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Social protection systems and domestic violence in poor urban contexts: the case of San Juan de Lurigancho

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GRADE

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NOPOOR PROJECT

TASK 7.2

GRADE

Introduction

In Peru approximately four out of ten women has suffered from any kind of violence from their partners. In spite of the development of a social protection system in the country, according to the DHS, only 25% of women sought help. This problem of lack of access to the social protection system might be related to different factors. One can consider individual reasons, community level reasons but also institutional problems related to the supply of the public system in the country.

Using an ecological approach that combines different levels of analysis, the purpose of this paper is then to understand why the social protection system related to violence is not working well in local neighborhoods. Specifically we will analyze why women do not denounce the acts of violence against them. The case study will be based in San Juan de Lurigancho a neighborhood in metropolitan Lima, where according to our own research the rate of violence toward women is even bigger than national average. Our methodology is qualitative and has included ethnographic work, in depth interviews and visits to public institutions.

1. Poverty and neighborhoods in metropolitan Lima: the case of San Juan de Lurigancho

Over the past 70 years, Perú has undergone an intense process of internal migration and urbanization which has transformed its social, economic and cultural visage. This process caused large populations to concentrate around Lima, creating new living spaces or "slums" (Deler, 2004; Matos Mar, 1988). Many of these neighborhoods progressively became districts, gradually implementing infrastructure projects and basic services (Meneses Rivas, 1988).

One example of this phenomenon can be seen in the case of San Juan de Lurigancho, district in Metropolitan Lima. Historically, it was an area of plantations and agriculture which since the 1950's started getting mass migration. At the request of the growing population, President Belaunde Terry founded it as a district on January 13, 1967. To prevent land expropriation during the military government, many landowners sold their estates for the creation of cooperatives and housing developments, which migrants took advantage of in order to settle in the capital (Poloni, 1987). New migratory waves settled in the outskirts of the district, gradually populating the surrounding hills which are now in a state of greater residential segregation. A *cluster* analysis conducted by GRADE (2013) shows that San Juan de Lurigancho is a district of mixed segregation, as it has areas of high poverty concentration (human settlements in the outskirts of the area) and zones of mixed income (the central area). The district of San Juan de Lurigancho illustrates social inequalities observed in a metropolis like Lima through poverty concentration and urban segregation.

Map 1 depicts this phenomenon.

Map 1: Location of the areas of urban segregation in the district of San Juan de Miraflores
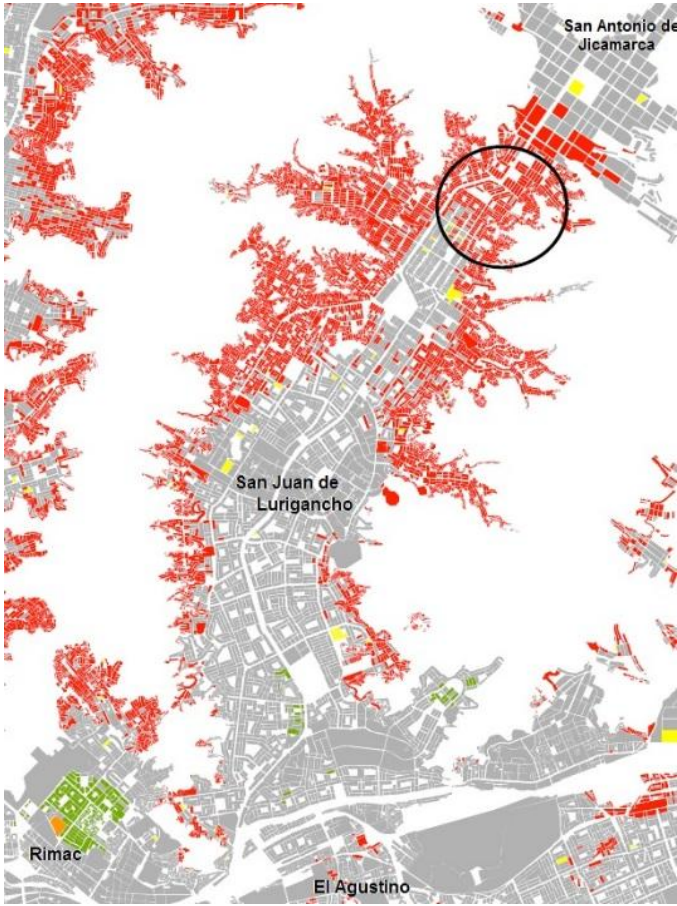
red color: zones of high segregation
gray color: zones of mixed segregation

1.1. Domestic violence in contexts of urban poverty

According to the literature, living in poor contexts may have a number of effects on the welfare of its population, both in terms of individual development and at a community level (Lees, Slater & Wyly, 2008). These effects include social isolation, reproduction of negative behaviors, low access to educational and employment opportunities, limited access to basic services and to the State in general, etc. (Wilson, 1987; Turner, 1997).

Domestic violence against women is defined as "any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN, 1993). This phenomenon relies on intimate dimensions and representations that define and guide relations between sexes in a given society, particularly in the physical and symbolic domination that men tend to hold over women (Bourdieu, 1998; Espinar, 2007; Espinar & Mateo, 2007). In Perú, 37.2% of women have been victims of physical or sexual violence by their partners, 21.7% have been victims of psychological violence, and 66.3% stated that their partner had at some point exerted some sort of control or domination over them (INEI, 2012). These findings show that gender-based

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violence is a structural phenomenon in contemporary Peruvian society despite progress in recent decades, namely towards greater democratization and equality in gender relations and in decision-making within families (Lafosse, 2009). Studies on domestic violence indicate that it mainly is exhibited in two ways (Johnson, 1995). The first is part of a pattern of power and control called "intimate terrorism". Physical and psychological violence related to this model entraps victims in the relationship, creating a situation of fear and diminishing personal resources (confidence, self-esteem), financial resources (money to break free, stable employment), and contact with the victims' support networks (family, neighbors, friends) (Leone, Johnson and Cohan, 2007). This type of domestic violence is usually rooted in patriarchal normative frameworks and in a social acceptance of family violence. The second type arises as a response to specific conflicts and is called "situational couple violence". This form of violence seeks to control a specific situation or context and usually consists of an argument that escalates to physical violence (Johnson and Leone, 2005).

Contexts of poverty can influence the forms and magnitudes of family violence by creating a tense environment among parents and between parents and their children, reinforcing vertical relations that may lead to domestic violence (Cavagnoud, 2009). Rapid urban growth brings with it a series of negative consequences for public health within the new urban population, especially for the poorest and most marginalized one (Híjar et al., 1997). These effects include environmental and sanitary problems, as well as psychosocial problems such as street violence, high incidence of gang activity, high rates of street crime, drug and alcohol abuse, depression and family violence, with a high frequency of children leaving home to live in the streets with other kids of similar family conditions. (Brennan, 1999; Hernández Rosete, 1998). Overall, contexts of poverty and unemployment increase the probability of domestic violence (Gonzales de Olarte and Galviano Llosa, 1999). However, the concentration of these factors may increase the incidence of violence (Wilson, 1987). This is especially relevant in contexts of segregation, given that social isolation is also a risk factor for family violence (Counts, Brown and Campbell, 1992). A study on the levels of depression and mental health of women victims of domestic violence showed that women who suffered from additional stressors, such as economic instability and family obligations, had a higher degree and persistence of depression (Anderson et al., 2003). Contexts of heightened communal violence also provide fertile ground for the incidence of this type of violence (Raghavan et al., 2006). Moreover, social rules and norms that legitimize violence in a community context are also a risk factor (Carlson, 1984). Urban growth erodes the foundations of moral values and social institutions such as family or neighborhood, which increases the risk of violence for communities (Brennan, 1999; Habitat Debate, 1998).

