. This perspective gets translated into the violence-related services provided, such that the problem is not connected to reality, nor are the social forces that generate violence taken into account. As a consequence, the rights-based approach is not fully embedded in the logic of institutional actors, much less in the structure that organizes their actions, although said structure does exist and must in fact be strengthened.

Based on what has been analyzed thus far, under the prevailing conceptions and norms of power the CMs may be slowly contributing to stopping violence, although it is not a real or definitive vehicle by which to do so. Thus this institution needs to be propelled into transformation. The reasons for their ineffectualness lie in both the absence of a clear and homogenous horizon that might exert a positive influence on the subjective understandings and actions of individuals, as well as the limitations of the legal framework that pidgeonhole their actions.

Women's citizenship appears to be built using the pillars of gendered power, which are themselves based on rigid normative and family-values perspectives that constrain the space for reflection and, ultimately, the transformation of users' and authorities' subjectivities. In order to overcome these, the elements of domination described in this text need to be analyzed and transformed by strengthening the few ideas that emerge from a rights-based or feminist perspective. Along the same lines, the presence of a mixed dynamic on the subjective horizon is a strength to be harnessed for the purpose of generating an inhabitable social space for women survivors of violence, where the right to demand justice is not alien but rather inherent in each person. This implies building a

space in which gender inequalities do not appear to be an individual creation, but rather a social construct that challenges the idea of authorship.<sup>5</sup> This must be eradicated in order to give way to a community in which the experience of citizenship is based on mutual recognition, without being mediated by privilege awarded based on differential human status.

## THE PATHS TAKEN BY WOMEN TO CONFRONT VIOLENCE

The paths taken by women when faced with violence are dissimilar; most are linked to the opportunities and options available to them. However, it is their awareness of being citizens and subjects of rights that determines which of the alternatives will be used to leave the situation of violence and/or gain access to justice. Among these are social support networks, the women's police station (CM), and other institutions.

### Women's Diverse Paths

Many of the women begin their path by seeking help on a personal level; they turn to close social networks. After that, they visit an institution in search of orientation and/or protection. In general, women go to a state institution – in particular a CM – on the advice or suggestion of family, neighbours, and/or women in grassroots organisations.

*Request for Support from Individuals and Organizations.* A significant majority of the women surveyed pointed out that if they were subject to domestic violence, they would most likely appeal to their family for support. Among family members, most would turn to their mother. However, the search for support from relatives is not always successful. To the contrary, some women described how they were criticized by their relatives, who far from expressing solidarity with their situation of violence, ended up blaming them for what happened or casting doubt on their version of events.

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<sup>5</sup> "... one does not 'do' one's gender alone. One is always 'doing' with or for another, even if the other is only imaginary. What I call my 'own' gender appears perhaps at times as something that I author or, indeed, own. But the terms that make up one's own gender are, from the start, outside oneself, beyond oneself in a society that has no single author (and that radically contests the notion of authorship itself)." (Butler, 2004: 13-14).

Another fundamental step taken by the women interviewed was their visit to a women's organization, particularly for some, their conversations with the Villa El Salvador Legal Advisors and/or the Federation of Women of Villa El Salvador (FEPOMUVES). In these places women are advised concerning their rights and the process they must follow. It is important to point out that in addition to the information provided by the advisors, the women also felt they had the support of professionals who, by listening to them with empathy and expressing concern for their problems, made them feel they were not alone and could count on their support during the process.

*Request for Help from State Institutions.* In some cases, the women had already taken steps prior to filing a complaint at the CM. However, most of the time it was once they had gone to the CM or filed a complaint that they learned about other services available and additional possibilities for accessing justice.

Several of the women interviewed, particularly those over 40 years of age, expressed that they had previous experiences filing a complaint with the regular police station or, as they call it, the men's police station. All but one of them alluded to these experiences as being very negative. They made reference to being doubted and not listened to, and also pointed out that their cases were not given the importance they deserved. One even said she had to pay a policeman to receive her complaint.

In the particular case of the Villa El Salvador CM, having the Emergency Centre for Women (CEM) located in the same building facilitates greater access to information about the services available at that facility for women who have filed a complaint, and enables them to incorporate them along their course. Many of the women indicated they spoke to the CEM psychologist, either because they were referred to her by the CM investigator, or they found out about the service while waiting their turn outside the investigators' office. Notwithstanding, as shall be explored later on, whether or not they continued using said services depended on several factors, among them being: the quality of service, the amount of time the women had available, and their economic situation.

### **Conditions that Lead Women in Situations of Violence to File Complaints at the CM**

*The Situation of Violence Itself.* The violent event or trigger that motivates women to seek help varies according to how each one of them assesses the seriousness and implications of the attacks against them. The trigger that initially led women to approach the CM or file their first complaint was directly related to the intensity, dangerousness, and repetitiveness of the physical violence that their partners or former partners exercised against them, especially when these were preceded by acts of sexual violence.

Several police operators charged with receiving complaints and carrying out investigations pointed out that women do not usually go to the CM immediately after the aggression occurs, but a few days later and for the purpose of filing a complaint for repeated attacks.

