

UPDATE EXTRA

BULLETIN OF THE PERU SUPPORT GROUP

Gender & Women

April 2009

The aims of the PSG are to promote the rights and interests of the people of Peru and in particular the poorest sectors.

Gender Relations and Women in Peru

During the weekend of the March 8th 2009, Peru celebrated International Women's Day. A series of events to raise awareness about the gains and losses in women's lives were organised. The gains of the last 40 years are multiple: increased political participation, more women in education and in professional employment, high levels of organisation among women from poorer sectors, heightened institutional responses to specific problems by a series of state-institutions such as the Ministry for Women and Social Development, special police stations for women, and support for women's organisations that alleviate poverty at the grassroots.

However, there are still many challenges. Some of these challenges are discussed in this Special Issue. 'One of the most persistent challenges to equality - or one of the mechanisms that maintains inequality - is violence against women. Gloria Cano from the Peruvian human rights organisation, pro-Derechos Asociación the Humanos, APRODEH, writes about her organisation's efforts to help bring the sexual violence perpetrated against women during the years of political violence to light and find justice for the survivors of such violence. The report of the Truth and Reconciliation Commission was clear and outspoken about the specifics of gendered violence during the war years; however, its survivors have yet to receive justice, reparations, or much recognition of the

nightmares they experienced.

Violence against women, however, is not only a wartime event: domestic violence is widespread too; 49% of women in urban Lima to 69% in rural Cusco experience physical violence during their life time. The minister for Women and Social Development Carmen Vildoso Chirinos, chose International Women's day to present formally the long-awaited National Plan against Violence towards Women 2009-2015.

One of the most persistent challenges to equality - or one of the mechanisms that maintains inequality - is violence against women

The plan aims to expand coverage of services and improve on policy. While the plan is of course welcomed, it remains to be seen whether it will be implemented effectively. Previous plans have often proved limited.

The most extreme result of violence against women is death. The killing of women because they are women is increasingly recognised as 'feminicide', a term used to highlight the structural nature and high prevalence of fatal assaults on women. Liz lvett Meléndez López recounts the investigation she and her colleagues at the Centre for Peruvian Women Flora Tristán carried

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Introduction

This Special Report on Women will close on a more positive note: the relative success of gender quotas for political parties, which, in a roundabout way, has increased female representation considerably

how Peruvian society continues to minimise the seriousness of such violence. Cecilia Reynoso, researcher and activist at the Ombudsman's office, established an academic working group to discuss the social background to and impact of feminicide in Peru. Her article summarises this continuing debate.

This Special Report on Women will close on a more positive note: the relative success of gender quotas for political parties, which, in a roundabout way, has increased female representation considerably. Sofia Vera, researcher at the Institute for Peruvian Studies, discusses its evolution and the challenges that have yet to be faced.

This report is only a snapshot of the themes with regard to gender relations and women's situation in Peru that need atten-

tion.

For more information, please visit: www.flora.org.pe and ww.manuela.org.pe

For comparative research on domestic violence against women, including Peru, see: World Health Organization (2005). WHO Multi-country Study of Women's Health and Domestic Violence against Women: summary report of initial results on prevalence, health outcomes and women's responses. Geneva, WHO.

By Dr. Jelke Boesten Lecturer in Social Development and Human Security, University of Leeds

This report is only a snap-shot of the themes with regard to gender relations and women's situation in Peru that need attention



The picture shows one of the marches in Peru commemorating International Women's Day

Searching for Justice: Sexual Violence During the Armed Conflict



In response to the violence of Shining Path, the Peruvian State declared a state of emergency in large parts of the country. In doing so, it gave control to the armed forces, which deployed a scorched earth strategy and led to thousands of innocent victims.