Other factors may influence women's victimization in the relationship with their partner. Internationally, it has been widely documented that an increase in women's educational levels

influences the reduction of intra-family violence (Morrison et al., 2007; Koenig et al., 2006; Ghahari et al., 2009; Flake, 2005). By accumulating more years of schooling and having more educational capital, women may join the labor market with more opportunities than before and under more stable conditions (formal contracts, social protection system, higher income). This allows women to develop stronger personal autonomy in their intimate and private lives, particularly in their relationship with their partner, and to reduce their exposure to domestic violence. On the other hand, a woman's degree of autonomy, understood as her ability to generate income outside the home and to make decisions regarding her personal life such as her sexuality, may have two effects (Rondon, 2003; Sherrard et al., 1994): it can either increase the chances of reporting violence and thereby reduce it, or it can otherwise increase the probability of violence due to the partner's frustrations. Benavides et al. (2012) find that the second case is applied in the case of Perú, where a woman's degree of autonomy increases her chances of being a victim of violence. The same phenomenon is observed in the case of Colombia, where greater incorporation of women into the labor market has not meant a reduction of spousal abuse against women (Meil Landwerlin, 2004).

Finally, gender-based violence is also reproduced from one generation to the other. Women who come from a home where their father beat their mother have greater chances of suffering violence from their partner, for they generally assimilate a vision in which abuse is tolerated within the family and in which the partner is a dominant figure capable of using violence to impose authority (Rivero and Sánchez, 2005). It is worth mentioning that when it comes to triggers of violence, alcohol and/or drug use by the partner heightens the risk of suffering from aggressions (García Más, 2002). According to the ENDES Demographic and Health Survey (INEI, 2012), 56.7% of abused women reported that their partners were under the influence of drugs or alcohol when they assaulted them. In this case, both girls and women are victims of violence exerted by adult men in the family, mainly by the father but also by other male family members such as the stepfather or an uncle. In addition to domestic violence, it is common for girls and teenagers to be the target of different aggressions in school and in their neighborhoods. These forms of physical abuse may in some cases escalate to sexual assaults.

2. **Understanding the access to justice services in poor contexts**

2.1. *The ecological model for access to protection systems*

In a situation of domestic violence, women may go to a number of protection institutions, be it to make a report or file a complaint, or to receive social and psychological support. The Law of Protection Against Family Violence (Act No. 26260) establishes proceedings for complaints,

investigation and punishment for cases of family violence; according to that Law, the National Police, the Prosecution and the Court are the main institutions in charge of intervening in these cases and of opening denunciation proceedings. However, some specialized centers have been recently established, centered on providing better attention for these cases: women's police units and Women's Emergency Centers (CEM in Spanish). Perú was one of the pioneers in the region in creating these specialized centers.[1] The first women's police unit in Perú was inaugurated on August 16th, 1988. According to Estremadoyro (1992), women's police stations emerged in response to demands of civil society because police agencies were served by men, so women who came to report an act of domestic violence were treated with humiliation and discrimination. *"The problem was minimized and ridiculed, to the point that, in most cases, the police refuse to handle the complaints. This constitutes an additional mistreatment, apart from what they've already suffered"* (1992: 24). There are currently 32 family police units nationwide, nine of which are located in Lima and Callao. On the other hand, Women's Emergency Centers (CEM) constitute the main operational bodies of the National Program Against Family and Sexual Violence from the Ministry of Women's Affairs and Vulnerable Populations (MIMPV). The first CEM was created on March 8th, 1999 in MIMDES[2] headquarters. By the end of the year, 13 CEM had been created, 4 of which were in Metropolitan Lima and 8 in other provinces (MIMPV, 2009). They serve as alternative and almost independent channels for reporting family and/or sexual violence. The bodies to which a victim of family and/or sexual violence can resort (police station, forensic expert, prosecution) should thus converge in one single space, so as to reduce processing time for reports and enable a follow-up of said proceedings. There are currently 213 CEM throughout the country's 24 regions.

Most studies addressing the effects of these services that specialize in women's development and mental health have focused on developed countries, particularly the United States. These studies have concluded that services that offer legal aid, psychological assistance and shelter have positive effects on women's chances of freeing themselves and escaping abusive relationships, as well as increasing their well-being (Sullivan and Bybee, 1999; Tutty, Weaver and Rothery, 1999). Yet access to these services is limited by a number of factors, both individual and contextual.

Bronfenbrenner's ecological framework (1977) enables an analysis of the different degrees of influence that these factors may have and how they interact to influence access to social protection institutions. According to this model, people are enclosed within different social systems (families, neighborhoods, communities) that influence their lives and decisions (Beeble, Sullivan and Bybee, 2011). Suffering from domestic violence has various effects on women's health and well-being, both

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[1] The first women's police unit in the region was established in Brasil in 1985.
[2] Ministry of Women and Social Development

in the short term and in the long term (Zlotnick et al., 2006). Assessing the responses and strategies used by women to face these situations is therefore essential. Victims often hide the fact, seek support among their families, friends and social services agencies, or place a legal complaint (Kaukinen, 2004). Accumulating stress factors of different degrees may have an additive or multiplier effect on a person's well-being, as opposed to the presence of individual stressors (Mirowsky and Ross, 2003).

This investigation parts from the framework of Bronfenbrenner's ecological model (1977), and it evaluates the different individual, relational, contextual and institutional factors that influence access to social protection systems among women in San Juan de Lurigancho. Most studies on the subject focus on individual or relational factors affecting the decision to access justice. The influence of neighborhood and contextual factors is often neglected. This study offers a concrete analysis of how those contextual factors in San Juan de Lurigancho hinders access to the justice system. The following section presents a review of the factors at each level that influence access to justice in these contexts.

2.2.   *Individual and relational factors*

Some studies find that age influences the decision to turn to the police to report a case of domestic violence. They suggest that younger women are more hesitant to place complaints than middle-aged women (between 35 and 49 years of age) (Skogan, 1976). This is consistent with the case of Perú, where according to the Demographic and Family Health Survey (INEI, 2012) only 8.7% of abused women between 15 and 19, and 17.4% of women between 20 and 24 turned to an institution to place a complaint, whereas between the ages of 35 and 49, the percentage of abused women who file a report escalates to 32.4%.

Women who have considerable economic dependence in their relationship are also more likely to suffer more severe violence and endure abusive relationships in silence (Strube and Barbour, 1983; Kalmuss and Straus, 1982). Women with fewer options for economic independence and less access to financial support feel more trapped in unhealthy relationships (Tolman and Raphael, 2000). When girls and adolescents are regularly involved in this type of abusive relationships, they may suffer severe psychological damage and decide to abandon their home or school if the situation becomes unbearable, which constitutes a possible factor of entry into prostitution (Cavagnoud, 2009). Those who remain at home suffer serious problems reflected in their educational levels and in how they structure their adult lives. Victims evaluate their decision to report depending on the relationship with their abusor. Some studies suggest that married women have a lower propensity to report their aggressors (Skogan, 1984). This is because they may have stronger emotional and economic ties with their abusers and may often feel trapped in relationships of economic dependency. Furthermore, this

decision depends on personal characteristics such as how comfortable they may feel exhibiting their privacy to the authorities or social services (Gottfredson, 1980).

Another influential factor is the existence and number of small children that the couple may have. Since upon breakup it is the woman who carries most of the burden and responsibility for the children, she must consider the costs of her children's education, food and clothing before she contemplates separating from her partner. It also reduces her chances of finding a paid job outside the home to support her and her children when there is no social support network, which imposes additional pressure to tolerate violence and abuse (Kalmuss & Straus, 1982). However, other studies have found that having children at home, particularly when they witness cases of violence, increases the chances of filing a report (Bonomi et al., 2006). This is because victims may consider the harmful consequences that witnessing violence has on their children (Osofsky, 1999; Wolfe and Korsch, 1994).