Sexual violence also led to an extreme situation in which some women made the decision to go to the CM. In all cases, these were women who were already separated from their partners. This situation is perceived by them as unacceptable, since insofar as the men are no longer their formal partner – indeed, in some cases they were no longer living in the house – there is no justification for this type of aggression.

*Their Personal and Family Context.* It was found that support from persons close to their immediate environment, and in some cases, social organizations, are important elements that encouraged women to file a complaint. Following the advice given by these other women, who strengthened their resolve by motivating them and offering guidance regarding the process, many get back their sense of confidence and security that they had lost as a result of years of abuse and impunity.

*Their Economic Situation.* Most women interviewed did not mention that economic difficulties, such as the non-payment of child support, motivated them to visit the CM; yet many did indicate that, through filing complaints and endeavouring to rid their lives of violence, they were able to learn more about their rights and begin legal proceedings to force their partners to meet their obligations. It is evident that access to specialized information contributes to these women strengthening and empowering themselves, and to them learning the possibilities for action open to them in a situation in which their rights are infringed upon, even though the services available may be scarce and their quality questionable and often poor.

*What Prompts Women to Decide on a Course of Action.* In the case of the CM, choosing this option is related to many factors, such as its accessibility, knowledge of its existence, and a positive perception that this is a place that provides services geared specifically towards women. For some of the women interviewed, the decision to go to the CM was related to knowing that the services were provided by women.

## **Women's Expectations of the CMs and other Entities**

Despite having taken the decision to go to a CM, many women still find themselves in a situation of uncertainty because they do not know exactly what may happen to their abusers, their relationship, or their family. In fact, many are afraid that filing a complaint may be detrimental to their partners, and these might later exercise more violence against

them in retaliation. Furthermore, filing a complaint against an intimate partner is often accompanied by a feeling of guilt, since for these women to step outside the private sphere and expose their situation of violence also means to undermine and possibly break up the family's unity.

*Warnings, Reprimands, and Penalties.* Among the main expectations articulated by women when they first decide to go to the CM as part of their paths to gain access to justice was that the National Police of Peru (PNP) teach their aggressors a lesson, either by warning them or locking them up for a short period. From the women's perspective and their perceptions of access to justice, the police is perceived as an authority with the faculty and the power to stop their partners from assaulting them again. In other words, the police can put a halt to the violence, although this does not necessarily mean or imply that the women wish a legal penalty to be imposed on their abusers, or even to end the relationship.

Yet from the CM operators' perspective, women's expectations take the form of petitions and demands that go from persuading their partners to not attack them again to punishing them as a mechanism of intimidation.

*Other Related Responses: Emotional Support and Guidance.* In addition, the expectations mentioned by the women are also geared towards the way in which they want to be treated. More specifically, they consist of their wishes to: feel supported on an emotional level; receive advice and guidance that will contribute to making them feel secure and reaffirm that they are subjects of rights; and, as such, have the right to gain access to justice in search for a solution to the problem of violence.

### **Perceptions Regarding Access to Justice on the Paths Chosen by Women**

The research has shown that women also make parallel and/or alternative use of the few counselling and other services that exist in the district, such as the legal and/or psychological services offered by the Women's Emergency Centre (CEM) set up by the Ministry of Women and Social Development (MIMDES) or the Free Legal Clinic provided by the Ministry of Justice. However, they also take alternative courses of action in their search to break free from the violence.

*Self-Defence: A Way of Taking Justice into Their Own Hands?* For many women, filing a complaint at the CM and the subsequent judicial process do not necessarily imply guaranteed access to justice, if by this is meant an end to the violence and/or punishment of the abuser. This situation, as well as the ongoing aggression and the impossibility

of resolving the conflict by formal means, makes it so that women may opt to defend themselves from the abuse.

Given the ineffectiveness or absence of the state when it comes to protecting abused women, self-defence forms part of the strategies used to free themselves of violence, as described in the first section. In some cases this indicates the point at which these women start to defy the power exercised over them by their partners, thereby challenging their oppression and abuse. This allows them to reflect upon and question the traditional power structures existing within the family.

*Where their paths end with respect to the processes of accessing justice and eliminating violence.* An important step women take along the way is to leave the marital home. There are special situations in which women themselves recognize that the decision to definitively separate from their partners/husbands is part of the road to ending the violence. In general, this decision is made if, through a long process of strengthening themselves and changing their family-values views, they empower themselves and come to see themselves as autonomous subjects of rights who are capable of leading an independent life by their own volition. Likewise, economic independence and feeling supported by the members of their social network constitute determining factors for change.

### **Factors that Facilitate or Hamper the Paths Taken by Women in Situations of Violence**

According to the women interviewed, there are several factors that influence the course they take to stop the aggression. Many involve obstacles, while others, in turn, facilitate their paths to gaining access to justice.

*Socio-Economic and Other Structural Aspects.* Women pointed out that one of the recurring factors that hinders their efforts is economic in nature. While filing a complaint and the other procedures related to a family violence case are free of charge, the very fact that the women must get around to different places involves expenses that are not easily affordable; therefore, this constrains their access to justice. Another factor that constitutes an obstacle in women's search for justice is the excessive amount of time they have to dedicate to carrying out the procedures.

