

National Report on Femicide in Peru

Liz Ivett Meléndez López
Patricia Sarmiento Rissi¹

Introduction

This report forms part of a regional effort, coordinated by CLADEM, to generate greater awareness surrounding 'femicide' or 'feminicide', terms referring to the murder of women in conditions of gender-based discrimination and violence.

Undertaking this initiative is the Centre for Peruvian Women Flora Tristan and Demus, Study for the Defence of Women's Rights, which has attempted to develop a diagnostic of the problem at a national level. Unlike previous studies, this attempts to cover the third part of the country, collecting information from 10 regions on cases of feminicide and feminicidal violence that appeared in the local press between January 2004 and July 2007.

To develop the present study three approaches have been taken as its basis. First, a rights based approach; in which dignity and respect for life is affirmed and feminicide is presented as the final episode in a chain of violence and discrimination against women. In addition, the responsibility of the state is underlined to eradicate, sanction and prevent all forms of violence that threaten the lives of women. Second, a focus on gender-based violence. The murders of these women are interpreted not as isolated events but as actions embedded in a patriarchal culture that positions masculinity over femininity, naturalising the desire to dominate and discipline women; in this way violence becomes a form of punishment and a legitimate control mechanism. Finally, from a feminist perspective, feminicide is seen not only in a social and judicial context but also in a political context; which can be demonstrated by the specificity of violence and daily discrimination against women.

In general terms, violence against women occurs in different cultures and socio-economic contexts. Feminicide can therefore exist in diverse regions, affecting women of different ages and social levels. Women, for the sole reason of their gender, find themselves continually at risk; since the principal cause of the permanence and impunity of these crimes is a misogynist society, expressed in the desire to control female life, sexuality and subjectivity.

Through this study we aim to present specific information that will allow the various characteristics of this problem in our society to be identified. In addition, a summary of the social context in which Peruvian women live will be given, as well as an analysis of the judicial situation and the administration of justice in this country.

I. FEMALE HOMICIDE

Based on information gathered in local and national press, a database has been created through which the evolution of feminicide in Peru during the last few years can be visualised.

The terms 'femicide' and 'feminicide' come from feminist theory. Although the terms are still being constructed and debated, the objective is to overcome the concept of 'homicide' to give a name to crimes that are perpetuated solely against women's lives and respond to permanent conditions of discrimination.

¹ With the collaboration of: Torkasa Yopez, Claudia Pérez, Cristian Olivera and Kervin Manco in the process of information collecting at the national level.

The term 'femicide' as used by Diana Russel and Jill Bradford refers to crimes against women in special conditions of discrimination, leaving to one side the action or inaction of the State. However, our focus situates the State as an important actor in the matter. Because of this, we have opted to use the term 'femicide' since it carries greater political weight, by doing so we wish to describe a new category of study that attempts to show the continuum of violence that women suffer in different spheres of their lives, as well as the social, political and cultural causes that permit it. Femicide therefore acts as the maximum expression of patriarchal validation and is evidence of a state apparatus that does not fulfil its commitments to eradicate violence against women.

National Statistics on Femicide

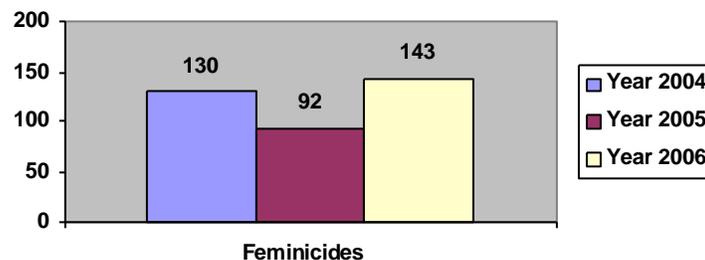
According to the study conducted by the CMP Flora Tristan and Demus, during the period January 2004 to July 2007 at least **403 women** have died. From that it is implied that each month more than **9 women** die as a result of gender-based discrimination and violence.

Femicides

Arequipa	Ayacucho	Cusco	Huanuco	Junín	Libertad	Lambayeque	Lima	Loreto	Piura	TOTAL
41	21	63	21	56	26	20	127	5	23	403

Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

As demonstrated in the graph, in 2004 there were 130 registered cases of women killed, decreasing to 92 in 2005 and increasing dramatically to 143 victims the following year. Finally, between January and July 2007 38 femicides have been reported.

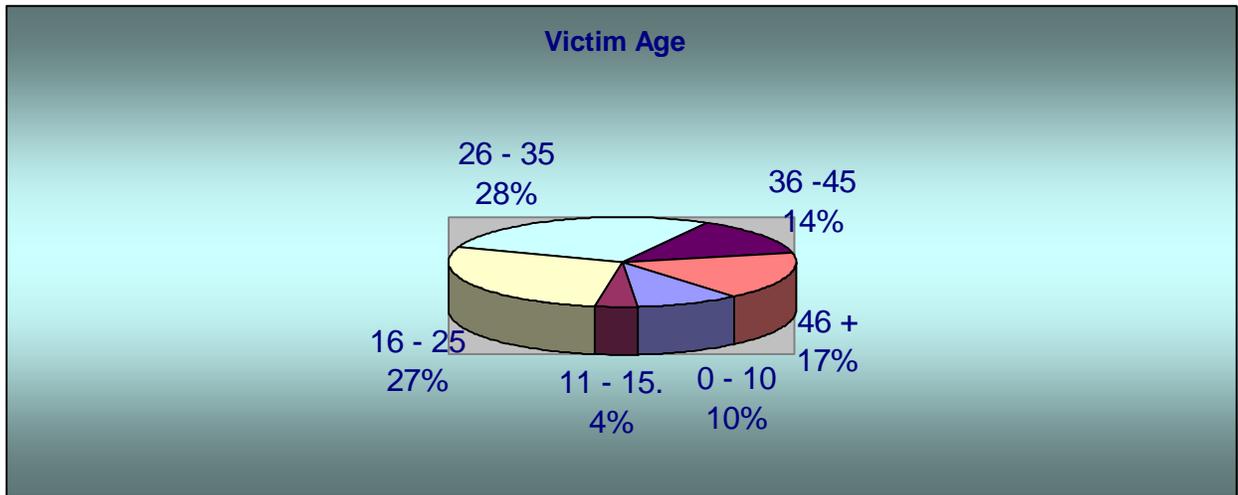


Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

Average Age of Victims

Femicide can affect women of different ages. However, the results show that 55% of victims were aged between 16 and 35 years. This age range coincides with the reproductive age of a woman as well as the period in life where women frequently begin to enter into, negotiate and develop emotional relationships with a partner.

On the other hand, close to 14% of victims were aged 0-15. Their murder is often related to rejection on the part of the father or the use of the minor as a tool for revenge against a woman.

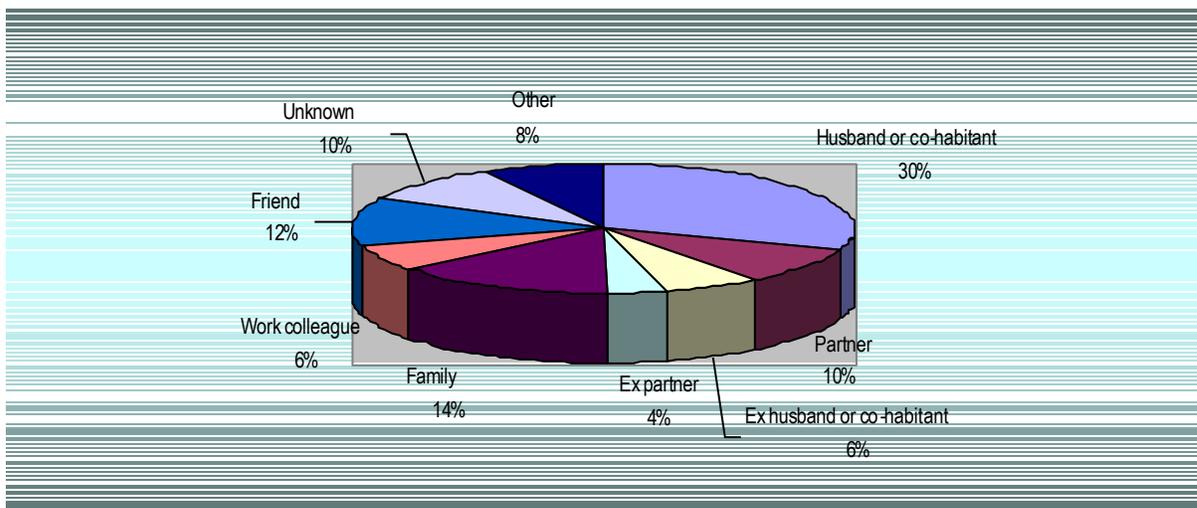


Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

Characteristics of Homicides

Relationship between the victim and their aggressor²

In the cases identified, 82% of aggressors were members of the victim’s social and emotional environment.



Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

² Out of all cases presented, 314 aggressors were identified and used as the basis for developing the following percentages. 10% of cases fall under the category ‘unknown’, these relate to attacks in which the victim had no relationship with the attacker and generally occurred on public roads. In addition, 8% are placed in the category of ‘other’, which includes clients of women involved in prostitution or family friends who are unknown to the victims.

As can be observed in the above graph, 40% of the women were killed by their husbands, co-habitants or partner; while 14% were victims of a family member, principally their father or brother(s). In other words 54% of the women died as victims of familial or partner violence.

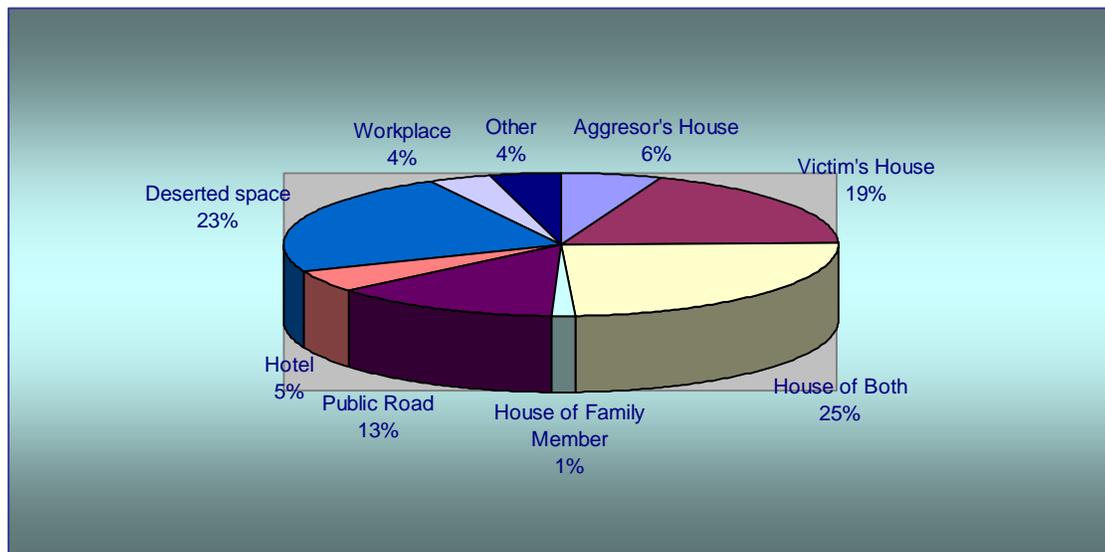
At the same time, 10% of women were victims of their ex-partner or husband with the principal motive being their rejection of an attempt to re-establish the relationship.

On the other hand, in 18% of cases the woman's aggressor was a work colleague or friend. It is worth highlighting that some of these deaths could have been related to sexual abuse taking place in the workplace or place of study, a form of conduct that possesses strong roots in this society.³

Places of aggression

The traditional portrayal of family spaces has been as places of protection for women; however in the context of violence and discrimination they often become more hostile environments. Figures reveal that in 44% of cases women were killed in their own home, while 36% of crimes occurred in a deserted area or public road. Faced with this reality it is necessary to highlight the importance of making violence against women a fundamental factor in citizen security policies.