Finally, an important factor in a woman's decision to report her aggressor is the frequency and severity of the violence suffered (Bachman and Coker, 1995). Violent attacks in which women feel their lives are at stake are more likely to be reported than more day-to-day forms of violence (Kaukinen, 2004; Gondolf and Fisher, 1988; Kantor and Strauss, 1990). Similarly, the type of violence endured, be it "intimate terrorism" or "situational couple violence", influences the chances of women seeking help and the ways they do it; victims of intimate terrorism are more likely to seek help in formal institutions (such as police stations or health centers), while women who are victims of situational violence are more likely to seek help among friends and family (Leone, Johnson and Cohan, 2007). These problems pose serious barriers for escaping violence and achieving autonomy, and most of all present a challenge for social services that try to address these cases (Renzetti, 2009).

2.3. Contextual and neighborhood factors

The communal context, especially the resources to which the victim has access, and the social fabric in which the victim is immersed are also influential factors in her decision to report the violence or not. Women who perceive greater support from their community are more likely to use the legal system (Fleury-Steiner, Bybee, Sullivan, Belknap, Melton, 2006).

Contexts of limited economic infrastructure and high rates of underemployment, unemployment and crime in the community are associated with concentration of poverty, decreased social capital, lower collective efficacy, and reduced access to formal services (Sampson et al., 2002). Some studies identify neighborhoods with lower capacity for collective action as precisely the ones in which less crimes are reported to the formal justice system (Davis & Henderson, 2003).

Similarly, a community's social and cultural values regarding the acceptance of violence are also highly influential on the possibility for a woman to escape a violent relationship. Several studies have

documented that in contexts where violence is normalized or justified as natural in a relationship and reporting it is considered shameful because it brings up problems that belong in the private sphere, women are less likely to seek help in the formal or informal system (Alvidrez, 1999; Bauer et al., 2000; Morrison et al., 2006; Mujica et al., 2013; Petersen et al., 2004).

On the other hand, the literature available shows a link between the physical proximity of institutions that provide some form of social protection, and access to them (Allard, Tolman and Rosen, 2003). Nonetheless, given that social protection services often arise as a result of civil society's political advocacy, there is not always a clear relation between the social need for these services and their institutional existence (Hetling and Zhang, 2010). In a study of 20 services that attend cases of violence, Zweig, Schlichter and Burt (2002) found that support agencies consistently pointed to poverty and remoteness as key barriers to accessing their services. Geographic location of protection services for domestic violence is therefore especially important for vulnerable and low-income populations in segregated contexts.

2.4.   Institutional factors

Research on social protection services has mostly focused on the results and not on the process itself and its implications for women who suffer from family violence. Studies on victims of family violence show that they may be stigmatized and re-victimized[3] when attended by medical, legal and health personnel, which increases their post-traumatic stress levels.

Some studies found that negative experiences with protection institutions may pose a strong disincentive for placing a legal complaint (Fleury et al., 1998). The assumption that protection institutions will not be able to defend them or that they will do nothing to stop the violence are strong disincentives. In addition, women who were assaulted again by their partners after having reported the act, did not receive adequate information from the police, or had to attend court several times in order to verify the status of their complaints, are less likely to use the legal system again (Fleury-Steiner, Bybee, Sullivan, Belknap, Melton, 2006).

Moreover, protection institutions' reputation and the trust women have in them is essential. Studies have found that women's expectations regarding the legal system also influence their decision whether to go or not (Lweis, Dobash, Dobash and Cavanagh, 2000). Other studies have found that the prevalence of prejudice and oppression in police and judicial institutions is another factor that prevents women from accessing them (Akers and Kaukien, 2009). This makes women from ethnic and racial minorities less likely to report cases of violence (O'Campo et al., 2005). Sometimes justice operators may refuse to open up a case of family violence and are reluctant to apply the law in such cases (Daly et al., 1988). These barriers and constraints to the actual process of reporting, which

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[3] Secondary victimization is understood here as those cases in which the victim has to recall the facts under which he/she has been victimized. This secondary victimization usually occurs with justice administration and security bodies and forces, when the victim has to describe what has happend (Bardales, 2012).

include confusions regarding the legal framework, delays in the proceedings, and lack of coordination among various agencies, contribute to women's frustration and their decision not to proceed with the formal complaint.

3. Methodology

This project is part of the NO POOR[4] project and it explores the ways in which the State is acting locally to address the problems of the poor in contexts of poverty. In order to analyze the interaction of diverse actors as they deal with violence in the areas studied, a qualitative research methodology was designed.

3.1.   Fieldwork organization

The qualitative study began in 2014 and worked on the basis of the quantitative component. By analyzing socioeconomic information, one district of mixed residential segregation was chosen: San Juan de Lurigancho, which has areas of both low segregation (mixed socioeconomic levels) and high segregation (concentration of low socioeconomic status).

3.2.   Study area

The district of San Juan de Lurigancho was chosen as a study area based on the following criteria:

- Significant incidence of family violence: in 2012, it had the second largest number of cases handled by the CEM, and in 2011 it had the highest number of victims of feminicide.
- Concentration of areas of mixed segregation, surrounded by areas of high segregation.

This district is located in the northeastern region of Metropolitan Lima. Its estimated population for 2014 is 1,069,566 inhabitants (INEI, 2014), which makes it the most populated district of Lima. It has a total surface area of 131.25km2 and is bordered in the north by the district of Carabayllo, in the south by the districts of El Agustino and Lima Cercado, in the east by the province of Huarochirí and the district of Lurigancho, and in the west by the districts of Rímac, Independencia and Comas.

3.3.   Information gathering tools and sample makeup

The qualitative tool used for interviews with protection authorities and key informants was a semi-structured interview guide with the following modules: a) basic information on the interviewee, b) neighborhood context, c) description of violence in the areas of study, d) women's responses to violence, e) functioning of violence-protection institutions.

For interviews with women victims of violence and women who were not victims of violence, the qualitative instrument used was a semi structured interview guide that picked up the respondents'

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[4] See webpage: http://www.nopoor.eu/wp/poverty-dimensions

life stories, emphasizing their experiences in violence, their responses to these situations, and the functioning of the institutions they attended at one point or another. Women were selected from two neighborhoods in San Juan de Lurigancho with different levels of segregation. In addition to the almost four months ethnographic work on the neighborhoods, eight women were interviewed for each of these, four who were victims of violence and four who were not. Among the first four, two had decided to place a legal complaint against their aggressors and two had not reported the facts. Interviews with women victims of violence followed the ethical standards of confidentiality, privacy, respect, anonymity and protection of the interviewee. Informed consent was applied to each respondent and the field team was carefully selected and had knowledge of the legal, social and psychological dimensions of the issue; the instrument sought to reduce re-victimization or secondary victimization (Bardales, 2012).

Qualitative sample

The following table details the sample of institutional actors interviewed as part of the field survey. It can be seen that, as far as was possible, all institutions directly involved or intervening in cases of domestic violence in San Juan de Lurigancho were covered in the sample.

Table 2: General characteristics of the interviewed protection institutions

Institution	Type of actor	Quantity
Police station	State	2
Prosecution – Attorney General	State	2
Family court	State	1
Criminal Court	State	1
DEMUNA[5] – San Juan de Lurigancho	State	1
Women's Emergency Center in San Juan de Lurigancho	State	2
Citizen participation management in the municipality of San Juan de Lurigancho	State	2
Flora Tristán in San Juan de Lurigancho	Non-Governmental Organization	1
Delia Zamudio Shelter	Civil society organization	1
'Hoy por ti mujer' Shelter	Civil society organization	1
District Ombudsman against gender-based violence	Civil society organization	1

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[5] Public Defender for Children and Adolescents

Similarly, the field survey was able to collect testimonies and conduct in-depth interviews on women's family status and personal stories regarding the different situations of domestic violence.

Table 3: General characteristics of the sample of women

Neighborhood	Situation regarding violence	Legal action	Quantity
1	**Women victims of violence**	Reported	**2**
		Not reported	**2**
	Women not victims of violence	**/**	**4**
2	**Women victims of violence**	Reported	**2**
		Not reported	**2**
	Women not victims of violence	**/**	**4**
Total			**16**

3.4.   Information processing and analysis

The information gathered during the course of in-depth interviews, informal conversations and field diaries was reviewed and analyzed using the Grounded Theory technique, going from open coding to a more structured coding in order to identify the analytic categories guiding the explanatory development of the data. Based on transcripts from the in-depth interviews, case studies and field diaries, a list of relatively flexible codes was elaborated, allowing for a better coverage of the core topics.