*Institutional and Personal Factors.* Difficulties have also been identified with how services are delivered in practice, particularly in the CM. One of the women interviewed pointed out that the first time she went to the CM they refused to serve her, since, as they explained it to her, she lived in a different jurisdiction and should go elsewhere. This was despite the

fact that she lived in the Villa El Salvador district. This obstacle was also noted during the observation process, when a woman who wanted to file a complaint for abuse was turned away based on the same argument. Also, a user indicated that the first time she went to the CM they refused to receive her complaint because she was not carrying her ID card.

In addition, the scarce and deficient information provided regarding public and private services available to women living in situations of abuse also constitutes an important barrier to accessing said services in the course of their efforts to seek justice.

Among the factors that have a positive influence on the paths women take are those related to quality of service. One in particular is the transfer of information. Another very important factor is being treated well by CM operators and other service providers.

Much as inadequate treatment may discourage women, offering precise information may mean that women return and use the services as a tool to overcome their situation of violence. This is especially the case when the person serving them shows empathy and conveys a sense of security.

In brief, despite the various factors that hamper the roads women travel in search of justice — as well as the often unmet expectations and contradictory understandings of what they understand by justice — for many women, all the actions and different paths taken add up to a process of capacity-strengthening and empowerment. Through it they acquire more knowledge and information about their rights and the possibility of demanding compliance with the law, while they continue to feel more sure of themselves and become more conscious that they are subjects of rights and citizens.

## **RESPONSES PROVIDED BY THE CM AND OTHER ACTORS**

The efficacy and pertinence of the responses offered by the CM, as well as other actors involved in the route to gain access to justice, generate an impact in terms of women's expectations for ending violence in their lives. This section identifies how and to what degree these responses and the perspectives implicit in them have contributed to or hindered an effective access to justice.

### **How the Perspectives Influence the Different Actors' Responses**

*Quality of Services.* The opinions expressed in the in-depth interviews concerning the quality of service provided by CM operators were decidedly mixed. The vast majority



of women concurred in finding the treatment they received to be indifferent to their situation. This ran counter to the high expectations they had that the people serving them would help them feel supported, understood, and that the problem of violence mattered to them. This indifference was likely experienced as abandonment, in view of how anxious the women were to receive a response with a human touch.

However, there was also testimony that services were provided in a warm and empathetic manner, to the point that a few users became friendly with CM operators. Yet their statements sometimes also revealed that the police take on a paternalistic and/or custodial role when dealing with users. In some cases this may be part of a strategy to calm them down, while in others they may treat them as they perceive them – like children.

When asked whether there was a difference between being served by a woman or a man, the response was also mixed; however, most women agreed they prefer to deal with a policewoman than a policeman. Among the several reasons given was that they feel comfortable speaking to female CM operators, who they consider will better understand what they are going through and feeling.<sup>6</sup>

As concerns waiting times, the findings from the observation showed that it is very relative, depending on the number of users present and staff members working at any point in time. All users are served, but often they must return later that day or another day, sometimes for lack of time (the staff is busy), or because the operator assigned to their case is not on duty that day.<sup>7</sup> However, it is also common to hear that some women withdraw from the process because it takes so long to be seen. This uneasiness is also notable among users of the CEM, since many women would go to inquire about their case from the lawyer, and find she was not in.

It was proven based on observation that there are serious problems regarding confidentiality and privacy: users are obliged to discuss their problems in an inadequate setting. This is easily observable in the waiting room and the investigators' office, where complaints are filed and procedures are carried out for various cases at the same time. Therefore, what happens most often is that women do not tell their stories in private.

*Access and Coverage.* A number of limitations concerning access to and coverage of services were identified based on users' and CM operators' testimonies. These reduce the range of actions women can take to find justice and fully exercise their citizenship. These restrictions are directly related to the perceptions the police have concerning what

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<sup>6</sup> While both women and men work in the Peruvian CMs, only policewomen receive complaints and carry out investigations.

<sup>7</sup> Police investigators in the CM work 24-hour shifts, then are off duty for another 24 hours.

constitutes violence and its implications. Basically, they reflect the real possibility and opportunity the women have to file a complaint at the CM.

Many of the women interviewed stated that it was not the first time they had gone to the CM. The first time they were not able to file a complaint, in some cases because the operators doubted them, while in others the operators' tutelary, repressive, and questioning attitudes intimidated and discouraged the women from continuing the procedures.

Upon being told what had been related by the women, CM operators stated that women often come in to file a complaint, but then give up and do not continue the process. For this reason, before registering a complaint, they want to make sure that the women intend to follow through with it. They consider that both the CM and the Family Law Prosecutor's Office incur costs in terms of economic and human resources, as well as the amount of time invested, whenever women decide to drop the complaint or a process is stopped half way through the investigation. This justification is related to the rigid legal/institutional perspective that permeates their perceptions regarding what constitutes a fair approach to dealing with family violence. These attitudes may serve to cover up or reproduce discriminatory and stereotypical practices used in cases of intimate partner violence, the purpose of which is to make women responsible for their actions.