Other figures show that 6% of women killed were attacked in the home of their aggressor, brought there under deceit or duress. With regards to abuse in the workplace, 4% of victims were assassinated in their place of work. 5% were killed in a hotel, which implies a relationship of sexual nature, whether voluntary or forced. Finally 4% occurred in other spaces including education centres, parties or nightclubs.



Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

³ According to CMP Flora Tristan data, more than 60% of working women have suffered at some time some form of sexual harassment in their workplace. Available in: Sexual Abuse: A silent reality. www.flora.org.pe

Weapons and means used by aggressors⁴

According to information gathered, victims are usually beaten, drugged, threatened and sometimes tortured before dying.⁵ In this way, their capacity for self-defence is destroyed.⁶

According to the database developed, in 46.6% of cases the women were savagely beaten and killed. In 25% of cases the victims were deceived or threatened by their aggressors, of which 4% were drugged. Other measures including kidnap and poison were used by approximately 9% of murderers. In addition many women were taken by surprise and killed in an untimely manner, in which generally firearms were used.

In relation to weapons, objects and other measures used in the murders, 18.2% of women were killed by firearms⁷, while 33.2% of aggressors used short sharp weapons or blunt objects to beat the victim to death. The domestic objects most frequently used in these types of acts were kitchen knives, axes, hammers and/or sticks.

On the other hand, 33% of victims died as a result of strangulation or asphyxiation; with items of clothing such as belts, ties and jumpers being the most frequently used items.

Method used to murder victim ⁸	Number	Percentage
Shot	71	18.2%
Stabbed	67	17.1%
Poisoned	16	4.1%
Beaten	63	16.1%
Strangled/Asphyxiated	125	32%
Burnt	9	2.3%
Pushed over a precipice	4	1%
Decapitated	8	2%
Run over	1	0.27%
Other	25	6.7%
Total	390	100%

Source: Database of Femicicides in Peru. CMP Flora Tristan –Demus, 2007.

The least number of deaths correspond to women who were poisoned (4.1%), burnt (2.3%), decapitated (2%) or run over (0.27%). However, cases exist where the victim's body was found in pieces or in such a serious state of abuse and decomposition that

⁴ Percentages derived from 390 cases in which information was available.

⁵ According to the United Nations' Convention against Torture and other inhumane and degrading treatment, rape against women should be considered as a form of gender-based torture. The information collated shows that in 82 of the cases the victims were raped by their aggressor before being killed.

⁶ Regarding the means used by aggressors to immobilise the victim, data is based on the 347 cases where this information was available. In 53 of the cases no information was given.

⁷ Amnesty International, Oxfam International and the International Network for Action against Small Arms, in their report 'The Effect of Arms on Women's Lives' claim that the greater the presence of arms the greater the risk of death for women, on two levels. First a firearm is a symbolic element of power that reduces the possibility that the victim will escape or show resistance while also eliminating the possibility of another person intervening in the victim's defence. Second the destructive power of a bullet diminishes the potential for recovery or survival.

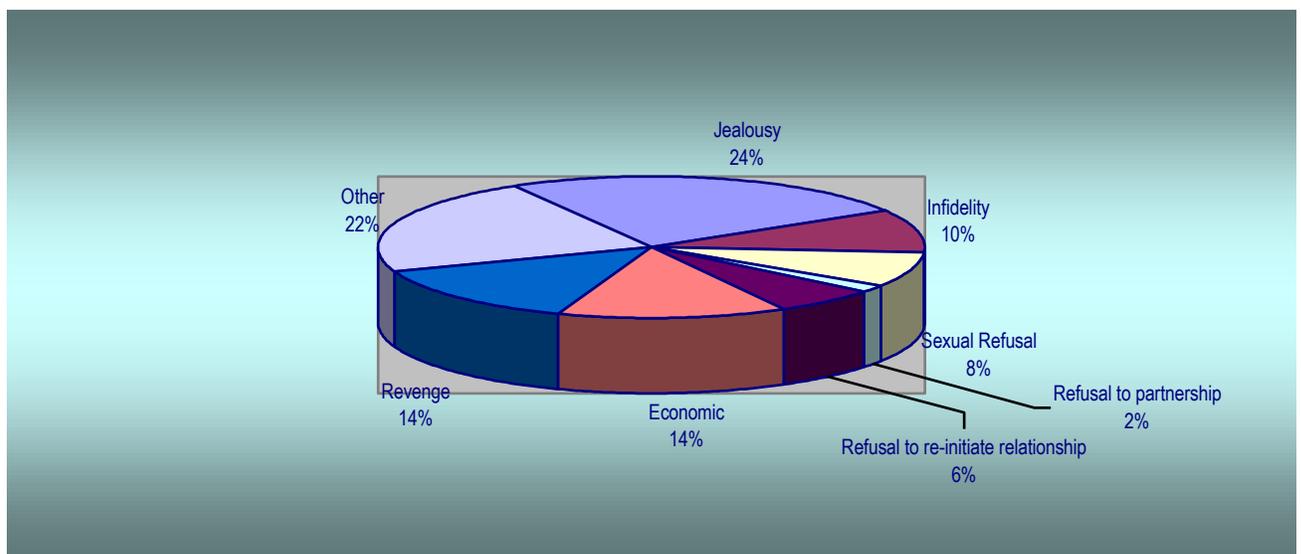
⁸ Data based on the 390 cases where this information was available.

their cause of death was unidentifiable. These cases have been grouped under the category 'Other' (6.7%).

Motives given by aggressors ⁹

Although there is no justified reason to end the life of another, aggressors create a justifying discourse, through which they describe the acts that led to them committing the crime. These discourses are plagued by elements of discrimination, desire for control, affirmation of authority and intentions to bend the will and autonomy of women.

It is worth mentioning that many aggressors, after confessing their crime, claim to repent their actions. However the discourse that they build often leads to the woman being 're-blamed', making her responsible for conduct that has threatened her 'honour', but that in reality demonstrate a lack of control on the part of the aggressors.



Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

According to the above graph, 34% of aggressors committed their crime out of jealousy or as a reaction to the woman's supposed infidelity, while 8% of women were killed out of frustration following the woman's refusal to start or continue a relationship. In the same way, another 8% of attacks resulted from sexual refusal by the victim. In 14% of cases the women's lives were used as a tool for revenge. Another 14% of crimes were related to economic disputes. ¹⁰

The category of 'Other' (22%) refers to circumstances relating to claims, arguments within a relationship and the refusal to obey aggressors' demands, for example the termination of a pregnancy. As such, this category includes cases in which, despite

⁹ Data based on 244 cases in which a declaration from the aggressor was available.

¹⁰ It is worth highlighting that in the economic category cases, cases have been included in which the author and news item refers to the crime occurring within the context of a robbery but within which specific violence against the woman occurred, such as rape. Other cases are included whereby the death occurred in a context of disputes surrounding family maintenance.

evidence to the contrary, the aggressor denies responsibility, claiming he was acting in self-defence, as part of a game that got out of hand, or as a result of a struggle.

Following are transcripts of some of the aggressors' confessions:¹¹

- "she was a prostitute but I didn't want to shoot her"¹²
- "I loved her, that's why I didn't want to separate. Last night I wanted to come back to live with her. I told her that we had young children, but she said 'no' "¹³
- "I killed her because she deserved it, she betrayed me...she'd started going out with a police officer"¹⁴
- "She paid with her life and she deserved it for trying to resist"¹⁵
- "She was going to have somebody else's child"¹⁶
- "I loved her but she didn't care, she only wanted to leave me. That's why hours earlier I prepared a syringe with insecticide to inject her with in the neck" ¹⁷
- "I complained about her deceits and we started to argue. I don't know what happened after; it was as if the devil took over my body. I regret it."¹⁸
- "My brother's girlfriend looked for me and told me that my wife was having an affair with him, on top of that she told me that my youngest daughter was not mine in reality but my brother's. I couldn't stand the betrayal and that's why I killed her"¹⁹
- "She played with my feelings, that's why I took the gun and killed her. I regret it"²⁰

As can be seen, in almost all of the cases, the men's violent attitude was unleashed into a show of authority and power over the woman. As such, femicide is an act related to the desire to bend, control and submit the sexuality and decision making power of women over their lives, affections and relationships.

Legal situation of the aggressors at the time the crime was reported²¹

Situation	Number
Detained	172
Fugitive	145
Sentenced	9
Detained but set free	3

Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

History of Violence in Femicide cases

¹¹ Statements of aggressors at the time of their detention, taken from press notes that reported the cases.

¹² Newspaper Correo, Arequipa. 6 September 2005.

¹³ Newspaper Ahora, Huanuco. 9 de September 2004.

¹⁴ Newspaper La Industria, Lambayeque. 6 October 2006.

¹⁵ Newspaper Aja, Lima. 13 April 2004

¹⁶ Newspaper Aja, Lima 22 November 2004.

¹⁷ Newspaper Aja, Lima. 2 October 2005.

¹⁸ Newspaper Aja, Lima. 28 January 2006.

¹⁹ Newspaper La República, Lima 12 September 2006.

²⁰ Newspaper La Hora, Piura. 13 January 2007.

²¹ This data is taken from the 329 cases in which the relative information exists in the press notes. Cases exist which for their seriousness and popularity ensured their following in the press, but they are in the minority.

The following data has been obtained from a small sample of all feminicides occurring within the period studied (January 2004 – July 2007).

Of the 403 murders reported, information on the background and history of violence has been obtained on 112 of the cases, which represents 27.7% of the total. Within the 112 cases, 84 women had a history of violence with their aggressor. This means that in 75% of these cases, feminicide represented the final episode in a cycle of violence against those women.

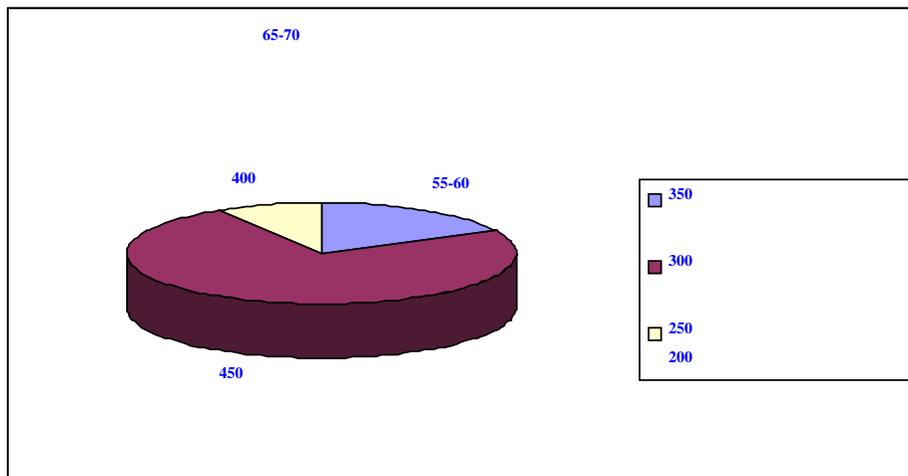
It is worth highlighting that within this percentage only 24% presented the corresponding report.