The respective coding was subsequently done using Atlas Ti, always maintaining the flexible nature of the codes that would lead to a first analysis, going later through several stages up until the final analysis. The analyzed variables are described in the following table.

Table 4: Independent Variables related to denounce domestic violence analyzed from the in-depth interviews

Type of variable	Variable	Source of Information
Individual variables	Number of children	Women interviews
	Economic independence	Women interviews
	Relationship with the aggressor	Women interviews
	Ease with which personal life is exposed	Women interviews
	Victim's age	Women interviews
	Severity of the violence	Women interviews
	Type of violence ("intimate terrorism" or "situational couple violence")	Women interviews
	Migration	Women interviews

	Previous experience with violence	Women victims of violence
	Education	Women victims of violence
	Socioeconomic status	Women victims of violence
Contextual variables	Access to job networks	Ethnography and Interviews
	Social capital	Ethnography and Interviews
	Cultural norms regarding violence	Ethnography and Interviews
	Access to formal services	Ethnography and Interviews
Institutional variables	Reputation of protection institutions	Protection authorities and key informants
	Secondary victimization of the complainant	Protection authorities and key informants
	Limitations in the denunciation process	Protection authorities and key informants
	Prejudice shown by justice operators	Protection authorities and key informants

4. <u>Results</u>

4.1. *Poverty and levels of precariousness in San Juan de Lurigancho*

Women interviewed in the field surveys belonged mostly to the second quintile, which corresponds to one of the lowest socioeconomic levels in Metropolitan Lima. This standard of living places these women in relative poverty, characterized by an income that cannot cover their and their families' daily needs for goods or health services, beyond feeding expenses and transport costs (use of urban transportation). Based on these interviews, it was found that there are mainly two profiles of women when it comes to their degree of economic dependence or self-sufficiency in a context of urban segregation. One first profile describes complete reliance on the partner: these are women whose husbands forbid them from carrying out an economic activity outside the home, confined only to housework. This profile corresponds to a strictly patriarchal model of family structure, characterized by a lack of women's participation in household budget decision-making. Beyond the economic dimension, this pattern of family structure relates to a lack of consideration for women's stance in the couple's sexual life (the husband dictates and imposes the occurrence, rhythm and frequency of sexual relations) and significant exposure to domestic violence. A second profile refers to women who are engaged in an economic activity. Although their income may be minimal, it guarantees financial leeway in relation to their partner. These women may work making breakfast for construction workers in their neighborhood or residence, as street vendors, as seamstresses or as

domestic employees for other families. Said occupations belong to the informal sector of the economy and to urban underemployment, reflecting certain match between urban segregation and the types of activities available for these women whose education tends to lie below elementary school completion. Some even claim to have never received any form of schooling, as decided by their parents or the person in charge of their education (several of these women were entrusted by their parents to a family member or close friend during their childhood).

These women's activities in the informal sector allow them to cover certain daily expenses and provide for their children when faced with a lack of support from their husbands. In many cases, the children also help their mother by working themselves, which shows mechanisms of intra-family solidarity between mothers and sons in the face of economic and emotional neglect by the father. On the other hand, fathers are not capable of helping their children or even some of them when they must provide for various homes at once, which indicates that they work in low-paid activities (underemployment due to low income). The neighborhoods where the field survey was conducted are located in segregated zones characterized by a highly precarious job market, which in the long run confirms the levels of poverty and hinders access to opportunities for social mobility through work outside of these segregated areas.

Both communication difficulties in the couple and the endemic use of violence reinforce relegation of people living in these neighborhoods to the social, physical and symbolic fringes of the city. Segregation thus reveals the state of inequality at a social and spatial level in the Lima metropolis. The limitations suffered by families living in segregated zones of San Juan de Lurigancho are embodied in a material and financial scarcity that prevents them from satisfying their basic health needs (deficient health care centers near their homes, lack of quality food supply), precarious and costly access to urban transport services, continuous underemployment (low income for a significant amount of work hours), and frequent discrimination in social treatment by authorities and State officials, namely the National Police.

4.2. A pattern of violence from childhood to family life

In terms of personal history and experience, the interviews carried out with women between the ages of 33 and 59 who were victims of domestic violence in San Juan de Lurigancho provide significant points for consideration.

It should first be noted that with the exception of two women who were born in the Historical Center of Lima and in the Constitutional Province of Callao, all the women interviewed came from outside of the capital, whether from provinces in the Andean highlands (Cuzco, Cerro de Pasco, Ancash) or from the coast (Piura, Moquegua, Lima – Barranca). For most of them, migration and subsequent installation in San Juan de Lurigancho took place sometimes between childhood and adolescence,

specifically from 30 to 40 years ago, corresponding with the waves of migration from inside the country towards Lima that turned this city into a metropolis with new areas of urban segregation.

It is interesting to see no exception in how each of their stories involves a childhood experience marked by violence, as victims of abuse by their parents or other family members (uncles, stepfather, cousins) that involved physical violence (hitting with a belt, electric wire, etc), or as witnesses to active forms of violence between their mothers and fathers/stepfathers. Systematic expressions of physical and psychological violence undoubtedly marked their childhoods, contributing in the construction of a representation of human relationships, and particularly a model of adult behavior, that was based on physical and symbolic domination over women. To a certain extent, this violence became gradually established in their personal narrative as a "norm" regulating relations between sexes and ages within a family. The regularity of this violence as expressed in the interviews is also reflected in the sexual sphere. Many women claim to have been victims of sexual violence by their stepfather, uncle or cousin (penetration and/or unwelcome touching). Such sexual objectification during adolescence may also give way to psychological consequences in terms of a woman's relationship with her body, her assessment of her life, and her personal fulfillment. Accepting violence as a standard daily practice can signify a negative long-term effect in the decision to report acts of violence within the immediate environment.

On the other hand, acts of physical and sexual violence are not the only ones mentioned by the interviewed women. Insults and verbal aggressions between their parents and family members as witnessed during childhood may also help build a social universe in which tension appears to be common. Intergenerational transmission of violence is certainly a questionable phenomenon. However, the acceptance of social relations based on multidimensional violence cannot be denied, and is also considered as an individual factor that influences how women will react as adults, namely in not reporting situations of violence that may affect them.

Throughout the testimonies it can be seen that the first forms of aggression on women by their partner appear after several months into the relationship, before the birth of the first child or shortly thereafter. Violence appears mainly in the obligation to have sex, in the insults, beatings and punches, in their exposure to humiliation, etc. Violence undoubtedly exists in all social strata and not only in poor families. Notwithstanding, the phenomenon of urban segregation and the many forms of personal frustration related to situations of poverty and lack of prospects for social mobility generates tension and conflict that may first and foremost affect women and children within the home. The various reported cases of forced sexual intercourse, beating of children, verbal aggressions, kerosene burns, attempted murders, etc. denote the internalization of violence as a common practice and as an expression of a profound malaise, causing constant abuse and fragile self-esteem in women ever since their childhoods.

Structural violence within segregated neighborhoods of San Juan de Lurigancho gives way to community-level justification as a norm that guides gender relations. The motivations for separation or for reporting cases of violence are present in the testimonies, yet don't seem to lead to resolution of the conflicts and problems encountered mainly by women and their children.

4.3.   The decision to place a legal complaint

Beyond factors explaining the occurrence of violence within couples in a context of urban segregation, we can identify several individual reasons that lead some women to report these acts to assistance services and social protection unlike a majority number of women who opt for not obtaining justice.

ENDES Demographic and Health Survey (INEI, 2012) show that 25.7% of women from 15 to 49 victims of physical violence asked for help in an institution. This figure is significantly higher than in the 2009 survey (16.1%), but no element is given about the quality of social support received and even less about the final outcome of complaint and the possible sentence of spouse. Among women who appealed an institution to find help, 70.8% went to the Police, 12.8% to the Court, 9.9% to the Attorney's Office and 9.9% to the Municipal Office (DEMUNA).