In 1992, a report issued by the UN Special Rapporteur against Torture observed that in Peru: 'in those regions declared a state of emergency the military frequently resorts to sexual abuse'.¹ A year later, the Rapporteur claimed that he/she 'received abundant information about the submission of women to rape and sexual aggression as part of the armed forces' counterinsurgency... in the zones which are in a state of emergency...rape seems to be used to intimidate or punish civilians who are suspected of collaboration with insurgents'.²

Violence against women does not start with the armed conflict. Nevertheless, we can see how in specific contexts sexual violence was used as a method of torture and punishment and had a systematic character. Many women who suffered such violence did not report this to authorities, either because of continued threats, or because of shame, feelings of guilt and fear of stigma.

The search for justice

Unfortunately, the Judiciary and the Ministry of Public Affairs have not provided effective responses that penalise those responsible for the use of sexual violence as a method of torture and cruelty towards a particular population. The few investigations carried out were left wanting and proved very discouraging for the few women who dared to report their experiences.

G.E., in 1992, was raped by police staff when she and her partner were held prisoners on suspicion of participation in MRTA (the Túpac Amaru Revolutionary Movement) activities.³ Her partner died of torture and she reported the rape. However, despite the medical report which attests to her injuries and of rape, no investigation was ordered. The

authorities rejected her formal complaint of torture because she did not plead guilty.

L.Q.I, in 1989, was detained and kept prisoner in a military base. She was raped by the commander of the base and subsequently passed on to the troops. She was able to leave the base after extensive efforts by her family to get her out, and she reported the crime, opening a judicial case against said commander. After a long and delayed process, because the military authorities refused to identify the members at the base, her complaint was shelved under the 1995 amnesty law. Subsequently, the case was opened once more and again shelved.

Current investigations

The Truth and Reconciliation Commission (TRC) presented sufficient documentation for the prosecution of several cases of rape. For example, in Manta and Vilca, in Huancavelica, there is ample evidence that soldiers from the military base perpetrated sexual violence. Likewise, for M.M., who was raped when imprisoned in a military base and who subsequently had a child, there is sufficient evidence. However, criminal proceedings in both cases have yet to be brought against the perpetrators. Currently, APRODEH is working on the following cases:

Raquel Martín widow of Mejía: This case is under investigation at the prosecutor's office in Junín.

Abancay: This case is under investigation at the provincial prosecutor's office and includes the rape of five women in military bases as well as during the displacement of military patrols. The cases fit the pattern of extrajudicial killings, disappearances and torture that were prevalent during 1988 and 1989 when human rights violations became a political and military strategy. These cases have not yet been brought before the courts.

Case of Chumbivilcas: The provincial

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Searching for Justice: Sexual Violence During the Armed Conflict (contd.)

judge and prosecutor have sufficient evidence to initiate a criminal case against the commander of a military patrol that operated in the Cusco area in 1990 and where they disappeared peasants and captured, held and raped women. It has also been shown that the statute of limitations is not applicable in this case, as these are crimes against humanity. This case is supported by the Parish of Sicuani and APRODEH.

APRODEH aims to bring these serious crimes to court and make them visible as part of systematic patterns of human rights abuses. We understand the weight of stigma upon those who dare to report these horrible experiences. As such, APRODEH has developed an approach comprising the following:

- 1) Form an image of the crime within a framework of systematic abuse of human rights. This means that we aim to criminally reproach both the political-military leaders and the commanders of military bases for the use of sexual violence as a form of torture.
- 2) Campaign for the sensitisation of the population and the authorities. We produce and broadcast spots and socio-dramas on local radio stations. These contain short messages in Quechua that explain how rape was used as torture and punishment, as well as the experiences of women who, during the search for their loved ones, were raped.
- 3) We use a psycho-judicial approach. This means that we work with the Network for Children and the Family (RedInfa), an organisation addressing the mental health of affected communities and individuals. RedInfa provides emotional support to the victimised women. In addition, aiming to encourage solidarity and a recognition of general victimisation that allows for a united search for solutions, RedInfa helps strengthen women's networks and their relation to other organisations

We are making progress, although we also experience many setbacks. It has been difficult to get sexual violence recognised as a crime against humanity.