Further, other limitations have been found regarding accessibility and opportunities to file complaints or communicate with CM operators. For instance, some women were not served because they arrived at a time that did not coincide with the shift of the policewoman assigned to their case.

*Information Provided to Women in Situations of Violence.* The substance of the information given to women who go to the CM or other services varies greatly. In some cases it reveals a very traditional, family-values perspective that calls these women into question and justifies any violent action their partner might have exercised against them. This type of discourse generates a deeply-rooted sense of defencelessness in women and assigns responsibility to them for the violence. In other cases, the information reflects traditional ideas about the sphere in which the problem should be addressed, such that violence is turned into a private matter to be resolved by the couple at home. This not only places women in a situation of defencelessness, but positions them as second- or third-class citizens, making it impossible for them to exercise their right to access to justice.

However, there are also discourses that vindicate their rights, their womanhood, and their capacity to deal with the situation. This information serves to increase the women's self-esteem and strengthen their agency in order to defend themselves.

Most women expressed that they were not given information about their rights, especially their specific rights as women or the process they should follow. However, opinions were not uniform, as some women said they were indeed informed about the procedures and the steps to be taken. It is important to note that this deficiency in the information passed on to the women may reflect a lack of specialized knowledge on the part of the CM staff.

The quality of the information and responses provided vary widely, depending on which person is providing the service. It was observed that the quality of service was determined more by the level of understanding about the issue of violence of each individual CM or other operator or professional, rather than the institutionalized practices as such. It is quite clear that respectful, warm, and empathetic treatment have a great impact on users, even surpassing their expectations concerning the CM's intervention.

In general terms, the viewpoints implicit in the print information provided on posters displayed at the CM are focused on the family environment, with little or no information about women as independent subjects of rights. In both the images and the text children's rights are quite explicit, but not those of women.

*Multidisciplinary Services for Women in Situations of Violence.* There are multiple responses provided to women living in situations of violence. In the case of the Villa El Salvador CM, there is also an Emergency Centre for Women (CEM) on the premises. It offers multidisciplinary services designed as a comprehensive response, carrying out prevention activities and providing direct services to victims of violence. The latter include psychological and legal counselling, as well as social services.

These services and the comprehensive support system that accompany women and strengthen their capacities as they go along their paths are very important, and not only for the users. The CM operators themselves, as well as other operators and professionals, recognize their own limitations and the need for multidisciplinary support. If they are treated well, the women will continue to use the services available, otherwise it may hinder them from returning so as to avoid being criticized about their life choices or simply for being themselves.

Some women expressed that the criticisms leveled at them by some of the operators and professionals were not limited to the violence itself, but also cast doubt on their capacity and autonomy to make their own life choices. This reconfirms that some of the actors involved have a very limited view of the problem.

## **The Gap Between These Responses and the Expectations of Women Living in Situations of Violence**

Women's expectations regarding CM interventions are varied, ranging from: ending the violence, reprimanding or warning the aggressor, providing follow-up to their cases by means of home visits, and the way in which they would like to be treated. In some cases, their expectations cannot be met because they do not comply with the CM's legal and regulatory framework, thus, they exceed the real possibilities for intervention by CM operators. In other cases, the operators' performance may not comply with the due diligence standard.

*Unmet Expectations and Frustration on the Part of Operators.* Among the expectations described by women who go to the CM to request support, many mention that what they expect is for the police to show greater interest in helping to solve their problem. Therefore, they ask that CM operators make home visits so as to check whether the events took place and carry out the pertinent investigation.

For their part, the CM staff also expressed their frustration due to the gap between what women request and what they are allowed to do in the exercise of their functions. Upon reviewing their declarations, it was noted that several CM policewomen perceive themselves almost as mere administrators who transmit complaints, while attributing all capacity for action and intervention to the Family Law Prosecutor and the judiciary. In other words, they see their role as secondary and delegate responsibility for access to justice to officials in the judicial branch and the Office of the Public Prosecutor.

*Proposals for Change Made by Operators.* Given the impossibility of acting according to what most women demand, some operators propose radical changes to the law, which would enable them to expand their field of intervention and allow for a more active participation of the National Police of Peru (PNP) in the process.

## **Coordination Between the CM and Other Actors that Intervene along the Path of Access to Justice for Women in Situations of Violence**

The efficacy of institutional responses, both on the part of the women's police station (CM) and other actors that intervene along the path of access to justice, will depend in large measure on the variety of services offered, resources available, and, in particular, the institutions' capacity to articulate and coordinate with one another so as to complement each others' sphere of action.

*Interinstitutional Coordination.* The actors interviewed pointed out that interinstitutional coordination is vitally important for addressing the problem. It is critical that all pertinent institutions participate on a permanent and active basis, as well as ensure the continuity of their representative, in order to ensure that joint actions will be effective. Indeed, some even suggested that coordination among the organizations involved in the prevention, service delivery, and eradication of violence against women should be led by a single institution. From this it may be surmised that, in practice, multisectoral coordination in the district is weak and there needs to be an entity charged with supervising each institution's compliance with its mandate.