The literature mention some factors leading women not to report acts of violence they are facing: younger age (Skogan, 1976), economic dependence (Strube and Barber, 1983; Kalmuss and Straus, 1982), marital status as married (Skogan, 1984), a larger number of dependent children and the lower frequency and intensity of violent acts (Bachman and Coker, 1995).

The factor of age is insignificant in our survey sample, given the low number of female respondents and primarily qualitative approach of the fieldwork. On the other hand, educational level of women seems to have some influence in the probability to report situations of violence. Women accessing to a social service studied at least to secondary education while others hardly ever attended school or studied a few years of primary education. This observation is consistent with ENDES results (INEI, 2012): reporting a situation of violence to a police station increases significantly with women' grade level (59.4% for those who reached primary level to 76% for those with a university educational level).

Moreover, the severity of violent act by spouses is a compelling reason to initiate a complaint process. The reference to repeated physical and sexual violence (rather than psychological) is frequently mentioned in testimonies of women who end up going to a police station. This case is even more common when children are the first witnesses of theses scenes that become physically and psychologically impossible to endore for each other:

> *The father of my children hit me. He sprinkled kerosene on the little straw house we occupied*
> *while my children and I were hiding in a neighbor's home. At the beginning, he could not find*
> *us but then he tried to attack my daughter who was running while my son caught him and*

blew out the match to prevent it set fire on the house. The police arrived and captured him
before taking off his clothes because of burns and kerosene on his body.

[testimony of A.M.O., 59 years old]

The more acute and damaging is the act of physical aggression, the more women are likely to inform on their spouses to protect their children and do not expose them to more serious consequences. Despite this desire to go to authorities, it happens that administrative obstacles such as the absence of a valid identity document prevent them from reporting the situation of violence. The "intimate terrorism" expressed by regular and extremely violent acts including forced sexual relationships leads more women to file a complaint, instead of situational violence where women often hesitate to go to a post police or prefer to tell her problems with family or close friends. This observation matches analyzes made by other studies on domestic violence (Kaukinen 2004; Gondolf and Fisher, 1988; Kantor and Strauss, 1990; Leone, Johnson and Cohan, 2007).

To understand the choice of women to go to the denunciation proceedings against spouse, we should mainly consider the interaction of three factors: a. the employment situation and financial independence of women, b. the number of young children (composition of their descendants) and c. the existence of a support network outside home. Having a steady and properly paid job let cover the basic expenses of their children and turns out to be a prerequisite to report an act of physical violence. Placing a legal complaint implies in the short-term the spouse' questioning and therefore a break of the economic contribution he can provide to his children and wife. Mothers are well aware of this dependency and of the risk of financial loss resulting from filing a complaint. As a consequence, their situation on the labor market largely determines their motivation to go to a support service such as the police or DEMUNA. In addition to this financial security or to replace it, women need a fall-back solution for an eventual change of residence and/or to take care of their children after the reporting the acts that ends in most cases with a separation or divorce. This alternative can be found inside the female kinship network formed by the mother, sisters or close friends of women. The prior constitution and quality of this network is essential to rely on an alternative support and find a protection space for children after reporting situations of violence. The existence of this support is unusual in the testimony of interviewed women and is mainly mentioned as reversal situation expressed in a negation way:

I wanted to go to file a complaint against my husband and separate from him but I do not
know at all where to go and I felt powerless. At that time I had four young children and I was
really wondering where to go and if I could find a job who could keep them. That's why I finally
did everything to stand the situation.

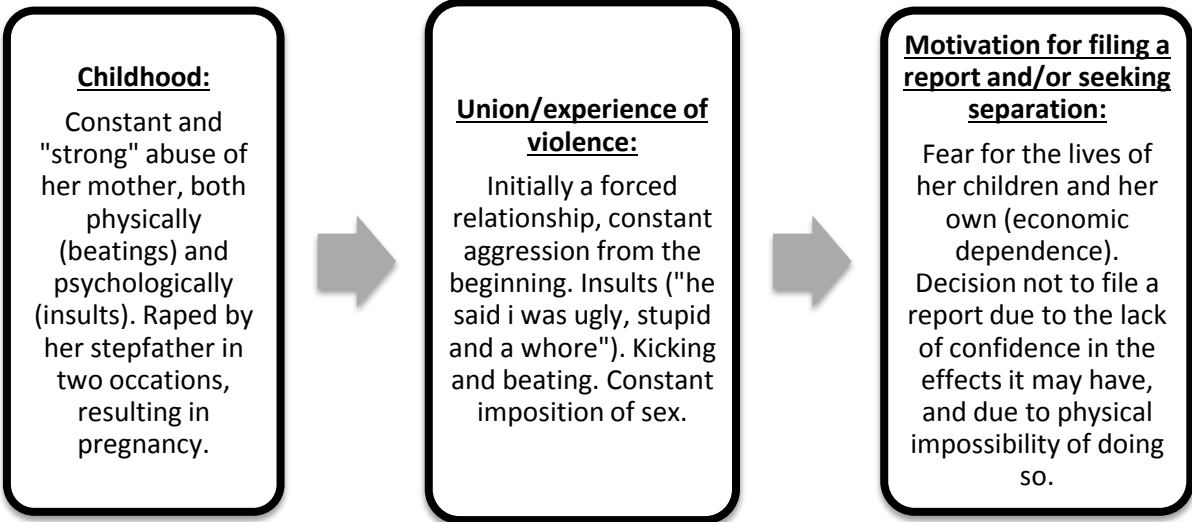*[testimony of J.I.S., 59 years old]*

Developing a personal autonomy for women through steady employment and/or individual management of her private life may increase the likelihood of domestic violence in the case of Peru

(Benavides et al., 2012). But this factor may also help women to make the decision to place a complaint and leave domestic violence to the legal field. Socially isolated women vis-à-vis their family or neighborhood network show a very small chance of getting to a welfare service. This lack of socialization takes them away from resource spaces in order to find a support outside home.

Finally, we can read in the testimony of several women victims of domestic violence a form of resignation and fatalism that removes them from any project of complaint against their spouse. Some of them also incorporate a feeling of guilty facing the facts they victims:

> GRADE: You could give him to the police if he hits you again on the mouth?
>
> Interviewee: No, because, you know, I ask God to keep control over his life, to stop telling me bad things and when he asked me to shut up, I am better to be quiet.

> [testimony of M.H.S, 33 years old]

This form of individual predisposition not to attempt any action and the self-condemnation of women are almost observed in the cases of situational couple violence combining both verbal abuse and repeated insults. This phenomenon refers to an internalization of asymmetric gender structures obeying to the male domination (Bourdieu, 1998).