Nevertheless, we are slowly seeing some response from the Ministry of Public Affairs and the Judiciary. The case of Chumbivilcas is being dealt with and we believe that the Abancay cases will soon follow.

However, the current government has ambiguous interests in bringing wartime human rights violations to light, which makes this work more difficult. Therefore, the survivors of sexual violence need adequate support in order to help them on the long path to justice and to confront the many difficulties and setbacks that they encounter, underpinned by a patriarchal judiciary system and the impunity granted to so many perpetrators.

By Gloria Cano Legua, Lawyer at APRODEH (Human Rights Association)



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Feminicide: Fatal Expression of Control Over Women



Feminicide (female homicide) refers to the murder of women solely because they are women. The importance of the term is that it distinguishes the killings of women because they are women from 'common' murders or from seeing them as isolated incidents. Rather, feminicide is a product of a system of patriarchal domination persistent in Peru.

The term was first was coined by the feminists Diana Russell and Jill Radford in 1992.4 The term, which has been picked up on by the Mexican researcher Monárrez Fragoso as a result of her commitment to investigating the deaths of hundreds of women in the Mexican border city of Ciudad Juárez, is defined as "the misogynistic murder of women for being women". This includes a whole range of violent actions against women from emotional and psychological mistreatment, blows, insults, torture, rape, prostitution, sexual harassment, child abuse, female infanticide (i.e. the unlawful killing of girls), genital mutilation, domestic violence, forced motherhood and the deprivation of food that leads to death.

Recently, feminist organisations have started to collect data about feminicide in Peru. Using newspaper clippings as a source, at the feminist organisation Flora Tristán, we have compiled a database that quantifies feminicide. Further analysis of this data allows the debate surrounding such killings that prevail in society to become more visible.⁵ This research has shown that between 2004 and 2008, 547 women were reported victims of feminicide. In addition, 362 women were reported to have survived attacks on their lives.

Feminicide is generally understood as a structural problem that can involve different actors and can occur in different social spaces. However, in Peru the majority of killings happen within intimate relationships.

Further analysis of collected data shows that more than 56% of women murdered were between 16 and 35 years of age. In 82 % of cases the perpetrator was very close to the victim: 55% of perpetrators

were husbands, partners, ex-husbands or ex-partners or boyfriends. In 12% of cases the perpetrator was another family member, 10% friends and 5% work colleagues. In 12 % of cases the perpetrator was unknown to the victim.

Using the database we have also studied how perpetrators justified their crimes.6 Thirty-four percent admitted that the violence was the product of jealousy or because of adultery. Ten percent indicated that their aggression was in response to the victim's rejection of the perpetrators advances, or because the women in question tried to break up a relationship; 10% of killings were in response to a woman's refusal to have a sexual relationship. In 14 % of cases women were used as an object of revenge, for example in cases where daughters were killed to get back at the mother. In 12%, the violence was a response to economic problems, while 20% of victims were killed after fights about, for example, having children or terminating a pregnancy.

These reported motivations for killing women suggest patterns of male power and domination expressed as a denial of female autonomy or assertiveness. Women are not seen as people with rights but rather are viewed as property: the perpetrators use violence to control women's bodies, their sexuality and their subjectivity.

The State does not hold any data on feminicide and does not register the murders of women separately. This makes it difficult to know the scale of the problem. Nevertheless, last February Ministerial Resolution I N. 2162009 - MP- FN was passed, which stipulates that a register must be kept for all homicides of women where the suspected perpetrator is the partner or ex-partner of the victim, or any other intimate relationship that qualifies under the law against family violence.

Although this is a major step in the right direction, we believe that such a register should include all cases of feminicide, not only those that occur in the domestic sphere.

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Feminicide: Fatal Expression of Control Over Women (contd.)

