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Peru: Domestic violence, state protection and support services available (March 2007-March 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Various sources consulted by the Research Directorate indicate that domestic violence is a significant problem in Peru (Peru 10 Mar. 2010; *Perú21* 4 Oct. 2009; US 25 Feb. 2009, Sec. 5; ANDINA Nov. 2009; CLADEM n.d.; CMP Flora Tristán 18 June 2008). According to the Flora Tristán Centre for Peruvian Women (Centro de la Mujer Peruana, CMP), domestic violence is [translation] "a very common problem" in Peru (18 June 2009, 7).

Cited in an article published by the Department of Women and Social Development (Ministerio de la Mujer y Desarrollo Social, MIMDES), the deputy minister stated that [translation] "each month in Peru, approximately 12 women die at the hands of their spouse" (Peru 10 Mar. 2010). According to an article published by *Perú21*, a daily newspaper in Lima, in that city alone, 9 women are killed by their spouse each month (4 Oct. 2009). According to the director of the Observatory on Criminality (Observatorio de Criminalidad) under the Public Prosecutor's Office (Ministerio Público), 109 homicides of women were reported between September 2008 and October 2009; 97 of those were committed by the victim's spouse, former spouse or family member (*Perú21* 4 Oct. 2009).

Statistics from MIMDES cited by *Country Reports for Human Rights Practices for 2008* of the United States (US) Department of State indicate that, in Peru, 4 out of 10 women have been victims of domestic violence (US 25 Feb. 2009, Sec. 5). In 2008, the Department of Internal Affairs (Ministerio del Interior) recorded 91,929 complaints of family violence, and in 88.67 percent of those cases, the victim was a woman (Movimiento Manuela Ramos Oct. 2009; ANDINA Nov. 2009).

Data from the Department of Internal Affairs that were posted on the website of the Latin American and Caribbean Committee for the Defense of Women's Rights (Comité Latino-americano e do Caribe para a Defesa dos Direitos da Mulher, CLADEM) indicate that in the first quarter of 2008, the departments that had the highest number of complaints regarding domestic violence against women were Lima (41.7 percent), Arequipa (13.4 percent) and Cuzco (5.4 percent) (n.d.).

State protection

According to the country's magistrates, the legislation does not provide for effective punishment of attackers because the sentences imposed on them, which they consider [translation] "light," consist mainly of orders directing them to stop committing acts of violence, to leave the home and to undergo therapy (CIMAC noticias 19 Nov. 2009). The ombudsman continues to complain about the indifference of police in domestic violence cases, despite legal provisions making it mandatory to investigate complaints (US 11 Mar. 2010, Sec. 6; CMP Flora Tristán 18 June 2009, 5).

Cited in an article published by CIMAC noticias, the coordinator of the Right to Political and Citizenship Participation (Derecho a la Participación Política y Ciudadana) program of the Manuela Ramos Movement (Movimiento Manuela Ramos) stated that the legal system [translation] "prevents women from obtaining justice and that severe punishments and sentences should be imposed on any man who hits a woman" (19 Nov. 2009). She noted that [translation] "the shortcomings of the legal system" slow down the processing of complaints and result in women having to turn to several bodies, which hinders effective justice (CIMAC noticias 19 Nov. 2009). She added that, consequently, many women do not bother to file complaints because the legal system is so slow to act (ibid.). The coordinator also stated that, [translation] "only 4 out of 10 women file complaints" (ibid.). The Flora Tristán CMP coordinator noted that it takes an average of two to three years to process a case of domestic violence and for punishments to be imposed on the perpetrator (CMP Tristán Flores 18 June 2009, 7). She also stated that in Lima, victims of family violence have difficulty in accessing justice and that that situation is even more troublesome in cities located in the country's interior, where services are even rarer (ibid.).

Cited in an article published by *Perú21*, the director of the Manuela Ramos Movement, a non-governmental organization (NGO), indicated that it is essential that women report attacks against them quickly, and she criticized the lack of attention paid to the issue by the state (4 Oct. 2009). The director of the NGO Study of the Defence of Women's Rights (Estudio para la Defensa de los Derechos de la Mujer, DEMUS) stated in a posting on the organization's website that it is [translation] "urgent" that the government change the current legislation to meet the needs of women and ensure a quick response from the state (1 Feb. 2010).

According to an article published in September 2009 by the Peruvian news agency ANDINA, MIMDES and Congress (Congreso) are working together to eliminate all forms of family violence in Peru (28 Sept. 2009). They are in the process of revising the Penal Code (Código Penal) and the Child and Adolescent Code (Código del Niño y el Adolescente) in order to be able to make the necessary changes (ANDINA 28 Sept. 2009). Moreover, a publication from the NGO DEMUS indicates that it presented a proposal to the Special Committee on Revising the Law on Domestic Violence (Comisión Especial Revisora de la Ley de Violencia Familiar) that would make changes to legislation including a law on violence against women in the family (4 Feb. 2010). To that effect, the DEMUS director explained that the objective is to replace Law No. 26260, called the Law of Protection Against Domestic Violence (*Ley de protección frente a la violencia familiar*), which came into effect in 1993 and has been amended five times without ever [translation] "managing to protect women who find themselves in a violent situation" (DEMUS 4 Feb. 2010). Information on the enforcement of the law could not be found among the sources consulted by the Research Directorate.

According to the MIMDES website, the department provides a free hotline that women, children and other victims of sexual and domestic violence can use

to obtain help (Peru n.d.a). MIMDES has 89 emergency centres for women (Peru n.d.b; US 11 Mar. 2010, Sec. 6) where those who are victims of sexual and domestic violence can obtain free services, such as legal aid and psychological counselling (Peru n.d.c).

Support services

The website Mujeres Hoy, a Latino-American portal created in 2003 by the NGO Isis Internacional that addresses gender issues (Mujeres Hoy n.d.a), publishes a list of NGOs that are fighting violence against women in Peru (Mujeres Hoy n.d.b). Among those organizations, which operate locally and nationally, and generally offer legal, psychological and medical assistance, only the Shelter for Physically and Psychologically Abused Women (Casa de Refugio de la Mujer Maltratada Física y Psicológicamente), established in Lima in 1996, provides temporary shelter for female victims of violence (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Representatives of the associations La Casa de la Mujer; Casa de Refugio de la Mujer Maltratada Física y Psicológicamente; Centro de Comunicación e Investigación Aplicada, Mujer y Sociedad; Centro de Documentación sobre la Mujer (CENDOC-MUJER); Centro de Promoción de la Mujer del Norte (CEPROMUN); and Centro de Promoción de la Mujer (CEPROM) were not able to provide any information within the time constraints for this Response.

Internet sites, including: Amnesty International (AI), Centro de Documentación sobre la Mujer (CENDOC-MUJER), United Nations (UN) World Health Organization (WHO).

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