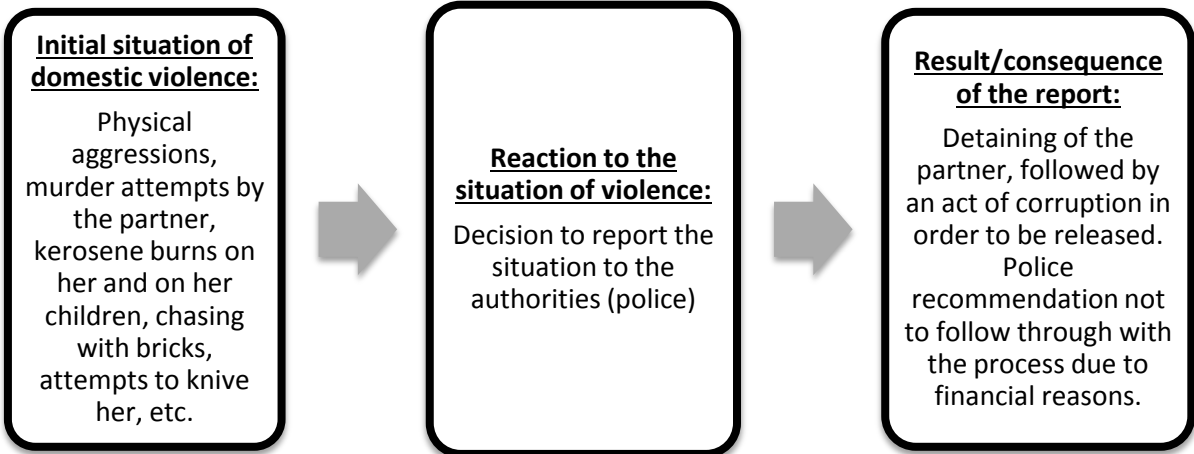**Diagram/Figure 1: Example of R.G.'s life story (55 years old)**

Childhood:	**Union/experience of violence:**	**Motivation for filing a report and/or seeking separation:**
Constant and "strong" abuse of her mother, both physically (beatings) and psychologically (insults). Raped by her stepfather in two occations, resulting in pregnancy.	Initially a forced relationship, constant aggression from the beginning. Insults ("he said i was ugly, stupid and a whore"). Kicking and beating. Constant imposition of sex.	Fear for the lives of her children and her own (economic dependence). Decision not to file a report due to the lack of confidence in the effects it may have, and due to physical impossibility of doing so.

4.4. The community level factors: Sexism and patriarchy

Women victims of violence found throughout this investigation inhabit the areas of San Juan de Lurigancho where violence is often accepted by the community. At this level of observation and analysis, based on the family and on district administration, certain values can be seen that give domestic violence a form of social validation that is quite marked. Out of fear of revealing and

eventually making their private problems public, many women choose not to report situations of spousal abuse, therefore they do not go to the police station to place a report with the authorities. Concern about being stigmatized by their neighbors acts as an obstacle to the fulfillment of justice and the use of institutional mechanisms that ensure local social cohesion.

On the other hand, it is common to find linkages (acquaintance and even friendship connections) between men who perpetrate violence at home and members of the police. Men's use of social networks within the neighborhood significantly curbs women's attempts to file a report. This can also be manifested through corruption, or bribes to the police so that they do not receive or register the case when it is presented. The aforementioned networks reveal the predominance of sexism and structural patriarchy at a local level, which minimizes the role of women and the attention given to their word when it comes to cases of domestic violence. Such disparity in the access to justice reinforces the intimate terrorism to which women are exposed in a sort of continuation of events and situations that doom them to remain in contexts of violence.

Diagram/Figure 2: Situation of A.M. with regard to domestic violence (59 years old)

Initial situation of domestic violence:		**Reaction to the situation of violence:**		**Result/consequence of the report:**
Physical aggressions, murder attempts by the partner, kerosene burns on her and on her children, chasing with bricks, attempts to knive her, etc.	→	Decision to report the situation to the authorities (police)	→	Detaining of the partner, followed by an act of corruption in order to be released. Police recommendation not to follow through with the process due to financial reasons.

Intimate terrorism goes beyond the domestic sphere to the extent that it is embodied in the responses given by local authorities. The social exclusion that characterizes urban segregation translates into exclusion from the mechanisms that would allow women access to the exercise of their rights. This aspect is further explored below.

5. <u>**Institutional constraints on access to justice in poor metropolitan contexts**</u>

This study has identified a number of restrictions on the access to social protection services and on effectively filing a report. We found that across all social protection institutions, victims of violence in the most segregated areas of San Juan de Lurigancho were faced with three main obstacles:

- Lack of access to information about their rights and about protection institutions available
- Physical distance to the social protection institutions, which results in a higher differential cost of access to these institutions
- Less chance of enforcing the sentencing and measures provided by the protection institutions.

The following sections discuss each institution involved in the process of reporting domestic violence.
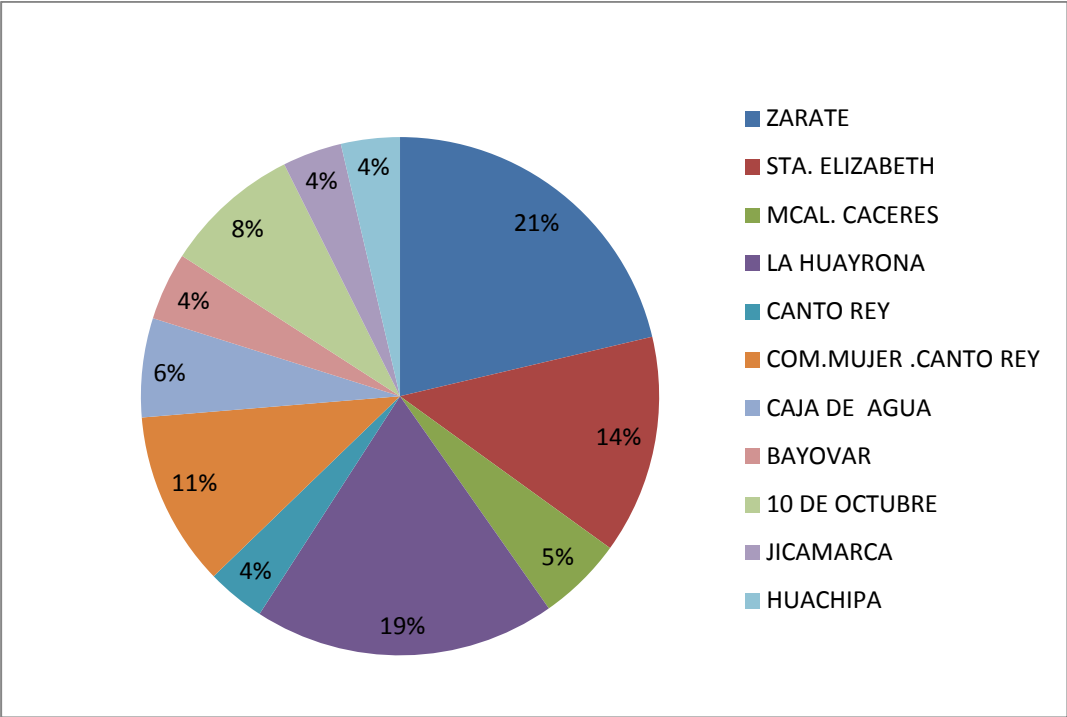
5.1.   Police station

San Juan de Lurigancho has 10 police stations and one station that exclusively attends women. These are all concentrated in the central and less segregated zone of the district, as can be seen in Map 2.