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Media reporting

By examining newspaper clippings we have identified various discourses that try to explain violence against women but which ultimately legitimate or accept it, and obscure the structural inequality that underpins it. Three different explanations emerge:

- a) <u>Romanticisation:</u> some reporting romanticises incidents of murder as crimes of passion, telling a story of love and hate which lead to the death of the woman. These are stories of jealousy, adultery or break ups.
- b) <u>Pathologisation:</u> there might be speculation about the mental health of the perpetrator, using adjectives such as crazy, pervert, sick, and so on. Such language obscures the structural nature of feminicide.
- c) Revictimisation: the violence of the event is accepted by blaming the woman: she must have behaved in ways that exposed her, for example, by going to a party, going out or working in the evening, walking around the wrong places, or even taking her own decisions without consultation.

These dramatisations in the media play on a system of social values that allows the violence to remain invisible as a means to dominate and exclude women. In addition, it is a powerful message of terror directed at women that sets the limits to women's autonomy and freedom of movement.

In conclusion, we recommend that:

- The State⁷ issues specific legislation to tackle violence against women in addition to the law on family violence;
- A national register of all murder specified by gender is set up;
- The judiciary is strengthened and sensitised:
- Women's access to justice is monitored;
- Educational programmes to prevent gender-based violence are designed and implemented;
- The term 'feminicide' is included in the penal code to counter the neutrality of homicide:
- More research is done that looks at new forms of misogyny in the global era;
- Media reporting and information on feminicide emphasises more adequately the social and structural character of violence against women.

By Liz Ivett Meléndez López , Member of Flora Tristán

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Feminicide: A Tolerated Crime?8



This article will be limited to the murder of women by their partners, also known as intimate feminicide. It is defined as the murder committed by a man in his desire for domination and control, in relation to the victim with whom he has or had an intimate relationship.

Contrary to how it is presented by the media and popular culture in general, crimes against women are not isolated acts, products of individual psychopathologies or unstoppable impulses. They are homicides that constitute the final link in a long chain of violence against women, part of a generalised social mechanism to control their lives. It is the most extreme expression of the unequal power relationship between men and women.

According to Amnesty International, the justification for male violence, in countries with differing levels of development, range from disobeying a man, asking him about money, a friendship with another women, going out without his permission or denying him sex.

A report by the WHO (World Health Organization) reveals that globally more than half of the violent deaths suffered by women are caused by spouses, boyfriends or partners. Whilst men are largely attacked or murdered in public places by strangers or people they hardly knew, women die in their homes at the hands of the person they loved.

According to an investigation by the World Bank, violence against women in a relationship causes more deaths and disabilities in the female demographic of reproductive age than cancer, and more damage to their health than traffic accidents and malaria combined.

In 2008, the monthly average for feminicides in Peru was 15, while in 2006 and 2007 it was nine. Already by January 2009, 23 women had been murdered by their partners. The problem of violence against women continues to be a problem of chilling proportions that affects millions of women throughout world; however it receives scant attention from the media, politicians, key decision makers and the general public.

Even some women's organisations believe their work is done once legislation that incorporates many of the most modern laws in terms of equality and violence has been implemented. However, such legislation is often a success on paper only, as murder statistics show that Peru is a long way off incorporating these legislative achievements into the mentalities of not only of those within the justice system, but also of society as a whole.

We believe the community of women should not only campaign for issues such as citizens' rights and sexual and reproductive rights, but should also raise the flag for the right of all women to live free from violence.

On the other hand, we believe that even though some efforts have been made to connect this area to other issues, there continues to be a disproportionate focus on the legislation. This leaves little space to understand the underlying causes that explain violence and that would throw light on the question of why women tolerate or sometimes even accept violence. Anthropology, history, cultural studies and psychoanalysis have much to contribute in achieving overall understanding and approaches to the phenomenon.

This conviction has led us to form a Study Group on Violence and Feminicide, made up of professionals from anthropology, law, sociology and psychology that look for an interdisciplinary understanding and approach to the problem.