*Presence of Specialized and/or Multidisciplinary Services.* When asked about the need for specialized and/or multidisciplinary services in the district of Villa El Salvador, the actors interviewed agreed that these are fundamental in order to provide timely assistance to women in situations of violence, adding that these comprehensive services must be provided in a coordinated manner if they are to be truly effective. Unfortunately, however, many of those interviewed also noted that there are serious deficiencies regarding coordination with the CM, as each institution works on their own, independently from the others.

*Institutional, Administrative, and Financial Factors:* The actors interviewed were also asked what institutional resources or elements they consider necessary for their organizations to perform well, and likewise for the CM. Several of them stated that the main weakness of the CM is its limited staff, as in practice there is simply not enough supply to cover the demand in terms of those cases of violence that are reported, let alone all those that require attention in the district.

Another of the main deficiencies identified is the insufficient budget allocated to the CMs. As pointed out in the mapping study of the Peruvian CMs (Macassi and Yáñez, 2008), the Family Division of the National Police of Peru (PNP-DIVIFAM) has the seven CMs in Lima under its direction, including the one in Villa El Salvador. As a specialized and systemic body of the Seventh Territorial Directorate (VII DIRTEPOL) in Lima, DIVIFAM is charged with planning, organizing, supervising, and implementing activities geared towards the protection, promotion, prevention, and investigation of family violence. It is also responsible for providing protection for and investigating events involving children and adolescents in situations of abuse or whose freedom and personal integrity are at risk. It is important to highlight that, faced with budget constraints, the current administration of DIVIFAM is making every possible effort to train its staff by making use of strategic interinstitutional alliances in order to carry out activities it could not otherwise afford.

The need to provide multidisciplinary and comprehensive services constitutes one of the main demands and requirements of women in situations of violence, not only because they feel that the CM's intervention alone is insufficient to ensure justice is served. In general terms, they also become aware that the process of gaining access to justice can be complicated and they need to be able to draw on more resources so as to strengthen them in their decision making and encourage them to continue moving forward along their path.

### **THE CMS' IMPACT ON THE LIVES OF WOMEN IN SITUATIONS OF VIOLENCE AND THEIR ACCESS TO JUSTICE**

The CMs continue to be an important mechanism for overcoming family violence, which mainly affects women. However, the changes made to the institution's name and functions resulted in it losing the force it could have had to contribute to transforming and democratizing the public sphere. Nevertheless, it is a significant achievement and the opportunity must not be missed to overcome its weaknesses and change its legal/institutional framework so that it meets international standards for guaranteeing women's rights.

There are two clear realities regarding this specialized institution. The first is that its very existence is a milestone in public policy related to family violence. The second is that, while it is a vehicle by means of which women may gain access to formal justice, it is incapable of establishing itself as an effective means by which to put a stop to violence because of contradictions in the way it operates and the cultural stereotypes that continue to be reproduced through the various institutional elements studied.

Still, the positive impact achieved cannot be ignored; it must be considered a significant gain and greater advantage of it should be taken. Any negative outcomes or difficulties need to be carefully considered and overcome.

#### **Impact of the CM on the Villa El Salvador Community**

The mere presence of a CM constitutes both a symbolic gain in the public eye and a step forward in the institutionalization of women's rights as public policy. This is so much so that since the establishment of the first CM (Lima 1988), the demand for them has grown.

However, twenty years hence it has not been possible to decentralize this service model from the main urban centres.<sup>8</sup>

According to the population-based survey, 84.6% of women say they have heard of the CM in Villa El Salvador, while 64.9% state that if they were victims of aggression perpetrated by their partner/husband, they would go to the CM to file a complaint. This confirms that the presence of a specialized police station has not gone unnoticed by the women of the district. And while this figure indicates that the women do not reject it, a significant minority (29.2%) say they would not use its services.

The fact that at the local level a high percentage of women accept the CM's presence in the community is a very positive finding: it points to the potential for transformation that this institution may represent. However, it should also be pointed out that according to the regional survey report (Jubb et al., 2010),<sup>9</sup> compared to the other countries in which the study took place, far less women in Villa El Salvador expressed their intention to use the CM.<sup>10</sup> The reasons for this can be attributed to Peruvian social and institutional reality in general, more than the functioning of the Villa El Salvador CM in particular.

While women are aware that the CM exists, they are not clear about how it operates. Thus, 37.8% of women surveyed do not know how this Villa El Salvador entity functions; only 33.5% could say correctly that it is a place that receives and investigates complaints; and the remainder gave a variety of answers related to counselling, information/guidance, and psychological services (Yáñez and Macassi, 2009: 24). The lack of detailed knowledge about the CM correlates with women's socioeconomic status, with women at the lower end of the scale facing greater difficulties to access information. According to those surveyed, most knew the CM existed because they walked past it, learned about it in the local media (unofficial programming), or heard about it from speaking to people in their social surroundings (neighbours, friends, relatives).<sup>11</sup> These channels do not necessarily transmit neutral or unbiased information, which may create prejudice that condition users' actions and/or lead to them getting discouraged early on in the process. Only 1.8% had heard of the CM through a state institution. This information reveals two problems:

<sup>8</sup> Thirty-five percent of all CMs are located in metropolitan Lima. "The CMs are concentrated in the coastal area, and to a lesser degree in the Andean region. There is only one CM in the Amazon region (in Satipo)" (Macassi and Yáñez, 2008: 38).