Map 2: Location of the police stations in the district of San Juan de Lurigancho
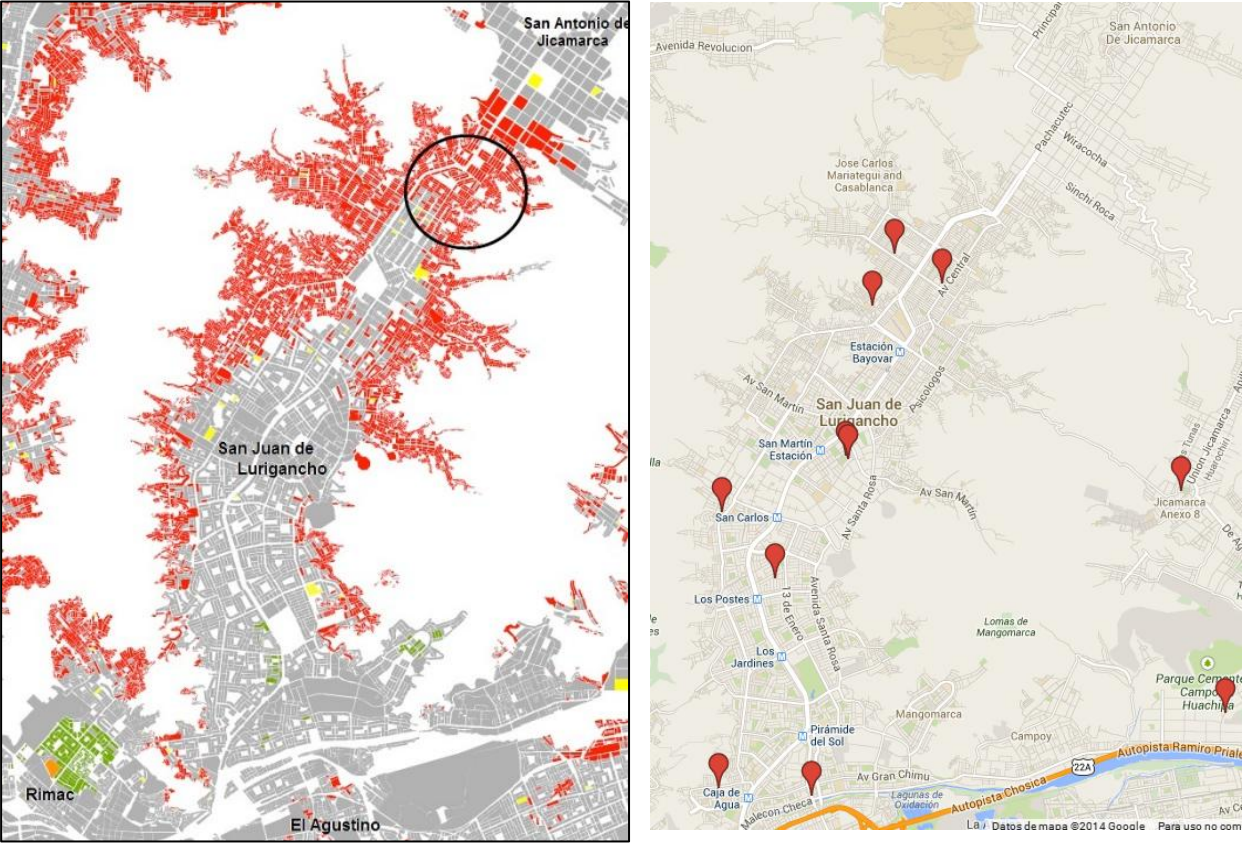
Graph 1 below shows the distribution of reports filed throughout the police stations in the district.

Graph 1: Distribution of domestic violence reports among police stations in the district of San Juan de Lurigancho in 2013

Source: Territorial Police Directorate – Lima. DIRETIC –PNP/DIREST.

Operators from the Family Police Office in San Juan de Lurigancho stated that they receive between three and seven cases of family violence each day. In 2013, this police station received a total of 516 reports, 55% of which were for physical violence, 44% for psychological violence, and 1% for sexual violence[6]. These cases come from police stations in San Juan de Lurigancho. One first limitation lies in starting the proceedings for filing a report, given that a significant number of interviewees resign when they realize it is a judiciary process that can end in the aggressor being removed from the household: they may therefore be separated from their partner. Many of the informants also stated that police officers often refuse to start a case of domestic violence, be it because they underestimate the validity of these reports, or due to corruption. In the first case, interviewees claimed police authorities were not sensitized to topics of gender and women's rights, which leads them to act in a discriminatory manner. In the second case, often times the aggressor reaches a financial settlement with the officers, or an attempt is made to extract money from the victim as blackmail for opening up a file.

> *There are people who, without having filed a report, just come and ask 'where can I report this?' – 'You have to go to the police station.' – 'No, in the police station… They've told me that since I don't have any bruises they won't accept my report.' So that's another important issue,*

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[6] Numbers provided by the Department of Family Protection and Vulnerable Populations of the National Police Department

informing people that the police are under the obligation to accept the report; that is, in the end, their function.

[Third Mixed Jurisdiction Court in San Juan de Lurigancho]

Interviewee 1: It also happens that women go to the police station to report it and the partner goes and strikes a deal and then comes back and beats her even worse.

Interviewee 4: And then he beats her even harder.

Interviewee 2: And if he found out that she reported him, sure.

Interviewee 2: For example, over there the policeman takes the man inside, then they let him go and when the woman goes to see there's nothing and the report doesn't exist.

Interviewee 3: There's no report.

Interviewee 1: And then he hits her even harder, because you've gone to report me, and he beats her more.

[Flora Tristán NGO agent]

In the case of a report and if she wants to bring the police officer to verify it, he says the same always: there's no paper, there's no gas, there's no money for the gas so he won't go. […] they themselves are used to the 10 soles, 20 soles…

[Flora Tristán NGO agent]

A second limitation is found at the moment of collecting and compiling evidence. The first step in police proceedings is to take the victim's statement and notify the accused. Yet notification is complex given that complainants often do not know their aggressor's exact address, be it because they have split up or because they live in squatter settlements where street numbering is imprecise or nonexistent. Also, aggressors often do not respond to the subpoenas, or the notifications fail to reach them. Upon this, a notice is issued specifying that notification was not accomplished, which considerably hinders the process of reporting.

It's mostly the address, because you get here and many times they don't know the address because they live in rented houses or because they come to report not just their cohabitants but also their ex cohabitants, ex husbands, and most of them have children together and maybe they don't want that person to have a relationship with someone new. They come to make the report and there's no correct address and we can't notify the accused. So then we have to go the RENIEC[7] database, but it's not the same thing because it shows a past address that hasn't been updated.

[Representative of the police station, San Juan de Lurigancho]

After a report has been filed and registered by the police, the Prosecution for Family Affairs is invoked in order to take the victim's statement. New constraints emerge after the forensic medical

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[7] National Register for Identity and Civil Status

evaluation, for the district of San Juan de Lurigancho has only one institute of forensic medicine. A psychological evaluation is then set up, which can take a significant amount of time due to the influx of patients who are given appointments in three months' time. In fact, this extended period discourages them from following through with the denunciation process.

> *In the psychological case there's great difficulty because we give them a psychological test, but unfortunately the Forensic Medicine office gives them an appointment in three months, and many times that's the trouble because people, as they see the appointment is a long time away, like in August, they get discouraged, they forget and they never make it to the exam.*
>
> *[Representative of the police station – San Juan de Lurigancho]*

> *Interviewee: Look, it's supposed to be one week, right? Because the report is that you go and file the report and if it's psychological, they send the forensic doctor. And that's where the problem comes, as I was telling you before, that there's only one forensic doctor.*
>
> *GRADE: There's only one forensic doctor?*
>
> *Interviewee: Only one forensic doctor.*
>
> *GRADE: In all of San Juan?*
>
> *Interviewee: In all of San Juan. Imagine that. That in one day there are 8 who have to go through to the forensic doctor. Then they give each one an appointment for three months. She's forgotten by then. The traces have been lost, she doesn't want to anymore… She's already made up with her partner… You know? And so on and so forth, it's a vicious cycle.*
>
> *[Municipal Defenders NGO]*

Moreover, it is not possible for the Prosecution to issue protective measures if this evidence is lacking, therefore basic protective measures may be delayed.

5.2.   Prosecution

Part of the fieldwork consisted of interviews with the Prosecution for Family Affairs in San Juan de Lurigancho and with the First Provincial Joint Prosecution. The Prosecution for Family Affairs in San Juan de Lurigancho receives an average of eight to ten daily cases of family violence, representing the type of complaint that is most frequently received. Most are derived from the police stations and, with few exceptions, victims come straight to the Prosecutor's Office to file their report. One limitation identified when receiving the files lay in the sexist appraisals present in some of the social protection prosecutors and operators. They consider that some of the women who report cases of family violence are "hysterical", which is why they do not take their complaints seriously. Psychological evaluations that say that a victim suffered "stressors due to family conflicts" puts into question whether it refers directly to cases of family violence. This is reflected by the statistics available at the Attorney General's office. As can be seen in Graph 2, 27% of domestic violence reports registered in the prosecutors' offices in San Juan de Lurigancho during 2013 were archived

and did not make it to the court, as it was determined that there was not enough evidence to establish that it was, in fact, a case of violence.