We are convinced that feminicide is the most extreme consequence of gender-based violence, and as such, gender-based violence should be included as a form of human rights violation which needs effective responses on the part of the State and society.

In Spain, a case of feminicide led to a debate on gender-based violence and society's responsibility for it. Since then, the Spanish media has committed itself to a more responsible and critical treatment of the issue. Confronting the State and society with the seriousness of violence against women has contributed to the

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Feminicide: A Tolerated Crime?⁸ (contd.)

Feminicide reveals State inefficiency when facing up to gender-based violence ...

issue being prioritised in public and political debate.

Feminicide reveals State inefficiency when facing up to gender-based violence from its most everyday manifestations such as violence in the family environment or sexual harassment. It highlights the seriousness of the problem, demonstrating that gender-based violence takes the lives of hundreds of women each year. But it also shows with horrifying forcefulness, the complexity of the problem, in which there is not only a

victim, but also an aggressor, a State that should be providing protection and a society that, for most of the time, watches from the sidelines.

By Pilar Aguilar and Cecilia Reynoso, members of the Study Group on Violence and Feminicide.



"No to violence against women.
Millions of women live in a 'prison' of poverty, chauvinism and violence."

After the Gender Quota: The Challenges of Female Political Participation

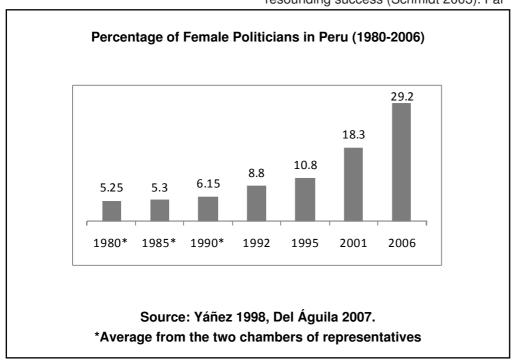


In contrast with the general trend of democratic indicators in Peru, the level of female political representation is one of the highest in the region. According to the Inter-Parliamentary Union,9 the current proportion of women elected as parliamentary representatives places Peru fourth in Latin America, with 29.2% of congress made up of women, a figure that is only surpassed by countries with very different political systems, such as Cuba, Costa Rica and Argentina, with 43.2%, 40% v 36.8% respectively. Given that we are still very far from achieving equal opportunities for female participation in public spaces, this auspicious indicator should highlight the conditions in which it occurs, and the obstacles that need to be overcome in order to achieve full female participation within political organisations and quality representation in public offices.

(Dador 2007). The Congress, that for a long time was a masculine dominated space, opened its doors to female participation largely owing to pressure from women's organisations, which worked to promote affirmative action to mitigate political inequalities (Yáñez 1998). As in the majority of Latin American countries, the gender quota was introduced in Peru in the 1990s, with the first quota laws enacted in 1997, establishing a 25 percent minimum quota for female-only candidates on the candidate lists for congressional and municipal elections. The quota was later increased to 30% in 2000, and finally extended to regional elections two vears later (Del Águila 2004).10

Although Peru's open list electoral system was considered to be less favourable for gender quotas, they have produced resounding success (Schmidt 2003). Far

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The extraordinary increase in the number of women in the Congress stands out amongst the multiple political spaces in which women have gained presence in recent years (Blondet 2002). In 1995, before the introduction of the gender quota, female representation in Congress was only 10.8%, and the following decade the figure multiplied to 29.2% in 2006

from affecting female candidates, the preferential vote has allowed them to provisionally avoid the disadvantage of appearing as the last entries in candidate lists presented by political parties, which are often decided on by the party's executive committee (Martland 2004). Apparently, in an electoral system that allows the reorganisation of candidates through a citizen's vote, female candidates were

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After the Gender Quota: The Challenges of Female Political Participation (contd.)