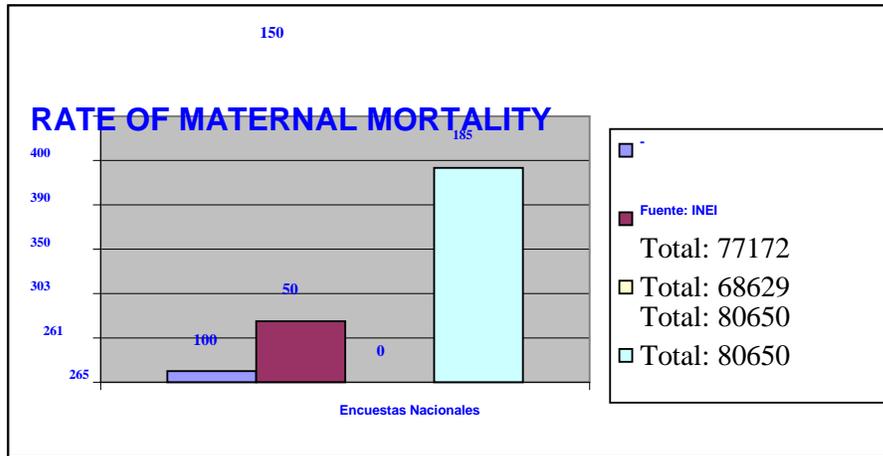
Source: Database of Feminicides in Peru. CMP Flora Tristan –Demus, 2007.

II. NATIONAL STATISTICS ON CRIMINAL PROCEEDINGS AGAINST FEMALE HOMICIDES IN PERU

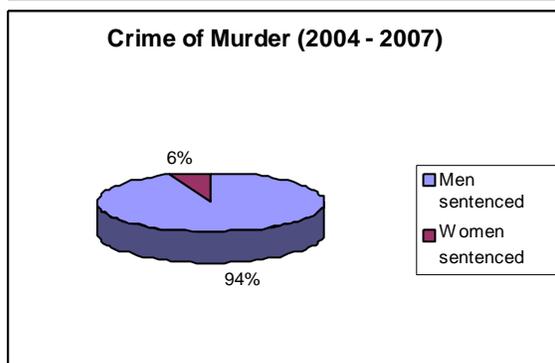
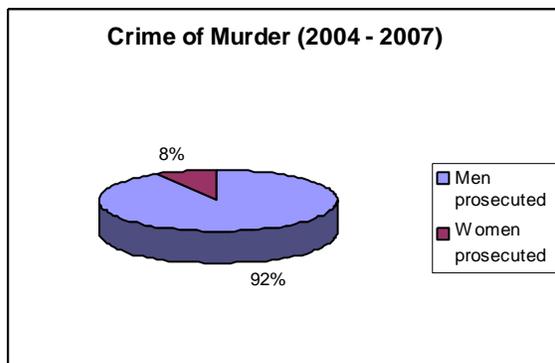
According to the information provided by the Public Prosecutor's Office, between 2004 and August 2007, there were 32 reports of patricide, 133 of first degree murder and 16 of murder as a crime of passion. Unfortunately, despite the request of the researchers to the Public Prosecutor's Office regarding the characteristics of the convictions they were looking for, the information did not make any distinction between the sex of the aggressor and the victim.



In the same way, the Justice Department does not provide disaggregated data that would allow the sex of the aggressor and the victim to be differentiated. In this case, the Department was able to reveal that between 2004 and August 2007 it prosecuted 135 people for patricide, 691 for manslaughter, 10 for murder as a crime of passion and 2418 for grievous bodily harm.



In the case of the National Penitentiary Institute (INPE), the information available manages to differentiate the number of inmates by type of crime and by sex, but does not take into account the sex of the victim. However, an interesting result shows that in both crimes, the proportion of men prosecuted or jailed is much greater than the number of women.



It is worth adding that the different figures shown by the various organisations related to justice and prosecution is due to the following factors (amongst others):

- a. In the case of the Public Prosecutor’s Office, the figures only correspond to the Prosecuting Offices of Lima, while the Justice Department data is national
- b. Not all cases reported to the Public Prosecutor’s Office culminate in a formal prosecution before the Justice Department. In the same way, not all prosecutions brought before the Justice Department culminate in a prison sentence, so that not all prosecutions are sent to the National Penitentiary Institute (INPE).

In this particular case, the lack of differentiated statistics from the judicial system itself, that would allow for greater clarity over the situation of violence against women in this country, is very serious. This omission constitutes an unfulfilment of the obligations assumed by the Peruvian State through its subscription to and ratification of various treaties and agreements, such as the “Convention Belém do Pará” and the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), which establishes the obligation of party states to ‘guarantee the research and distribution of statistics and other information relevant to the causes, consequences and frequency of violence against women, with the aim of evaluating the efficacy of measures to prevent, sanction and eliminate violence against women, and to formulate and apply necessary changes’.²²

III. ADDITIONAL STATISTICS RELATING TO FEMALE HOMICIDES

Violence exercised by aggressors is sometimes used against themselves after committing the crime. 21 aggressors out of a total of approximately 400 killed themselves, whilst five of them attempted suicide. In general, the victims of these feminicides were their wives, cohabitants or partners such as girlfriends or fiancées.

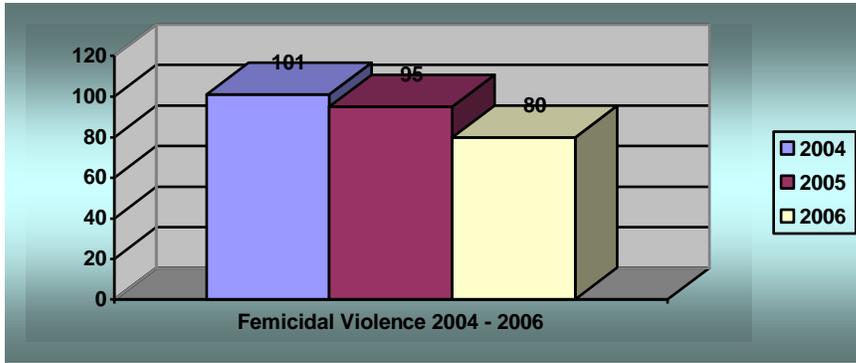
On the other hand, the study conducted by CMP Flora Tristan and Demus indicates that some women were victims of ‘femicide violence’. In other words, specific data has been collected on cases where, despite the intentions of the aggressor, the woman survived the attack, although the violent conditions and cruelty shown are equal to those hidden behind feminicides.

As with the data on feminicides, the information collected corresponds to the period 2004 to July 2007. According to the study **306 women suffered attempts on their lives. From this it is possible to conclude that each month, 7 women’s lives are threatened due to their gender**, and although they survive they suffer terrible consequences regarding their health, limiting their ability to live a full life.

Ayacucho	Arequipa	Cusco	Huanuco	Junin	Libertad	Lambayeque	Lima	Loreto	Piura	TOTAL
20	41	21	11	31	15	33	56	49	29	306

Source: Database of Feminicides in Peru. CMP Flora Tristan –Demus, 2007.

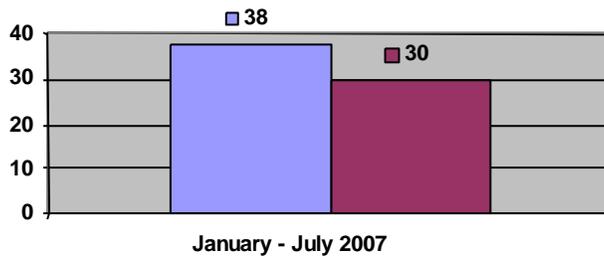
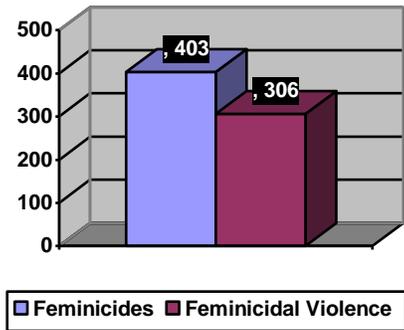
²²Article 7 subparagraph h of the Belem do Para Convention. The General Recommendation No 19 of CEDAW establishes the same obligation of participating states through Recommendation number 24 subparagraph c.



Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

Comparison between the incidence of Femicidal Violence and Femicide between January 2004 and July 2007.

As can be seen in the following graph, the frequency of cases of femicidal violence and femicide is similar. During the period studied 709 attacks against women occurred, either threatening or ending their lives. In only the first half of 2007 there have been 68 victims, of which 30 survived.



Femicides Femicidal Violence

Source: Database of Femicides in Peru. CMP Flora Tristan –Demus, 2007.

IV. STATISTICS ON FORMS OF VIOLENCE AGAINST WOMEN

Violence against women in the family environment

This refers to abuse at the hands of a partner or other member of the victim's nuclear family. It includes beating, sexual abuse – including marital, insults and humiliation. In the worst cases, familial violence culminates with the murder of the victim, or what we have termed, Femicide.

According to the Multi-centric Study on partner violence and women's health conducted by the WHO;²³ 48% of women in Lima and 61% in Cuzco admitted to having suffered physical violence at the hands of their partner at some time. Equally, 23% of women in Lima and 47% in Cuzco admit to having suffered sexual violence from their partner.

This means that over 50% of women in both cities have suffered some form of violence at the hands of their partner, husband or cohabitant.

Between 2004 and 2006, the situation of violence remained. According to data from the INEI,²⁴ 42% of women have been a victim of physical violence from their husband or partner. It is worth mentioning here that not all women report abuse to police due to a series of factors, such as fear, embarrassment, hope that the aggressor will change, economic difficulties, lack of information, or worst of all, normalisation of abuse. Consequently, indices of violence could be on a much greater scale than that shown by the statistics. However they serve as an important indicator.

According to the National Police register²⁵ in 2004 there were 80650 denouncements of abuse against women. 68% of these were for physical violence, 29% for psychological violence and 3% for both. Out of all cases, 73% of perpetrators were husbands or cohabitants of the victims, 17% ex-partners (either ex-husbands or ex-cohabitants) and 4% family members.

For 2005, 76255 cases of familial violence were recorded at the national level, of which 90% were denouncements of abuse against women. 66% reported to being a victim of physical violence, 29% of psychological violence and 5% for other types of violence. Out of all attacks, the husband or cohabitant of the victim was responsible for over 71%, family members²⁶ for 13% and past partners (ex-husbands or ex-cohabitants) for the other 13%.

In 2006, the Peruvian National Police registered a total of 85,747 reports of familial violence, in which almost 90% of the victims were women, abused between the ages of 18 and 50, 78% of which by their husband or co-habitant. Regions with the highest incidences were: Lima (36,542), Arequipa (10,141), Callao (3,609) and Cuzco (4,874).²⁷

Period/Type of abuse/ Aggressor	2004	2005	2006
	Total: 80650	Total: 68629	Total: 77172
Physical Violence	68%	66%	-
Psychological Violence	29%	29%	-
Aggressors: Husband or Co-habitant	73%	71%	78%

²³ Guezmes, Ana; Palomino, Nancy and Ramos, Miguel. Sexual and Physical Violence against Women in Peru. Multicentric Study of the WHO on partner violence and women's health. Lima: Flora Tristan – UPCH, 2002, p 53.

²⁴ Survey of Demographics and Family Health – ENDES, 2004.

²⁵ Peruvian National Police. VII DIRTEPOL - LIMA

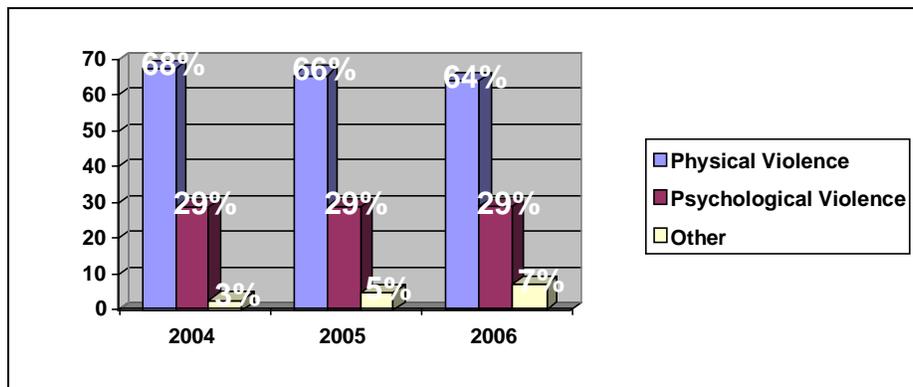
²⁶ Family members include fathers, stepfathers, sons, uncles, grandfathers and brothers, amongst others.