Graph 2: Reports of family violence registered in the Joint and Family Affairs Appellate and Provincial Prosecutors' Offices in San Juan de Lurigancho in 2013
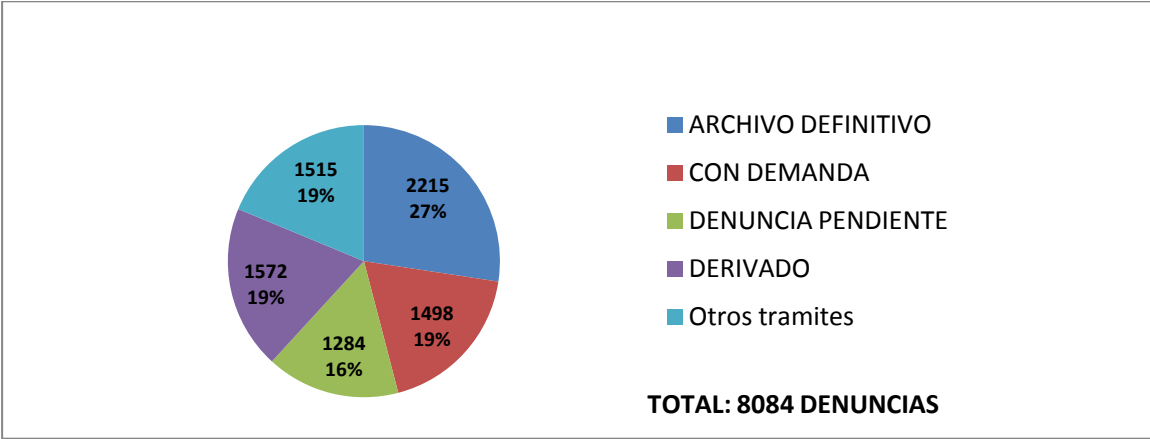
Likewise, some protection agents argued that it made little sense to start proceedings for a denunciation given that victims of domestic violence will soon reconcile with their aggressors[8].

Art. 10 of the Law of Protection Against Family Violence states that "once the petition is received or the facts have been assessed ex officio, the Prosecutor has at most forty eight (48) hours to dictate immediate protection measures required by the situation". We have found that this deadline is impossible to meet due to the delays in the evidence-gathering stage. Therefore, the protection measures typically emitted by the prosecutor are limited.

> *Constraints, impediments to keep them from attacking again, restraining orders, or the aggressor can even be removed from the home, temporary possession in favor of the victim so she can take care of her children. And these constraints can be many and in different forms, like I'm telling you, depending on each case, depending also on what the victim wants; there are many women who sometimes… don't want the partner go away, so then we adjust the measures to what each one needs.*

> *[Prosecutor for Family Affairs in San Juan de Lurigancho]*

The National Police Department is the main organ in charge of verifying compliance with these measures; yet it is hard for them to carry it out. Also, several interviewees declared that it is hard for the police to get to some zones due to their remoteness and difficult access in segregated areas, such as squatters settlements surrounding San Juan de Lurigancho (marginal peri-urban areas, treacherous and bumpy hills). This is why areas of higher segregation are more isolated from any type of protection.

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[8] About this last point, the exact reference made by one of the protection operators was that "all is resolved in the bedroom"…

GRADE: And the police make sure that the person really isn't going to their house?

Interviewee: I uhm… no… Not in practice, because I think the police can't cope with these types of jobs, no, it's not done, it's not done.

[Prosecution for Family Affairs in San Juan de Lurigancho]

Interviewee: For example the proceedings for domestic violence have protection measures but they're not complied with; we ask for the fulfillment of these measures. For example, those that restrain men from coming near the injured party can't be fulfilled because I dictate these measures, they go to the police, they drive away the aggressor, but the police isn't there all the time so then he comes back and abuses her again. Or the same happens when they're ousted but then they come back in time, or the victim calls the police and they don't listen to her anymore.

GRADE: And who dictates these protection measures?

Interviewee: They're proposals, they're requested by the aggrieved party or by the Attorney General and we ratify them. But for carrying them out, it can be done immediately but there's no continuity in the protection provided because we only dictate the measures and it's the police who have to carry it out and give protection, and they can't keep up with it.

[Third Mixed Jurisdiction Court in San Juan de Lurigancho]

The Prosecution deals with various important constraints to the performance of their duties. The Prosecution for Family Affairs is available on a permanent basis and attends cases of domestic violence all week long (Monday through Friday); yet is has only one mobile unit for due diligences in the police stations on Mondays, Wednesdays and Fridays. Therefore, when cases are presented on Tuesdays or Thursdays, they cannot go there to take statements given that there are no means of transportation.

On Tuesdays and Thursdays I have no mobility, so there are cases that are presented but I can't get there and I have that impediment of getting there, and sometimes it's a bit hard to get there by myself because the land here is geographically challenging, you have to climb up hills, it's really hard and also because of security, you know? So then sometimes that limits us a bit, but we really do try to work with what we have, work so that it works out ok.

[Prosecution for Family Affairs in San Juan de Lurigancho]

5.3.   Family Court

The Mixed Jurisdiction Courts in San Juan de Lurigancho receive between 10 and 12 cases of domestic violence per day. They are in charge of receiving the reports from the Attorney General and invoking both parties to a hearing. However, representatives of the Court who were interviewed in this study see their institution as a bottleneck in the denunciation process, since their large procedural backlog and limited personnel cause them to take longer, sometimes between six and eight months, to follow through with the proceedings and respond to these cases.

Interviewee: It's really unmanageable that we have 4 thousand files each day (…).

GRADE: And how much personnel do you have?

Interviewee: There are six of us. And, well, the Supreme Court establishes that a model court should have no more than 900 files with 8 people working there, which including the judge would be 9 people. So if there are more cases, it has to be coherent; they have to receive all the tools necessary in order to deal with it. More serious cases are given to permanent courts, and there are mixed jurisdiction courts that have between 3000 and 4000 files and have 7 or 8 people working, and the working hours are the same, and the places are the same… That's the issue: the Justice Department is very deficient in that.

[Third Mixed Jurisdiction Court in San Juan de Lurigancho]

A second limitation comes at the moment of the hearing. During this stage there's a significant rate of desertion, given that during the months-long duration of the process, victims often give up on following through with the report.

Then after the protection phase there's the proceedings that take place, but there's a large rate of desertion. 'I make the report now and then I forget' is what there is, but then there's the issue of reoccurrence and I'll see that couple come back one year later. But if you had already made the report, why didn't you come? "No, it's that I didn't have the time, we fixed things, we got back together, etc." Excuses.

[Third Mixed Jurisdiction Court in San Juan de Lurigancho]

*Three or four months ago, a lawyer attacked his woman, with no **penalty**. He was brought here 3 months before the felony expired, the lawyer who was under an arrest warrant, and they didn't do it, until one day they caught him and brought him here and he declared 'I'm sorry, yes I hit her, yes I broke her nose', and the lawyer for this man said "Dr., don't send him to jail". And this is indignant because you set in motion the entire judicial body just so that tomorrow they come and say "Don't send him to jail". And unfortunately the time prescribed in the statue of limitations elapsed and he went free.*

[Fifth Criminal Court in San Juan de Lurigancho]

6. Conclusions

We found that at a individual level, social exclusion intensified by segregation results in a situation of poverty, material scarcity, isolation and professional limitations, all of which intensifies conflict inside the house and violent behavior of men/husbands/fathers, and causes at the same time larger difficulties for women to place a legal complaint. Concretely, decision not to file a report is related to the fear for the lives of her children and her own (economic dependence) due to the lack of confidence in the effects it may have. At this level we also found that the legal complaint will have more chances to be placed if women have more education or the violence was extremely severe. Therefore the more institutionalized violence (less severe) is less denounced. At a community or neighborhood level, both social acceptance of violence and fear of stigmatization many times drive people not to reveal personal cases of violence. Finally at a institutional level, there are several constraints in the political and administrative functioning of institutions in charge of overseeing cases of violence, including lack of physical proximity to the homes where cases are registered, and the acts of corruption which confine women to victimization.

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