<sup>9</sup> This paper was written after the project coordinator and the regional research team did a comparative analysis of the national survey reports.

<sup>10</sup> The regional survey report of adult women points out that in general women would go to a CM if they found themselves in a situation of abuse. However, this option was selected much less in Villa El Salvador (46.2%) in comparison to the other research sites: Belo Horizonte, Brazil (80.1%); Cuenca, Ecuador (75.6%); and Ciudad Sandino, Nicaragua (88.3%) (Jubb et al., 2010).

<sup>11</sup> Most women of lower socio-economic status learned about the CM through the media (33.9%), more than any other source. Those who had heard about the CM through a neighbour were 15.8% of women of middle socio-economic status and 32.2% of those of the lower status. Those whose source of information was a friend represented 19.7% of middle socio-economic status and 20.3% of the lower one. Finally, those who found out about the CM by walking past the building were 5.3% of the middle socio-economic status and 10.2% of the marginal one (Yáñez and Macassi, 2009).

(1) the CM has little capacity to publicize its work, a difficulty related to the aforementioned budgetary restrictions; and (2) the state is not complying with its obligation of ensuring widespread knowledge about these services designed for the public's benefit.

As for Peruvian institutional reality, there is a serious problem regarding public confidence in state institutions. According to the latest national survey, the population perceives a large number of problems in the country, with corruption at the top of the list (27.2%). For women, this lack of trust has a direct impact on the range of possibilities available and the roads they decide to take.

The population-based survey found that women had heard of the different state institutions, with the best known being the CM, followed by the Family Law Division of the Public Prosecutor, the Criminal Law Division of the Public Prosecutor, and others. However, as mentioned previously, women usually seek out informal channels first, which delays their access to the formal justice system.

Nevertheless, it needs to be highlighted that despite its weaknesses, at the national level the CM is an immediate reference point. It is women's first choice, regardless of whether they seek support or decide to file a complaint. When women decide to bring the problem out into the public sphere, most think immediately of going to a women's police station. Thus it may be inferred from the outset that the CM has a positive effect on women who suffer violence, insofar as they recognize that it provides one possibility for exercising their rights. This signifies a first symbolic level of recognition and generates a foundation from which the women can begin a process in reaction to the devastating effects the violence has on their lives.

Villa El Salvador is a self-managed community that has worked for years to get the state to meet its demands for the public services it now has. Considering that one of the community's main concerns is the prevalence of violence, the CM is seen as a positive gain – one that it does not intend to renounce. Informants pointed out that the CM has had a positive impact on the community. Nonetheless, this impact is not necessarily linked to the eradication of violence, but rather with its prevention.

Because the CM is considered a gain, the community in general and those interviewed in particular want it to continue functioning, but think its framework of action must be redesigned in such a way that it makes a real contribution to eliminating violence against women. In addition, those interviewed consider that women's trust in the CM needs to be renewed so they will feel that the possibility of finding a solution does exist. They also assessed the CM's presence positively in that it can facilitate the articulation of prevention activities, including information campaigns, among the various state and civil society organizations.



## Impact of the CM on Changing Actors' Perceptions of Women as Subjects of Rights

*Impact on Women.* Lack of knowledge concerning how the CM operates in practice contributes to the creation of unrealistic expectations. At first women hope they will gain access to justice, but based on their own understandings of what is just and fair. Once women become users they find out that the reality is far different from their expectations. This can generate feelings of frustration that, if not dealt with properly, will have a negative impact: instead of changing their views of a citizenship denied, it will reaffirm them.

One opportunity to avoid deepening the cultural patterns of exclusion and allowing the CM to have a favourable impact on women can clearly be found in the quality of the services provided. When users perceive an attitude of empathy on the part of operators, they respond positively, change their initial perception, and may get over the frustrations of a process that does not proceed the way they had anticipated. However, working with the operators alone is insufficient to bring about this change; structural and legislative reforms must be guaranteed to ensure the CM operates optimally.

Forty-nine percent (49%) of those asked in the exit interviews said their expectations were not met, and another 11% were totally unsatisfied. The most common reasons given for this lack of satisfaction were that the CM did not interact directly with the abuser<sup>12</sup> and the excessive bureaucratic procedures to be followed, the latter of which most women are unfamiliar with. Many users also mentioned inflexible hours and long waiting times. At the same time, they have steadfast perceptions about police operators' lack of empathy towards them: they believe the CM authorities listen to them, but do not take any real interest in their case.

Notwithstanding, it should be stressed that a significant 41% of those interviewed said they were satisfied because they found a place and time in which they were finally listened to and received legal advice and psychological support. This allowed a good percentage of users, regardless of whether or not the violence was stopped, to strengthen their capacities and question their submission vis-à-vis the violence. Believing that they have the right to exercise rights creates a fundamental change in these women's subjective horizon and puts them on the path to claiming their citizenship.

The CM is the first institution abused women seek out. Therefore, it bears a great responsibility in the processes chosen by survivors of violence. In effect, the image women have of the CM is linked to how they felt during and after the services they received there.