²⁷ Source PNP. DEMUS "Información estadística sobre actos de violencia contra la Mujer"

Source: PNP

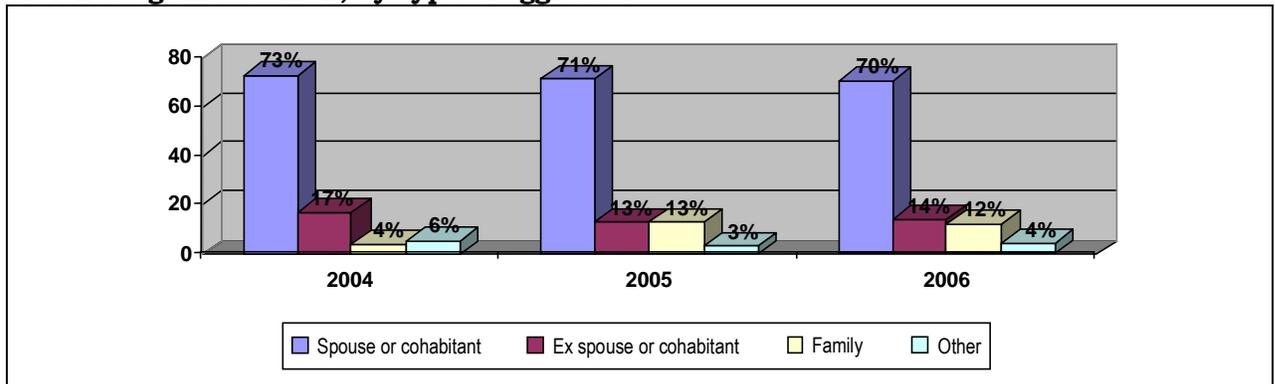
These percentages derive from reports received by local Police authorities on a national scale. The figures show not only that familial violence continues to be a problem that needs urgent attention, but also that the principal victims are women of varying ages. In the majority of cases the aggressor is very close to the victim: their husband or cohabitant. The following graph demonstrates how over the three years familial violence has remained as a constant, with physical violence being the most recurrent form. Significantly, psychological violence is difficult to identify which could perhaps explain why there are fewer reports of it. However, these denunciations represent an important step forward, since they show a percentage of women are progressively identifying the problem.

Violence against women in the family environment



Source: Local Police Authorities of the Peruvian National Police (PNP)

Violence against women, by type of aggressor

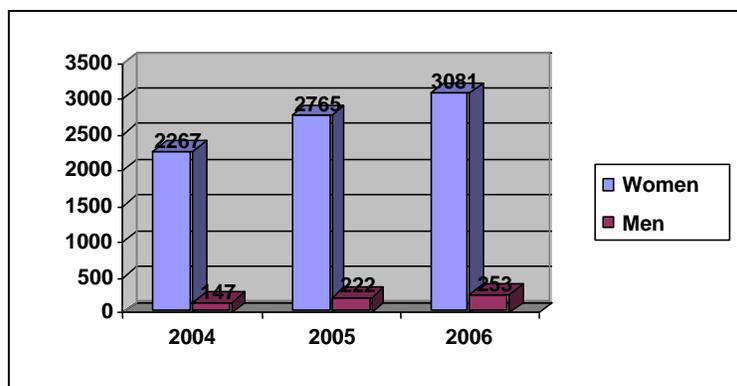


Source: Local Authorities of the Peruvian National Police. (PNP)

Sexual violence against women

Is the bloodiest expression of the desire to dominate feminine sexuality through the subjugation and humiliation of the human body. Different types of sexual violence exist, all of which are linked to a damaging situation of 'victim' and 'aggressor(s)'.

Within the region of Lima, between 2004 and 2006 a total of 8735 cases of sexual abuse were reported, in which 93% of the victims were female²⁸. As the graph below shows, women are most susceptible to sexual abuse, with a gradual increase in reports towards 2006.



Source: Data taken from VII DITERPOL – Lima, PNP

Having subscribed to various treaties and international conventions on the protection of women's rights, the State is therefore obliged to punish violations of these rights.

However, unfortunately there remain a high number of sexual abuse cases that have never been penalised; the observance of the judicial system in these cases is now urgent and there is a need to provide training and to penalise cases of negligence or corruption.

In 2004 Peruvian National Police reported a total of 5721 sexual abuse crimes. Only 39% of these aggressors were detained. In 2005 it reported 6268 sexual abuse crimes, which was a 9.6% increase from the previous year; from this total only 38% of aggressors were detained.²⁹

REPORTS OF RAPE & NUMBER OF DETAINEES, BY DEPARTMENT 2005

Region	N. of Reports	N. of Detainees
Amazonas	93	61
Ancash	146	83
Apurimac	56	31
Arequipa	418	162
Ayacucho	64	45
Cajamarca	155	60
Cuzco	254	183

²⁸ VII DITERPOL – LIMA. PNP.

²⁹ Report 2005 -2006 Women's Human Rights. CMP Flora Tristan.

Huancavelica	23	5
Huanuco	104	54
Ica	258	89
Junín	366	228
La Libertad	344	145
Lambayeque	233	117
Lima	2549	581
Callao	284	72
Loreto	215	92
Madre de Dios	66	52
Moquegua	76	12
Pasco	19	8
Piura	218	116
Puno	50	21
San Martín	111	105
Tacna	19	37
Tumbes	41	23
Ucayali	126	45
Total	6268	2427

Source: Local Authorities – Specialised Authorities PNP
Report 2005 -2006 Women's Human Rights. CMP Flora Tristan.

The principal victims of rape are girls and adolescents. This is due to stereotypes and fantasies relating to tutelage and discipline that have developed surrounding young girls' bodies in patriarchal societies. Additionally, the neo-liberal model contributes to the production of utilitarian and consumerist rationalities that facilitate the use and abuse of the body as a disposable object. Making young women the principal victims of sexual exploitation and forced prostitution. The following table relates to reports solely in Lima, and demonstrates that in more than 60% of these crimes, girls and adolescents are the principal victims.

Sexual Abuse	2004	2005	2006
Total	2414	2987	3334
Women	2267	3081	2765
Women between 10-17	1508	1725	1711
Percentage	67%	60%	62%

Source: Figures taken from VII DITERPOL – LIMA. PNP.

Equally, studies conducted on the slave trade have registered that the majority of victims are women (95%), of which 76% are girls and adolescents between the ages of 8 and 18.³⁰

Victims of Slavery

Age of victims amongst Female Slavery

³⁰ Meléndez Liz, Mallqui Katty. Diagnostic on slavery amongst women and children in eight cities in Peru. CMP Flora Tristan, 2005.

Age	Total of cities	Percentage
8 – 12	3	8%
13 -18	26	68%
19 – 24	9	24%
Total	38	100%

Sex	Total no. of victims	Percentage
Female	36	95%
Male	2	5%
Total	38%	100%

Source: Study on Slavery amongst Women and Children. CMP Flora Tristan

Source: Study on Slavery amongst Women and Children CMP Flora Tristan.

V. LEGAL SITUATION

The Peruvian Constitution of 1993 states in article 2, numerals 1 and 2, that all people have the right to:

1. *Life, their identity, their moral, physical and psychological integrity and their freedom to develop and be contented.*
2. *Equality before the Law. Nobody should be discriminated on the basis of their origin, race, sex, language, religion, opinion, economic status or any other characteristic.*

Under this premise, the Peruvian State is therefore obliged to guarantee maximum expression and respect for the rights mentioned, for each of its citizens. Specifically, the obligation centres on the state granting a guarantee of the right to life and integrity of all people, without distinction according to sex or gender.

In addition, there are international rules that protect women's right to live free from violence. It is important to signal that the Peruvian State has subscribed to and ratified these conventions and treaties.³¹

The Constitution establishes in its Fourth Final and Temporary Provision that:

“The rules relating to the rights and freedoms recognised by the Constitution are interpreted in conformity with the Universal Declaration on Human Rights and with the treaties and international agreements on the same material ratified by Peru”.

While article 3 of the same regulatory framework indicates:

“The enumeration of established rights in this chapter does not exclude others guaranteed by the Constitution, nor others of a similar nature or that are founded in the dignity of man, or in the sovereign principles of the people, democratic state and republican government”.

And so, according to Cesar Landa,³² the enumeration of fundamental rights does not exclude those that the Constitution also guarantees and that are incorporated into

³¹ The Interamerican Convention to Prevent, Penalise and Eradicate Violence Against Women 'Convention Belém do Pará' was subscribed to by the Peruvian State on 7 December 1995, and ratified on 4 February 1996.

The Convention for the Elimination of All Forms of Discrimination Against Women was ratified by the Peruvian State 13 September 1982.

international treaties on human rights or those that are of an analogous nature or those based in human dignity.

Based on this premise it is worth noting that the Belem do Para Convention states that 'every woman possesses the right to a life free from violence, in both the public and private domain'.³² This is particularly important because it specifically refers to violence towards women. It establishes obligations of the State relating to the creation and implementation of public policies that assure 'due diligence' in the prevention, investigation and penalisation of violence against women. Meanwhile it demands that states condemn violence against women, prohibiting the invocation of customs, traditions or religious consideration to elude their obligation to try and eliminate it.

In 1992 the Committee for the Elimination of Discrimination Against Women adopted Recommendation No 19, recognising violence against women as a form of discrimination that undermines or annuls their enjoyment of their human rights, recommending to party States that they adopt appropriate and effective measures to combat both private and public acts of gender-based violence and that they ensure that laws against violence and physical and sexual abuse in the family protect the rights of all women in an adequate manner.

In the case of the Peruvian State it is important to reiterate that it also recommends that party states encourage the compilation of statistics and research into the causes and effects of abuse, as well as the effectiveness of preventative and punitive measures. However, experience shows that in Peru, bodies charged with administering justice do not take into account the importance of differentiating cases of violence against women. Solely through the compilation of statistics that differentiate between the sex and sexual orientation of both the victim and the perpetrator from reliable, official information can the situation of violence against women in this country be fully assessed.

With regards to jurisprudence at the Inter-American level, one of the most important cases was 'Maria da Penha Maia Fernández against the State of Brazil' (2001). Maria da Penha was a victim of recurrent violence at the hands of her partner, during the time they lived together. The repeated attacks caused her to become a paraplegic, with one attack constituting attempted murder. In this case, the Inter-American Commission of Human Rights declared the Brazilian state responsible for tolerance of and negligence towards the violence suffered by this woman.

The importance of this jurisprudence relates to obligations that states have to provide the necessary mechanisms to guarantee women's right to live free from violence. According to information obtained through the press between 2004 and 2007, in 21% of the cases previous acts of violence against the victim were mentioned, of which 32% were reported. However, all of these cases ended with the death of these women. It is obvious that in these cases the Peruvian state is responsible for tolerating and acting in a negligent manner towards the violent crimes reported by these women.

The Criminal Code typifies crimes against human life into determined legal categories, such as murder, first degree murder, patricide, crimes of passion and infanticide. However, none of these take gender discrimination into account as an aggravating factor.

³² LANDA ARROYO, Cesar. "International Treaties in the jurisprudence of the Constitutional Tribunal". In: <http://www.cajpe.org.pe/quia/landa-2.htm#s51c>. (17/01/08)

³³ Article 3 of the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women.

1. First degree murder.

Legal rules establish aggravating circumstances that constitute first degree murder such as:

- a. Whether the crime was committed with particular ferocity or for profit or pleasure.
- b. Whether it was committed to facilitate or hide another crime.
- c. Whether great cruelty was used or whether the crime was premeditated.
- d. Whether fire, explosions, poison or other measures capable of putting other people's lives or health in was used.