Despite its relative success, the gender quota has not led to a profound change in the equality of female participation within political organisations...

supported by a society with a strong disposition towards the participation of women in the public sphere. Whether or not this was part of the naturalisation of a female leadership's character, or part of the possibility of a feminisation of politics (Fernández 2008), it placed high expectations upon women for the reorganisation of politics and credited them with being less authoritarian, more honest and more open to dialogue than their male counterparts.

Despite its relative success, the gender quota has not led to a profound change in the equality of female participation within political organisations, and its effect on the increase of the election of female representatives is sensitive to the parties' will to observe the quota. Essentially, the possibility of being elected depends heavily on party mechanisms of internal democracy to select candidates and determine their position on party lists. The trend of most parties to select their candidates indirectly, through member groups, has lead to a majority of women who are incorporated onto candidate lists in less attractive positions. In fact, during the congressional elections of 2006 the number of female candidates rose the further down the party lists we looked. In the regional and municipal elections only 8.3% and 7.7%, respectively, of candidates put forward for the positions of regional president or mayor were women. while female candidates for lower ranked positions on regional and municipal councils were 34.2% and 37%, respectively.

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Another obstacle to overcome regarding the quality of female political participation is the level of political preparation. Generally, women find they are at a disadvantage to develop a political career because of factors such as: low levels of education, which although this has increased still remains below that of their male counterparts; and the amount of time dedicated to family tasks, which despite all the changes in favour of female professional development remain the domain of women (Del Águila 2004). So, it is hardly surprising to find that within the political organisations in 2007 very few women

except those with extraordinary political credentials access a party's management levels. Added to this, the informality and weak political party system hinder the ascent and consolidation of female leadership within the organisation of the political parties, so that in 2007 the average number of women leaders didn't exceed 26%, whilst female activists accounted for 46% (Dador 2007). This suggests that the institutional structure and culture of political parties, once more, undermines the number and quality of female political participation.

To conclude, taking into account that the law on quotas does not guarantee the quality of female representation or the full and equal participation of women in political parties, what can we do to meet these challenges? Firstly, progress in the institutional operation of political parties is fundamental through closer supervision of the mechanisms for selecting candidates regulated by the Law on Political Parties, or the inclusion of a law which demands a preferential position for women in the candidates' lists and fines for non-compliance. Secondly, it is important to develop political training programmes focused on women in order to reduce the disadvantages of their participation in political parties and to support their access to top positions within the political party structure. Lastly, it is essential to not lose sight of the fact that the objective of female representation in public office is equality in the right to political participation but also equality in the right to stand up and be counted, so it is important to propose future studies on the role of female parliamentarians as pending in the development of the gender agenda

By Sofía Vera Rojas The Institute of Peruvian Studies (IEP)

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- ¹ N.U., E/CN.4/1993/26, Párr.355.
- ² N.U., E/.4/199431, Párr.431, 432, 429.
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- ⁴ Pilar Aguilar and Cecilia Reynoso, Feminicide: A 'Scandal-less' Crime.
- ⁵ The first report was compiled in collaboration with Amnesty International: "Violencia contra las mujeres: El feminicidio en el Perú", 2005. During 2006, Flora Tristan, circulated internal reports. In 2007, together with DEMUS and forming part of a regional study on feminicide coordinated by the Latin American Centre for the Rights of Women, CLADEM, we carried out a national study on feminicide in Peru, published as "Libres de Violencia: Feminicidio Separata N.2, PG 31" Meléndez, Liz y Sarmiento, Patricia. 2008. The present article is based on that report and on subsequent updates carried out by Flora Tristan.

⁶These numbers are based on the study of 344 cases in which the motivation of the perpetrators was stated.

7 The Peruvian state has signed the Interamerican Covention to Prevent, Sanction, and Erradicate Violence againt Women, as well as the Convention on the Elimination of all Forms of Discrimination of Women. These conventions stipulate legal reform, investigation and registration of the causes, consequences and frequency of violence in order to design effective measures against it.

8 Documents developed by Pilar Aguilar and Cecilia Reynoso members of the Group of Studies on Violence and Feminicide.

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