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<sup>12</sup> The forms of interaction expected by users include: talking with the abuser, detaining him temporarily, summoning him immediately to the CM, removing him from the home, or frightening and/or warning him of possible penalties if he continues abusing the woman.

This will determine whether the CM has a positive, negative, or no impact on their lives. Opinions concerning the CM are divided: while one group of women did not have a good experience, another group of comparable size pointed out positive elements, above all as regards strengthening proactive attitudes necessary for them to make a change in their lives. According to the information gathered in the exit interviews, 57% of users – regardless of their perceptions concerning CM effectiveness in stopping the violence – stated they had felt supported in some way.

*Impact on the Authorities.* According to CM officials, their work has impacted their personal lives in different ways. For both genders, ongoing contact with the issue had raised their awareness to the point that they unanimously reject family violence. That said, their mixed views on violence and justice do not enable this rejection or other reflections on the problem to manifest themselves fully in their daily work.

CM officials recognize that justice does not exist for women, as the law itself makes this impossible, thus undermining the impact of the CM. However, those operators who work with the women on a daily basis do not feel any responsibility for this situation, as the mandate of the police station is clearly defined and they cannot operate outside this framework, even if they wanted to. Indeed, many of them wish they could play a more operational role or find a more effective means of helping users leave their situation of violence. It is common to hear CM staff make comments such as: “we feel our hands are tied,” “we can’t do anything else,” “time goes on and nothing changes,” or “the law doesn’t go far enough.”

This discontent can take two shapes. The first is that they get tired of dealing with these dynamics, which affects their capacity to understand women’s experiences. The second is that some of them take informal actions intended to contribute in some way to the women not feeling entirely helpless (in extreme cases, going so far as to intimidate the abuser). However, they are aware these responses are illegal, and in most they do not use them.

As concerns weariness with their work at the CM, a difference can be noted between genders. Higher levels of emotional stress were perceived among women operators, causing them to more easily lose their patience. It must be noted that these are the ones who deal directly with users, and, thus, are faced every day with serious cases of abuse and suffering. However, there is no adequate policy or program regarding rest, self-care, or other ways for operators to channel their energy. While users and some officials make a positive assessment of the services provided by policewomen, service quality diminishes in the face of exhaustion, and this contributes to the services losing their transformative potential.

The changes in awareness among policemen can be measured over time. Those who have worked at the CM for more years have undergone greater change in their patriarchal imaginaries. Some go far as to say this experience has made them rethink the way in which they relate to their wife/partner.

Nevertheless, these changes do not add up to a full transformation of the authorities' hierarchical attitudes, so users continue expressing the same discourse described earlier. Still, a certain relativization of operators' values was noted, for instance, when they pause for a moment to reflect upon the many problems that converge in the situation analyzed here. While the biases of one structurally discriminatory perspective are still very much present, it is also the case that small openings are generated through which elements of a rights-based approach can be detected. These openings must be taken advantage of to encourage various processes of change: recognition of the "other," personal reflection, and changes to the legal/institutional framework.

To sum up, both those in charge of and those who provide services in the CM are prey to a hierarchical organizational structure and legal framework that do not allow for sufficient progress to be made in the struggle against violence. This is so because of all the factors presented in the foregoing that exert a negative influence on the quality of services. However, the changes achieved thus far have made it possible for CM operators to be openly critical and offer suggestions for improvement, which they are willing to share with those who ask about the functioning of the CM.

*Impact on Abusers:* According to users, the ideal outcome of their visits to the CM is that they contribute in some way to their abusers recognizing them as subjects of rights. In practice, however, they are willing to settle for the men stopping their attacks, provoked by their fear of authority. In this way, then, the CM would serve as a means to control their aggressiveness.

The research found that the impact on abusers varies and depends largely on the quality of the CM response, how far women advance on the official route of access to justice, and the type of information they have. Some aggressors know the CM is limited in its capacity to impose penalties. This in turn reaffirms their perception of impunity, regardless of the existence of the specialized station, and in fact may encourage their domineering attitude and behaviour.

It was found that the impact on abusers depends on three factors: (1) the perception that the CM is less corrupt than traditional police stations; (2) their fear that the case may become public knowledge and thus harm their social image; and (3) the lack of precise information generates fear of a possible sanction, though this can be easily changed depending on the response of the CM and other justice-sector operators.

Finally, the existence of the CM makes aggressors recognize that there is an entity that protects women and could punish them. The real difficulty arises when they find out from experience that having a complaint filed against them does not necessarily lead to a penalty being enforced. Once they realize this, their initial fear is displaced and they may become much more violent. No evidence was found that abusers stop the aggression as the result of a process of self-reflection or because they re-signify women as subjects of rights.

*Impact on Access to Justice:* Women might sum up their dissatisfaction in the well-known phrase “delayed justice is no justice at all.” Still, they do not consider the CM to be entirely ineffectual, which is why they wish to see changes made that will improve the current weaknesses.