Through research into news related to feminicide conducted by CMP Flora Tristan³⁴ (see graph 'Arms and Weapons Used by Aggressors') it can be seen that in the majority of cases the aggressor beat the victim then murdered her, be it using a knife or firearm. However, for the present report updates of these facts have been sought, recording new data from national and regional press,³⁵ in which these speculative tendencies were confirmed.

In accordance with the Royal Language Academy, ferocity can be defined as any brutal, cruel or daring act. Following this definition the majority of feminicide cases could be prosecuted as first degree murder, which carries a minimum sentence of 15 years. However, reality has demonstrated that in the majority of cases this is not given.

2. Patricide

This crime refers to the relationship between subjects as the aggravating circumstance, be it either a blood parent or through marriage. The current Penal Code of 1991 widens the notion of patricide, incorporating passive subjects such as adopted children or those of a concubine, signalling that *'he who knowingly kills a relative, be it natural or adopted, through marriage or otherwise, will be reprimanded with a minimum sentence of 15 years'*.

According to Hurtado Pozo,³⁶ patricide is considered by specialists as 'the supreme crime' as it affects 'the basis of human development and culture'. Originally, however, patricide did not penalise crimes committed by a father against his descendents, because the patriarch had absolute control over his family, a group that included his wife. Later this absolute power of the patriarch became limited, and he too became subject to punishment.³⁷

However, this legal precept not only protects human life as a legal right but its severity stems from the understanding that it implies a 'radical transgression of the most natural of laws': the family. It is a crime that threatens the legal right that the Peruvian Constitution establishes as the basis of society: the family. The prevalence of the familial legal right on the rights of women, entails that within these types of crimes the wellbeing of the family is taken into consideration, as well as the interests of the victim, with the aim of imposing the respective punishment.

³⁴ Peruvian Womens Centre FLORA TRISTAN. "Violence against women: Feminicide in Peru". Lima. October 2005.

³⁵ Collection of information was from the principal newspapers of Ayacucho, Arequipa, Cusco, Huanuco, Junin, La Libertad, Lambayeque, Lima, Loreto and Piura.

³⁶ HURTADO POZO, Jose. "Criminal Code Manual. Special Part 1. Homicide." Ediciones Juris. Lima. 1995.

³⁷ In: HIERREZUELO CONDE, Guillermo. BIBLIOGRAFIA-RECENSIONES Y RESEÑAS. *Rev. estud. hist.-juríd.* [online]. 2002, no.24 [citado 11 Septiembre 2007], p.466-469. Web: <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552002002400031&lng=es&nrm=iso>. ISSN 0716-5455.

3. Crimes of passion

This crime, also known as emotional murder, establishes the emotional state of the perpetrator at the moment of carrying out the crime as possible extenuating circumstances. According to this doctrine, in order for a homicide to be considered in this category, the judge should take into account certain criteria, such as:

- a. The intervening time between the provocation and the crime. This is to say that no long period of time existed, which could have led to a different reaction by offender.
- b. The method used to commit the crime. Under a state of emotional violence, the perpetrator could not use complicated methods that would demonstrate previous reflection upon the act.
- c. The temperament of the subject: without implying an a priori argument. In each concrete case, an objective analysis of the situation will not have been taken.
- d. Previous knowledge of the situation on the part of the perpetrator: emotional violence presupposes the crime was committed in a sudden and unexpected manner resulting from an important situation for the offender.³⁸

Regarding the classification of femicide as an autonomous crime, it is necessary to create a space at the doctrinal level that will permit debate over not only the issue of femicide but also of the fundamental principles governing legal doctrines that relate to punitive power in the context of a democratic state. This premise indicates that social control through penal measures should be the tool of last resort, following the failure of other social control measures.

Under this premise it is fundamental to position the term at a political level, given that the changes at the normative level are backed by cultural support. From a critical perspective of the law, it is assumed that the law is not neutral since it involves political actions in its creation. Consequently the sensitisation of political agents and legal operators is fundamental to allow the inclusion of femicide within the national legal system in harmony with the penal doctrine, taking into account the cultural background underlying these crimes. As a result there is an urgent task to address: interdisciplinary dialogue that will permit us to find answers to this problem.

VI. JUDICIAL SYSTEM

According to regulations, the Peruvian National Police, the Public Prosecution and the Judicial Department are the bodies responsible for investigating, prosecuting and punishing offenders who commit acts of violence against women, in accordance with existing criminal proceedings.

However, within the judicial system, the prosecutors who are ultimately responsible for investigating and sanctioning these types of crimes appear to perpetuate a discourse that is loaded with stereotypes and that fails to take into account the violence that women are subjected to due to gender inequality.

Taking into account the reality of national regulations, DEMUS undertook research into criminal cases of offenders prosecuted for any crime against life as established in the Criminal Code, that also showed traits of femicide. They identified sixteen judicial cases from the jurisdiction of Lima and Callao, which matched the criteria. Below each

³⁸ PEÑA CABRERA, Raúl. "Treaty of Criminal Law. Special Part" Ediciones Jurídicas. Lima. 1992

type of crime as established in the Criminal Code will be presented, as well as how they were prosecuted in some of the cases identified.

In one³⁹ of the nine criminal cases categorised as private feminicide by the investigation, the Legal Ruling found the offender guilty⁴⁰ regarding the accusation of crime against life through attempted patricide; on the basis of the victim's testimony and the legal medical certificate that concluded that the claimant was victim to 'intended murder by strangulation at the hands of the aggressor'. However, the First Criminal Court for Jailed Defendants reclassified the crime as grievous bodily harm, which carries a much lighter sentence.

On the other hand, in the same study, they could find only one case where the offender was prosecuted for a crime of passion. However, on this point it is important to reiterate that the defense put forward by the accused appealed to justify the murder through extenuating circumstances.

"(...) I didn't want to kill her (...) it wasn't murder, it was a moment of extreme pressure, it was like an accident."

"(...) I was nervous and I blinded myself making my mind go blank, I took my gun out of my belt and started to shoot"⁴¹

Another of the findings made in the study of criminal cases was that the victim's interests are not considered a priority in the resolution of feminicide prosecutions.

As part of the principles stipulated by criminal regulations (article 45 of the Criminal Code) in determining sentences, the Criminal Code states that certain criteria should be taken into account, such as:

- a. The social hardship suffered by the offender.
- b. Their culture and customs.
- c. The interests of the victim, their family or of those whom they depend upon.
- d. The nature of the crime.
- e. The methods used.
- f. The importance of the rights infringed upon.
- g. The extent of damage or danger caused.
- h. Their age and socio-economic background.
- i. A sincere confession before being discovered.⁴²

In addition, Article 136 of the Code of Legal Proceedings states that '*a corroborated confession given by the accused, relieves the judge of unnecessary proceedings in bringing the investigation to a conclusion (...) A sincere confession duly proved can be taken into consideration in lowering the sentence given to below legal minimum limits*'.

In feminicide related prosecutions the application of this criteria has led to shorter prison sentences than those established in legal regulations.

'A sincere confession and demonstrable repentance allows the judge to lower sentences to below the legal minimum (...) so that if there are no previous convictions (...) sentences for patricide and murder amount to 12 years incarceration'^{43 44}

³⁹ Case 110-99 of 10mo. Juzgado Penal de Lima.

⁴⁰ In this case, the accused tried to strangle his wife twice in one night, leaving her unconscious in her bedroom in the hope that she would die. On regaining consciousness the victim begged her aggressor to take her to hospital, which he did on condition that she claimed she had attempted suicide.

⁴¹ DADOR, Jennie and RODRÍGUEZ, Lupe. Idem. Pgs. 15 - 16

⁴² Articles 44 and 45 of the 1991 Legal Code.

⁴³ In both types of crime the minimum sentence is 15 years incarceration.

In these cases, the interests of the victim or their family are subsumed by arguments in which society assumes **a co-responsibility in the commission of the crime**,⁴⁵ and where the sentence has a resocialising function. These arguments, in the long term obscure the gravity of these types of crimes by imposing lesser sentences than the limits established in legal regulations.

As stated in a report on Ciudad Juarez, Mexico,⁴⁶ the lack of adequate action taken by the judicial system in cases of violence against women contributes to its continuance in our society, and its tendency to increase.

*“Although there have been important advances, the response of the Mexican state to murder and other forms of violence against women has been, and continues to be, grossly insufficient. **As a consequence, this has become a central part of the problem. The impunity that surrounds the majority of gender-based violence contributes to its perpetuation**’.* (Highlights author’s own)

In Peru, previous acts of violence occurred in over 50% of femicide related cases, and in 44% reports of domestic violence had been lodged with the Peruvian National Police.⁴⁷ In one case the victim actually solicited personal guarantees at 4 different times. However, the lack of response on the part of the judicial system contributed to the murder of these women, amounting to shared responsibility on the part of the State for these crimes.

Another of the problems discovered, not only at the national level but in the whole region, relates to the difficulty that women experience in exercising their right of free access to justice. As highlighted in a report by the Inter-American Commission on Human Rights, many women from indigenous territories are forced to make long journeys of several hours or days by land or water to reach the nearest locality to report violent crimes. On top of this geographical difficulty are other factors such as lack of cultural understanding amongst judicial officials, lack of judicial officials who speak the victim’s language, the difficulty of obtaining proof, the prolonged cost of judicial prosecutions and the lack of identity documents amongst these women.⁴⁸

The sum of all these elements results in a judicial system that manages to guarantee an effective investigation with difficulty, due prosecution and an adequate sentence in cases of violence against women at an urban level but at the rural level fails, with impunity remaining much more prevalent and serious for women, which merely deepens the discriminatory gap in guaranteeing these women access to justice.

VII. PUBLIC PERCEPTION OF VIOLENCE AGAINST WOMEN AND FEMICIDE

According to the V Annual Survey on the Situation of Women, (whose remit is metropolitan Lima and Calla), 30.2% of the population interviewed considered the principal problem facing women to be domestic violence, which indicates a one percent increase from the previous year. As such, 17% of interviewees think that lack of education is the second greatest difficulty facing women, followed by undesired pregnancy in third place with 15.4%.

⁴⁴ **Case N° 3237-97 of the First Corporate Court of Ordinary Prosecutions of the Supreme Court of Lima.** Cited in: DEMUS, “Femicide in Peru. Judicial regulations”. Septiembre 2006.

⁴⁵ DADOR, Jennie and RODRIGUEZ, Lupe. Idem. Pg. 21.

⁴⁶ Chapter VI Ciudad Juarez. In: <http://www.cidh.oas.org/annualrep/2002sp/cap.vi.juarez.htm>. (30/11/2007)

⁴⁷ DADOR, Jennie and RODRIGUEZ, Lupe. Idem. Pg. 13

⁴⁸ InterAmerican Commission on Human Rights. Idem. Acápites. 199 and 207.

It is important to note that 82% of interviewees thought that women were discriminated against in Peruvian society. In response to whether we lived in a machista society, 93% of women and 84.6% of men agreed.

On the other hand, according to femicide related data collected in 2006, in the city of Cuzco;⁴⁹ 83% of interviewees considered the principal cause of murders to be mental illness, while 66.7% considered the principal cause of female murders to be jealousy, followed by 25% that believed it was infidelity within relationships. In response to whether the reporting of these crimes was pertinent, all responded affirmatively.

These statistics show that the public is indignant towards murders of women and considers that these crimes should be punished. However, the same interviewees hinted towards elements of an exculpatory discourse by identifying the aggressors as ‘mentally ill’ or blaming jealousy or infidelity of women as causes for the crime.

In relation to the perception of ‘Femicide’, the study revealed that almost all of the people interviewed were unclear of the meaning of the word. 41.75% were completely unfamiliar with the word, 25% associated the word with feminism and only 16.7% made reference to the abuse and killing of women, and only 8.3% associated it with murder.