In brief, all the actors involved in the research share the view that if the CM did not exist the possibilities for women in situations of violence to gain access to justice and stop the violence would be even more restricted than they already are. This is because there would be no institution as easily accessible to the population as a police station where women could demand their rights. Even if its efforts do not entirely meet women’s expectations, it is still a place where women can go for help. The CM contributes to both including women as protagonists in the public sphere and proving that violence perpetrated against them is a cause of state concern. Therefore, legal/institutional reforms need to be made to the CM framework in particular and the system in general. These should give greater recognition to the institution within the state structure as a due reflection of the important role it plays and women’s expectations of it.

## CONCLUSIONS

Access to justice is a right that contributes substantially to guaranteeing for women a life free of violence and stands in direct correlation to exercising their citizenship. Guaranteeing this right has become one of the most urgent tasks pending in contemporary judicial, legal, and social systems. One reason for this is that despite all efforts, public policy has not been able to achieve transformations thoroughgoing enough to undermine the patriarchal logic of either public services or popular imaginaries. As a consequence, women are not situated as subjects of rights, with autonomy, liberty, and the capacity to complete a process of empowerment. Furthermore, the policies in place are based on a logic that runs counter to that of the women it is intended to benefit, because they do not take into consideration the expectations, concerns, or difficulties experienced by the actors directly involved. This reflects a universalist model of equality, whose normative rationality ignores or is insensitive to differences based on gender and culture.

This study is intended as a contribution to overcoming this weakness, at least in some measure, by doing a critical analysis of women's police stations (CM), an institution specialized in family violence, with a focus on the services provided to women living in situations of violence caused by their intimate partners. It was found that although the initial idea for this institution was to provide differentiated services, the patriarchal structures of its foundation and daily operations have not been transformed, thus these have impregnated this entity's logic. Therefore, while the CM is an important vehicle for making violence against women visible, it has not been able to establish itself as a transformative tool in the struggle against violence.

Notwithstanding the foregoing, it must be recognized that the authorities, users, and the female population at large all agree that the impact of the CM is positive, as it has contributed to making violence against women visible as a problem that the state must attend to, in a context where the levels of aggression against women are very high. Further, the existence of a CM in Villa El Salvador is a contribution to the gradual institutionalization of a community that has struggled from its origins for the resources it needs to defend its rights.

Although the National Police is an institution with low levels of social credibility, as is the case with most state institutions, it continues to be a source of support for the population. This has certainly been the case with the CM in Villa El Salvador, which has gained legitimacy due to the way in which it has forged links with other local institutions and the population itself. While this is positive, it does not mean that the station doesn't reflect certain core problems it shares with other services and the overall justice system.

The study has proven that women's access to justice does not depend on the institutionalization of specialized police stations – although these are perceived as a fundamental pillar in need of transformation so as to fulfil their potential – but rather on a set of complex and interrelated factors. Even though the authorities face serious difficulties in their efforts to ensure women's access to justice, it must be recognized that most people interviewed at the CM and other institutions expressed an attitude of rejection towards a continuation of the status quo. Notwithstanding, the negligence and/or ineffectualness are due to several converging factors. For one, the police-judicial system is built on the basis of a logic of power that does not allow for: the reconstruction of subjects of rights, the facilitating of processes that help women achieve access to justice, or that the CM become a means to promote this transformation. Also, the fact that the problem is not given the prominence it deserves weakens political attention and undercuts the budget. This means the CM has insufficient resources, which in turn is detrimental to the quality of the services it provides. Faced by these recurrent obstacles

and the sensitive nature of the problem, operators fall prey to emotional exhaustion, which affects their interactions with users as well as their personal lives.

The CM in Villa El Salvador, as an institution designed to implement public policy, contributes to making violence against women visible as a punishable act, but has been done little to eradicate the violence itself. However, it has also had an effect on deconstructing collective imaginaries, and it provides an opportunity to return to the debate on state institutions and their relation to gender-based social transformation. Its existence has been defended and supported by several women's organizations, precisely because of its role as a reminder to the state of its responsibility for promoting and ensuring gender justice, where access to justice is key to all aspects of this obligation.

In the process of reflecting on the CM, one step along the paths women take to gain access to justice, it has become clear that efforts are being made to deal with violence against women in terms of formal politics. However, if these are not placed in a framework of democratic transformation and equality, sustainable results will not be achieved. Therefore, two issues needed to be analyzed. One is the precariousness of women's lives as a result of a confluence of factors; these contribute to their being the object of multiple forms of discrimination. The other is that their perceptions, as demonstrated by this study, are very different from formal/institutional perspectives and, thus, generate frustration among users as well as staff, particularly of the CM and also of other service providers.

For the CM to generate a positive impact and truly contribute to access to justice, it is indispensable to expand its operational capacities and provide support, through a legislative framework, to improve visibility strategies and resources and, thus, renew the service model. Its mandate and protocols need to be revitalized by means of dialogue with the expectations, rationale, perceptions, uncertainties, and needs of users. By taking this new step along their paths, women will no longer simply be part of a formal structure. Instead, they will become citizens who are subjects of rights, capable of acting with autonomy and agency. Therefore, they will be able to contribute to a process of transformation in which the state assumes its responsibility vis-à-vis the demands made by women in the full exercise of their rights.

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This book was printed in Quito - Ecuador, September 2010.  
By Trama Ediciones

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This publication was funded by:



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ISBN 978-9978-93-026-7



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