Media

The media plays a fundamental role in shaping citizens’ perceptions. Accordingly, it can contribute to guaranteeing a life without violence for women, but only if sexist language and gender stereotypes are no longer used in the construction of their messages.

To demonstrate, some news headlines have been chosen to show how the press diffuse news of female murders with a discourse that pathologises the responsible party, maintains gender stereotypes and symbolically blames and punishes women for their death.

Newspaper, City and Date	Headline	Content
Diario Correo, Arequipa. 12 May 2005	Policeman kills wife out of jealousy then kills himself	Headline conveys jealousy as the motive for the murder with no mention of the violent context.
Diario Correo, Arequipa. 26 January 2006	Youth kills platonic lover with 12 stab wounds before committing suicide	The event is presented from a romantic and heroic viewpoint; which distracts from the gravity of the severe violence perpetuated against women
El Diario del Cusco. 3 December 2004	Man blinded by jealousy kills wife	Jealousy is presented as a justification and excuse for murder.
El Sol del Cusco. 17 January 2006	‘I killed my wife out of jealousy’, admits murderer from Umanchata	The headline highlights the offender’s testimony, who argued in his defense that jealousy caused him to kill.
Diario Correo, Junin. 17 July 2004	Resentful lover strangles young girl	The headline highlights the type of relationship that the

⁴⁹ Preliminary Study: Femicide in Cuzco. Yépez Torkasa, CMP Flora Tristan, 2006. Unedited Document.

		victim maintained with the aggressor in a derogatory and judgemental manner.
Diario Aja, Lima 10 March 2004	Middle aged woman/ 'old bag' raped and killed	Disrespectful reference to the age of women.
Diario Aja, Lima. 6 June 2004	Thugs rape and kill 'jermita' 'chick'?	Vulgar and disrespectful reference to the woman (Jermita)
Diario Aja, Lima. 30 June 2004	Thug kills girl for dancing with another	Woman is blamed indirectly for her own death.
Diario Aja, Lima 8 October 2006	Crazy Tombo kills his wife	Aggressor is pathologised which could contribute to displacing responsibility.
Diario Aja, Lima 31 March 2005	Alcoholic kills girl	Alcohol is a recurrent element in this discourse of excusing responsibilities.
Diario Aje, Lima 4 July 2005	Jealous husband strangles party loving wife	Symbolically it makes the woman responsible for the jealousy of her murderer and portrays her as a party girl. This is a form of symbolic punishment for behaviour considered inappropriate for the role of a wife.
Diario Aja, Lima 14 July 2007	Donut seller strangles cheating wife	Referring to infidelity as the motive places the blame on the woman and sends out a disciplinary message.
Diario Aja, Lima. 13 March 2006.	'Lolita' strangled in night of passion	'Lolita' refers to a woman in prostitution The importance in the news should be the death of the woman and the level of violence that she was subjected to, not her occupation This headline devalues her death by passing moral judgement on women working in prostitution.
Diario La Hora, 13 January 2007	Shock! He killed her 'for love'	Portrays the event as an unusual and heroic case, without taking into account the causes and frequency of these types of crimes.

VII SOCIO-ECONOMIC CONTEXT

Population

The Institute of National Statistics projected national population at 2005 to be 27,219,264, estimating urban populations to be over 72% of the total population, of which 50.1% is female. According to the population pyramid the number of women is roughly equal to men. As a result, when we talk about the female population at risk, we refer to half of the Peruvian population.



Human Development⁵⁰

In Peru, Human Development Index (HDI) is 0.767 which places us in the middle level and in the 82nd range. The Gender Development Index (GDI) is also around the middle average at 0.759. In the same way the Index of Gender Potentialisation (IGP) is 0.580 and corresponds to the same level, but is lower than previous indicators.

Issues relating to female education

Illiteracy is a significant problem in Peru. According to National Census figures from 2005, 13.8% of women over 15 are illiterate, whilst amongst men it is 4.7%; in other words for each man there is 2.94 illiterate women. Therefore one of the main areas where gender discrimination exists is education.

Significantly, the greatest rate of illiteracy and school absenteeism is amongst women in rural areas. Cultural factors such as gender stereotypes that circumscribe women to the domestic sphere help to account for this, where education is seen as of secondary importance, whilst this concept becomes a necessary reality in conditions of poverty.

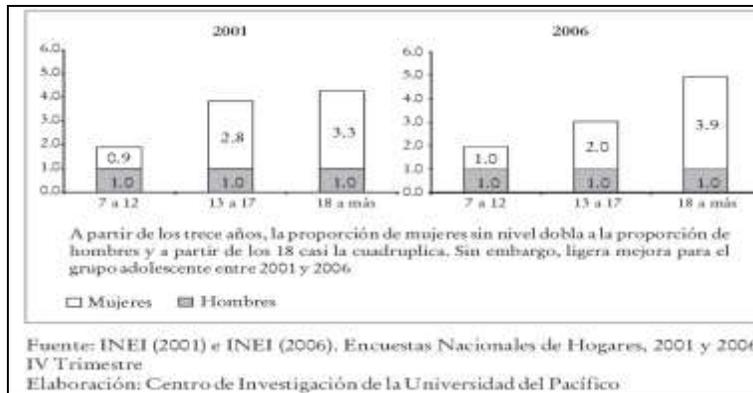
The rate of school absenteeism for girls in rural areas reaches an average of 15%, which is equivalent to approximately 192,000 girls between the ages of 6 and 16 not attending school. In 2006 almost 70% (nearly a million) of rural girls between the ages of 7 and 17 were behind at some stage at school.⁵¹

The following graph shows the majority of people who lack education are adolescent women, while the gap increases with age.

Proportion of people without education according to gender and rural area, 2001 Vs 2006

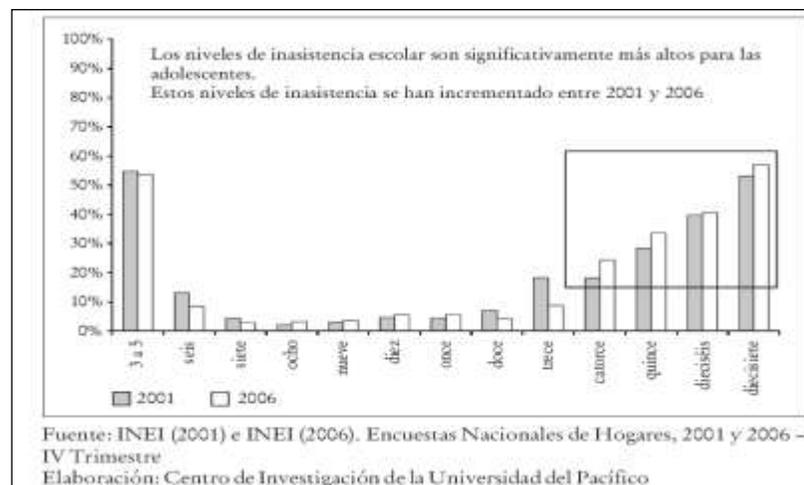
⁵⁰ Human Development Report 2005. PNUD.

⁵¹ VASQUEZ, Enrique and ALVARO Monge. "How and why to bridge the education gender gap amongst rural female adolescents". Pacifico University, Manuela Ramos 2007.



The following graph demonstrates that the discrimination gap between women and men has remained constant over the last five years as rural adolescent girls attend school less often than their male counterparts.

Percentage of rural girls who do not attend school, according to age, 2001 Vs 2006

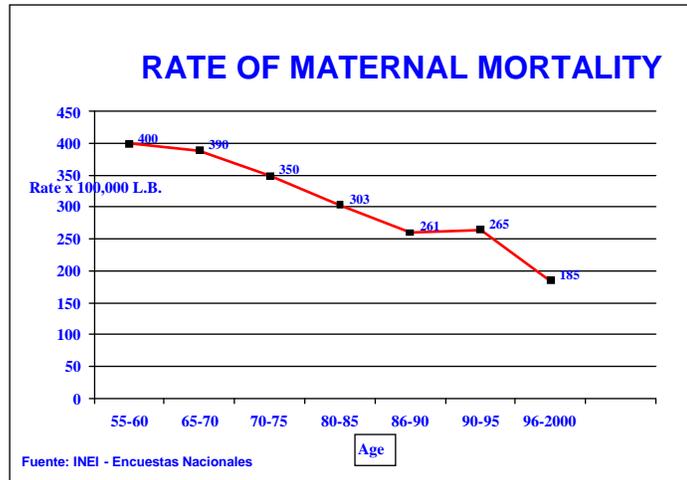


Figures relating to mortality and women's health

Access to good quality health which allows full enjoyment of life is a widely recognised human right. Violence against women, in agreement with the concept adopted by the Belem do Para Convention and CEDAW's Recommendation No. 19, violates this right. While sexist stereotypes surrounding the body, maternity and female sexuality are maintained, women will continue to find themselves in greater danger of death or permanent detriment to their health.

Mortality and women's health

According to the PanAmerican Health Organisation, on a global scale Peru is in the 'very high' category of Maternal Mortality, with comparable levels in Haiti, Guatemala, Bolivia and Honduras. According to ENDES (2000) the rate of maternal mortality decreased from 400 to 185 per 100 000 live births.



Available at www.minsa.org.pe

According to Ministry of Health figures, since 1995 there has been a reduction in maternal mortality, although gaps still exist amongst rural provinces and the poorest sectors of the country. 85% of deaths in childbirth occurred amongst women living in poverty or extreme poverty.⁵²



Source: Ministry of Health (MINSA)

This shows that inequality and discrimination gaps have not been narrowed and that their permanence has direct effects on women's health. According to an Amnesty International report 'discrimination is one of the principal factors blocking women from poor and marginalised communities' access to health services. In many cases discrimination based on economic status accompanies discrimination based on cultural or ethnic identity'.⁵³

According to MINSA,⁵⁴ every day there are 2140 new pregnancies, of which 813 are unwanted; increasing the risk of abortion. At the same time, 856 women suffer complications during either childbirth or puerperium, 94 attended abortions take place and two women die due to complications during either childbirth or puerperium. According to figures presented in the II National Health Conference in 2005; every 8 hours a woman dies from these kinds of complications. Although numbers vary, this

⁵² MINSA statistics. Available at www.minsa.gob.pe, visited in November 2007.

⁵³ Peru: The denial of Maternal and Infant Health; Conclusions. Amnesty International -; 2006.

⁵⁴ Ministry of Health statistics (MINSA). Available at www.minsa.gob.pe

demonstrates a very serious public health problem amongst women that the State needs to tackle.

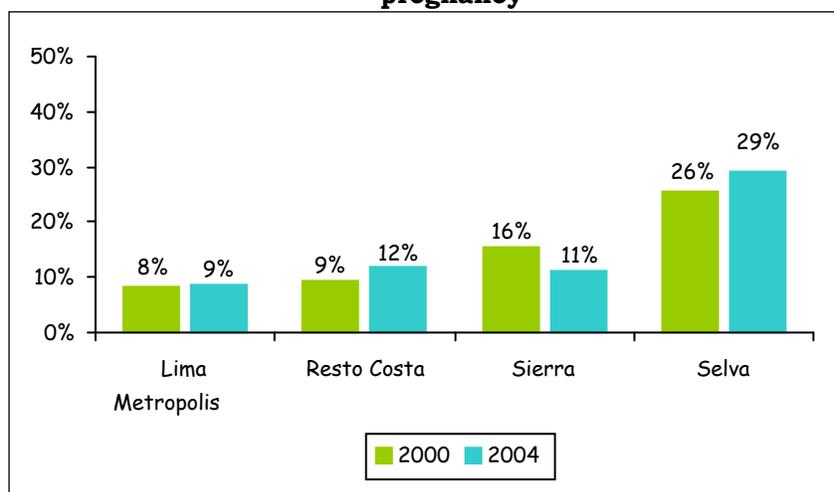
One of the principal causes of maternal mortality is illegal abortions, however figures are estimated in a subregister due to legal and moral penalisation that deny women decision making power over their own bodies, threatening their health. This is a point of social justice, since the women who are forced to submit themselves to unhygienic abortions are the poorest and least well informed. The visibilisation of abortion in Peru needs to be prioritised to eliminate the conservative silence surrounding it; without which maternal mortality will not be overcome.

Peru: Annual number of abortions. Estimates	
Year	Number of estimated abortions⁵⁵
1994	271,000
2000	352,000
2004	410,000
2006	371,000 (*)

Source: Allan Guttmacher Institute, Clandestine Abortion LatinAmerica. 1994. Delicia Ferrando: Clandestine Abortions in Peru, 2002. Delicia Ferrando: Presentation: Clandestine Abortions in Peru – New Evidence, 2004. (*) Delicia Ferrando, 2006.

Teenage pregnancy as a problem has increased over the last few years and caused concern amongst policy makers and human rights organisations. The problem stems from a social policy that is created under a confessional and sexist slant that limits free access by women to contraceptives and the prevention of unwanted pregnancies. Because of this there is strong resistance to the approval of emergency oral contraception and the legalisation of abortion remains a taboo subject for the majority of legislators. Lamentably this situation affects women of fewer economic and informative resources; as can be seen in the following table the highest rate of teenage pregnancy is in the poorest and more rural areas of the country.

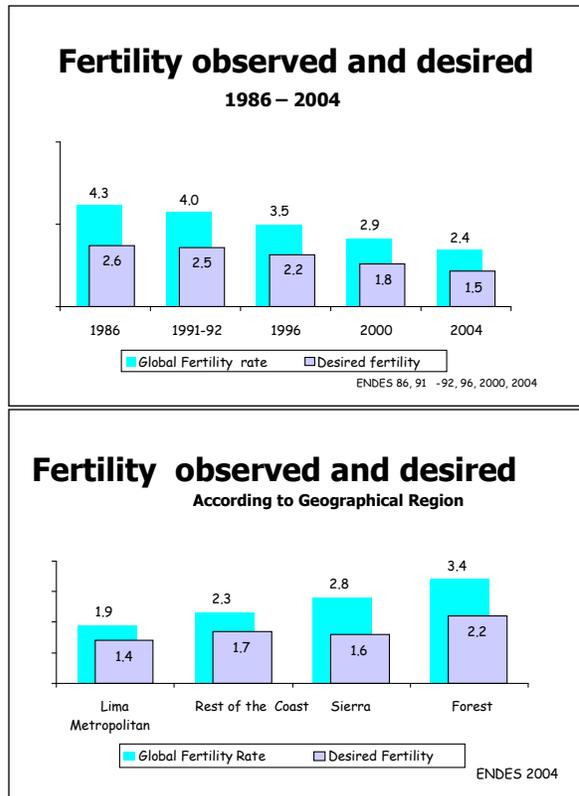
Teenage pregnancy according to region: % of teenage mothers with their first pregnancy



Source: Endes 2002, 2004. MINSA.

⁵⁵ This figure is calculated using the number of registered cases (MINSA, EsSalud and private), adjusted for omission, by a factor that combines the risk of complication and the risk of hospitalisation.

In the following graphs fertility rates have fallen considerably between 1986 and 2004. However, this decrease is less significant in the sierra and woodland areas. Access to education, information and contraceptives is considerably poorer in these areas compared to urban areas.

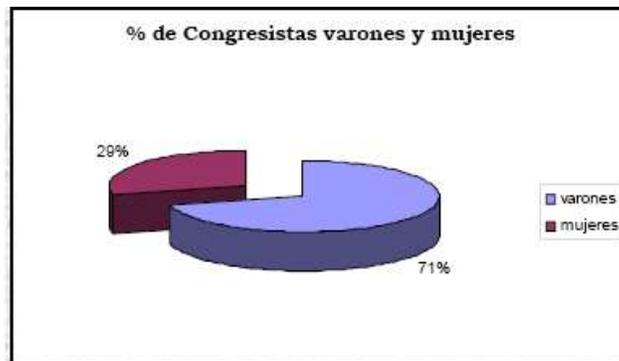


Employment and Female Participation in Politics

According to INEI (2005), 42.2% of the Economically Active Population (EAP) is made up of women. The employment rate amongst women of working age is 61.3% compared to 81.3% amongst men. If we differentiate between rural and urban areas once again, figures reveal new gaps. Employment rates amongst rural women are 72.6% and 52.2% for urban women. One of the underlying factors explaining why employment rates are higher in rural areas is that female agricultural work is considered a traditional activity; which does not signify that they receive adequate remuneration.

Although we have witnessed an increase in the number of women working, it must be noted that both unemployment and underemployment possesses feminine characteristics. According to INEI-ENDES 2004 data, the rate of unemployment amongst women in Lima Metropolitan reached 46% compared to 27% amongst men, while 27% of women between the ages of 20-29 at the national level are without work.

With regards to female political participation, Peru is one of 25 countries to have incorporated quotas in its legislation, to guarantee and promote female access to public spheres and equality in the national political process. For the legislative period 2006 – 2011, the participation of women has increased from 18.33% in the previous period to 29.2% in the current period (which runs from 2006 – 2011). However, the following graph shows how the gender gap continues to exist.



Political and Citizen Participation Programme.
Manuela Ramos Movement. (2006)

VIII. SOCIAL POLICY AND BUDGET

On 22 December 1993, the Peruvian State approved the Protection Law Against Domestic Violence, which was the first law to address the theme of violence against women and other family members as a problem that went beyond the private sphere. However, since its promulgation the law has suffered a series of modifications that have failed to lessen violence against women or the impunity enjoyed by their aggressors.

Within this framework, for 2001 the National Plan against Violence towards Women for 2002-2007 was created through Supreme Decree No 017-2001 – MIMDES. In this way the Peruvian State initiated compliance with obligations that were adopted through subscribing to the 'Belem do Para' convention.

The same year, through Supreme Decree No. 008-2001 – PROMUDEH, the National Programme Against Domestic and Sexual Violence (PNCVFS) was created to be directly dependant on the Ministerial Office, and was given responsibility for the administration and development of Emergency Women's Centres. However, in 2005 the PNCVFS was moved to the Institute of Family Well-Being, implying a step backwards in terms of focus, hierarchy, political and budgetary autonomy.

However, in 2006 through Supreme Decree No. 076-2006-PCM it was decided that in line with decentralisation the CEM would cease to be part of MIMDES but be managed by local and regional government.

Worse still, this year, through Supreme Decree No. 005-2007-MIMDES, the Director General of Social Protection was created, transferring to it the competencies and functions of the PNCVFS and other programmes, causing the closure of the National Programme of Domestic and Sexual Violence.

These developments clearly demonstrate the lack of political will within the Peruvian State to seriously tackle violence against women. The National Plan against Violence towards Women 2002-2007 culminated last year with a generally unfavourable evaluation. Although initially it was proposed that activities would be conducted from a gender and human rights perspective, in reality the activities principally responded to the traditional vision held by authorities, i.e. the prioritisation of the protection of families over that of individuals. This evaluation worsens when you take into account that while the National Plan should account for all forms of violence against women, the

activities both planned and conducted centred solely on domestic and sexual violence, and within the latter with greater emphasis on children and adolescents.

Regarding the information provided by the Peruvian state on figures relating to violence against women, through Supreme Decree No 043-2003-PCM the Peruvian state promulgated the Single revised Text of the Transparency and Access to Public Information Law, whose purpose is to 'promote transparency in the actions of the state and to regulate the fundamental right to information confirmed in point 5 of article 2 of Peru's Political Constitution'.⁵⁶

According to this regulation, every private and public person can access, through various state organs, information relating to the work undertaken by each department, with the exception of classified information relating to internal security.

To comply with this regulation, each Public Administrative entity is required to progressively make information relating to their budget, acquisition of assets, services provided, official activities being developed or any other relevant information available on the internet.

However, this list is not precise enough for all types of information that people may want. For example for the present research, statistical information on murders of women was solicited from organisations forming part of the judicial system, such as the Public Prosecution, Justice Department and National Penitentiary Institute.

However, as already mentioned, the information given does not differentiate between the sex of offenders or victims, information which would bring greater clarity on the situation of violence faced by women in Peru.

On this point, the InterAmerican Commission on Human Rights has signalled that one of the problems regarding access to justice for female victims of violence are the gaps and deficiencies inside the judicial system, in relation to the processing and registering of information on cases of violence against women.⁵⁷

'The Commission expresses concern that violence against women, in all its manifestations and contexts, is much more prevalent than thought or reported in the media or by what is suggested by official statistics'.⁵⁸

On the other hand, through Law No 28927, the 2007 public sector Budget Law was promulgated, which sets the budget for the year's expenditure. The eighth provision of the regulation states that 'in the Budgetary Evaluation for the Fiscal Year 2007 Public Sector Budget, public entities should incorporate within their analysis policies aimed at gender equality'. However, it states in the chapter referring to the implementation of performance related budgets that 'infancy will be prioritised in the implementation of the Improve Spending Quality and Management Performance for the following activities:

- a) Birth and Identity Registration.
- b) Care for pregnant women.
- c) Care for children under the age of five.
- d) Care for acute diaretic illnesses and acute respiratory illnesses.
- e) Care for newborns less than twenty nine days.
- f) Attendance control of teacher and pupils.
- g) Primary education service for children between 5 and 7.

⁵⁶ Article 1 of Supreme Decree N° 043-2003-PCM, **Texto Único Ordenado de la Ley N° 27806, Ley de Transparencia y Acceso a la Información Pública.**

⁵⁷ InterAmerican Commission on Human Rights (CIDH). "Access to justice for female victims of violence in the americas". Washington. 2007. Acápite 188.

⁵⁸ CIDH. Idem. Acápite 188.

- h) Mathematical training and reading comprehension at the end of the first primary education cycle.
- i) Supervision, Monitoring, Pedagogical Advisory and Training for teachers.
- j) Attention to infrastructure in schools at risk.
- k) Safe water supply and quality control.”

This regulation does not include any type of fiscal policy aimed at developing programmes or policies directed at the eradication of discrimination and violence against women.

Apparently, the situation will continue for the coming year. On the Ministry of Economics and Finance website,⁵⁹ proposed laws elaborated by the Executive relating to the Budget, Financial Balance and Debt of the Public Sector for the fiscal year 2008 are published. The document’s stated central objectives are as follows:

- Poverty reduction and reduction in childhood malnutrition
- Continuing high levels of economic growth
- Improving living conditions amongst the general population
- Decentralisation and Compensation of Resources.

However, there is no indicator or strategy that contains a gender perspective for the application of the budget in the entire document. The only mention is made regarding the Ministry for Women and Social Development referring to the transfers that local governments should make in acting out the Transfer Plan of Social Competencies for poverty reduction and social and productive infrastructure programmes.

It is worth pointing out that the first provision of Law No 28927, establishes that subsidies are allocated to specific entities for 2007, found in an annexe to the law.⁶⁰ The total amount of these subsidies is S/. 28 807 401 million new sols,⁶¹ none of which are allocated to organisations that combat violence against women, while S/. 2 602 850 million⁶² is allocated for the Catholic Church and S/. 1200 000 million⁶³ for the Women’s Committee of the National Police. No paragraph mentions subsidies for any other type of institution such as Refuge Houses or Hostels, which act as essential spaces for female victims of violence.

Regarding this latter point it is worth highlighting that at the national level, the Ministry for Women and Social Development is responsible for developing social policies aimed at erradicating violence against women. As a consequence, as previously mentioned, the National Programme against Domestic and Sexual Violence was set up in 2001, which was supposed to be:

‘responsible for designing and executing at the national level, actions and policies of prevention, attention and support for those affected by domestic and/or sexual abuse, thereby contributing to the improvement in the quality of life for people from a gender perspective’⁶⁴

Given the importance of the National Programme in the prevention, investigation and sanctioning of violence against women, the following figures were obtained from the Ministry for Women and Social Development in relation to the budget assigned to the programme between 2001 and 2005.

⁵⁹ <http://www.mef.gob.pe>

⁶⁰ See Annexe

⁶¹ Equivalent to \$9,292,710 million US dollars at current exchange rates.

⁶² Equivalent to \$839,629 thousand US dollars at current exchange rates.

⁶³ Equivalent to \$387,096 thousand US dollars at current exchange rates.

⁶⁴ Article 2 of Supreme Decree N° 008-2001-PROMUDEH

<i>National Programme against Domestic and Sexual Abuse</i>	2001	2002	2003	2004	2005
Budget Assigned	11,375,197	8,297,963	9,187,515	11,497,307	13,423,639
Budget incurred	7,065,702	6,905,586	7,928,413	10,037,922	4,981,487

Source: DEMUS. Information obtained by MIMDES through the Law of Access to Information and Transparency.

The statistics reveal the state's complacency regarding preventative, investigative and sanction work against violence against women. It clearly demonstrates that the amounts assigned to the National Programme against Domestic and Sexual Abuse were quite low and yet what was given in reality was even lower. If we take into account that this programme only tackles two dimensions of violence against women, the serious lack of resources to tackle other forms of violence becomes apparent.

Annexe N° 1

Copy of letter sent to the Public Prosecution, Justice Department and National Penitentiary Institute to obtain figures relating to femicide in Peru.

CARGO



Lima, 20 de agosto del 2007

Doctor
Aldo León Patiño
Secretario General de la Fiscalía de la Nación
Ministerio Público
Av. Abancay cdra. 5 s/n
Presente.

Asunto: Solicitud de información de la Ley de Transparencia y Acceso a la Información.

PATRICIA VERONICA SARMIENTO RISSI, con DNI 10735562, con domicilio en Jr. Caracas 2624 – Jesús María, teléfono 4631236 y correo electrónico patricia@demus.org.pe, ante usted respetuosamente se presenta y señala:

Que, en virtud de lo dispuesto en el Texto Único Ordenado de la Ley 27086 Ley de Transparencia y Acceso a la Información Pública y su Reglamento, solicitamos que la institución que usted representa nos brinde toda la información relacionada con:

1. Número de hombres denunciados por el delito de parricidio o su tentativa, contra una o varias mujeres, durante los años 2002, 2003, 2004, 2005, 2006 y 2007.
2. Número de hombres denunciados por el delito de homicidio calificado – asesinato o su tentativa, contra una o varias mujeres, durante los años 2002, 2003, 2004, 2005, 2006 y 2007.
3. Número de hombres denunciados por el delito de homicidio por emoción violenta o su tentativa, contra una o varias mujeres, durante los años 2002, 2003, 2004, 2005, 2006 y 2007.
4. Número de hombres denunciados por el delito de lesiones graves contra una o varias mujeres, durante los años 2002, 2003, 2004, 2005, 2006 y 2007.

Reiterándole las consideraciones de nuestra mas alta estima personal, me despido.

Atentamente,


Patricia Verónica Sarmiento Rissi
DNI 10735562

Annexe N° 2

Figures sent by the Public Prosecution in response to information solicited.

**CASOS INGRESADOS EN FISCALÍAS PROVINCIALES PENALES DE LIMA
SEGÚN TIPO DE DELITO
2002 - 2007**

DELITO	AÑO					
	2002	2003	2004	2005	2006	2007*
PARRICIDIO	15	16	9	9	10	4
HOMICIDIO CALIFICADO	33	46	32	36	31	34
HOMICIDIO POR EMOCIÓN VIOLENTA	9	4	3	5	3	5
LESIONES GRAVES	450	487	523	480	508	337
TOTAL	507	553	567	530	552	380

* Información al 29 de agosto del 2007

FUENTE: SIATF

ELABORADO: GEPRE

Annexe N° 3

Figures sent by the Justice Department in response to the information solicited.

Cantidad de procesados en los delitos de: Parricidio, Homicidio Calificado, Homicidio por emoción Violenta, Lesiones Graves, desde el año 2002 hasta el presente año

DELITO - PARRICIDIO	
Año	Cantidad
2002	12
2003	19
2004	16
2005	40
2006	39
2007	40

DELITO - HOMICIDIO CALIFICADO - ASESINATO	
Año	Cantidad
2002	119
2003	259
2004	146
2005	125
2006	187
2007	233

DELITO - HOMICIDIO POR EMOCION VIOLENTA	
Año	Cantidad
2002	0
2003	0
2004	0
2005	4
2006	2
2007	4

DELITO - LESIONES GRAVES	
Año	Cantidad
2002	662
2003	836
2004	633
2005	658
2006	714
2007	413

Annexe N° 4

Figures sent by the National Penitentiary Institute in response to information solicited.

POBLACION PENAL POR DELITO DE LESIONES GRAVES Y HOMICIDIO, POR SITUACION JURIDICA Y SEXO, SEGUN DIRECCIONES

REF:

Año	Direccion Regionales	Totales			HOMICIDIO				LESIONES GRAVES			
		Hombre Procesado	Mujer Procesado	Hombre Sentenciado	Mujer Procesado	Hombre Sentenciado	Mujer Sentenciado	Hombre Procesado	Mujer Procesado	Hombre Sentenciado	Mujer Sentenciado	
2002	Total D.R. Altiplano - Puno	132	56	13	45	3	0	9	1	6	0	
2002	Total D.R. Centro - Huancayo	189	87	4	70	5	1	17	1	4	1	
2002	Total D.R. Lima - Lima	620	289	16	140	12	1	135	3	24	1	
2002	Total D.R. Nor Oriente - Sn. Martin	205	68	4	76	4	0	37	1	14	0	
2002	Total D.R. Norte - Chiclayo	400	159	8	156	3	0	46	1	27	0	
2002	Total D.R. Oriente - Pucallpa	134	91	5	17	0	0	16	2	1	0	
2002	Total D.R. Sur - Arequipa	66	27	4	23	0	0	7	0	5	0	
2002	Total D.R. Sur Oriente - Cusco	219	78	5	97	2	0	22	0	15	0	
2003	Total D.R. Altiplano - Puno	121	56	6	39	6	0	10	1	4	0	
2003	Total D.R. Centro - Huancayo	195	79	6	63	3	1	29	2	12	1	
2003	Total D.R. Lima - Lima	668	336	20	148	9	2	120	5	30	2	
2003	Total D.R. Nor Oriente - Sn. Martin	190	75	5	64	2	0	30	0	14	0	
2003	Total D.R. Norte - Chiclayo	390	180	8	128	5	0	44	2	23	0	
2003	Total D.R. Oriente - Pucallpa	148	103	6	15	0	0	17	5	3	0	
2003	Total D.R. Sur - Arequipa	73	32	7	13	1	1	12	2	6	0	
2003	Total D.R. Sur Oriente - Cusco	293	124	11	109	7	1	32	1	10	1	
2004	Total D.R. Altiplano - Puno	120	64	6	29	4	0	9	3	4	0	
2004	Total D.R. Centro - Huancayo	196	75	8	58	4	0	32	2	17	0	
2004	Total D.R. Lima - Lima	661	349	32	131	9	1	108	6	25	1	
2004	Total D.R. Nor Oriente - Sn. Martin	240	105	6	70	6	0	38	2	12	0	
2004	Total D.R. Norte - Chiclayo	418	204	8	126	4	1	48	3	26	1	
2004	Total D.R. Oriente - Pucallpa	114	79	5	12	1	0	11	3	1	0	
2004	Total D.R. Sur - Arequipa	88	30	7	25	3	0	12	2	11	0	
2004	Total D.R. Sur Oriente - Cusco	320	143	12	115	6	1	30	1	12	1	
2005	Total D.R. Altiplano - Puno	129	62	7	39	2	0	10	3	4	2	
2005	Total D.R. Centro - Huancayo	203	91	9	64	4	0	25	0	9	0	
2005	Total D.R. Lima - Lima	598	259	35	152	10	4	100	4	33	4	
2005	Total D.R. Nor Oriente - Sn. Martin	241	108	6	77	7	1	25	2	15	1	
2005	Total D.R. Norte - Chiclayo	393	189	10	114	3	0	49	2	25	0	
2005	Total D.R. Oriente - Pucallpa	125	73	5	23	4	1	9	3	7	1	
2005	Total D.R. Sur - Arequipa	111	42	5	34	6	1	13	2	9	1	
2005	Total D.R. Sur Oriente - Cusco	317	133	10	120	8	1	29	1	13	1	

2006	Total D.R. Altiplano - Puno	115	53	8	34	1	13	2	3	2
2006	Total D.R. Centro - Huancayo	224	106	7	71	7	23	1	8	0
2006	Total D.R. Lima - Lima	906	252	32	136	7	98	5	32	3
2006	Total D.R. Nor Oriente - Sr. Martin	241	111	5	86	4	18	1	14	1
2006	Total D.R. Norte - Chiclayo	562	268	13	180	6	65	1	27	1
2006	Total D.R. Oriente - Pucallpa	116	56	4	31	1	16	2	6	1
2006	Total D.R. Sur - Arequipa	137	47	7	56	4	13	1	8	1
2006	Total D.R. Sur Oriente - Cusco	303	122	11	117	11	29	2	10	1
2007	Total D.R. Altiplano - Puno	112	55	10	28	2	12	0	4	0
2007	Total D.R. Centro - Huancayo	233	110	2	79	9	25	1	7	0
2007	Total D.R. Lima - Lima	907	180	35	135	5	122	1	27	2
2007	Total D.R. Nor Oriente - Sr. Martin	210	63	5	96	2	28	2	13	1
2007	Total D.R. Norte - Chiclayo	524	237	15	165	6	68	1	32	0
2007	Total D.R. Oriente - Pucallpa	135	59	9	36	4	18	3	4	2
2007	Total D.R. Sur - Arequipa	122	30	3	61	3	8	0	16	0
2007	Total D.R. Sur Oriente - Cusco	232	63	9	106	9	25	2	16	1

Annexe No 5
Methodology and Data collection

1. Regions studied and period of time covered.

The objective was cover a third of the country and to provide a representative study at the national level. The study covered 10 regions as representative areas of violence. The selection criteria were as follows:

- a. Persistence of sexual and domestic abuse, especially in: Lima, Cuzco, Huanaco and Piura.
- b. High risk presence of capture and use of women in slavery: Loreto (Iquitos), Las Libertad (Trujillo), Lambayeque (Chiclayo) and Arequipa
- c. Precedent of political violence and high registration of female rape during the armed internal conflict: Ayacucho and Junin (Huancayo)

3. Methodology

Exploratory study on the social and judicial reality in cases of female murders. The focuses that underlie the report are: a focus on rights, a focus on gender and a feminist focus.

- Information sources

Two types of secondary sources were used:

- A. Press sources – two newspapers of regional circulation for each area of study⁶⁵
- B. Statistical sources of sexual, domestic and other types of violence against women at a national level, as well as judicial statistics.

Process of gathering, registering and systemising data:

- A. Information was gathered in a direct manner from news articles in the regional press. According to the feasibility of access to newspapers, a strategy was developed. For the regions of Lima, Lambayeque, Piura, Ayacucho, Arequipa, Huanuco, La Libertad and Junin; newspapers available in the newspaper library of the Peruvian National Library were used. In Cuzco and Loreto the information had to be researched from the newspapers' own archives, for which local counterparts were contacted.
- B. For the registration of information a Case Fact Sheet was constructed with both qualitative and quantitative variables.
- C. For the systemisation of data an Excel database was constructed; which registered the data and facilitated the ordering of information according to the previously developed variables.

⁶⁵ In two regions only one newspaper source was used.

