

**“Access to Justice for Women Survivors of  
Violence in Latin America:  
Concepts, Paths, and Outcomes”**

**Nadine Jubb, Regional Coordinator,  
“Access to Justice for Women Survivors of Violence:  
A Comparative Study of Women’s Police Stations  
in Latin America”**

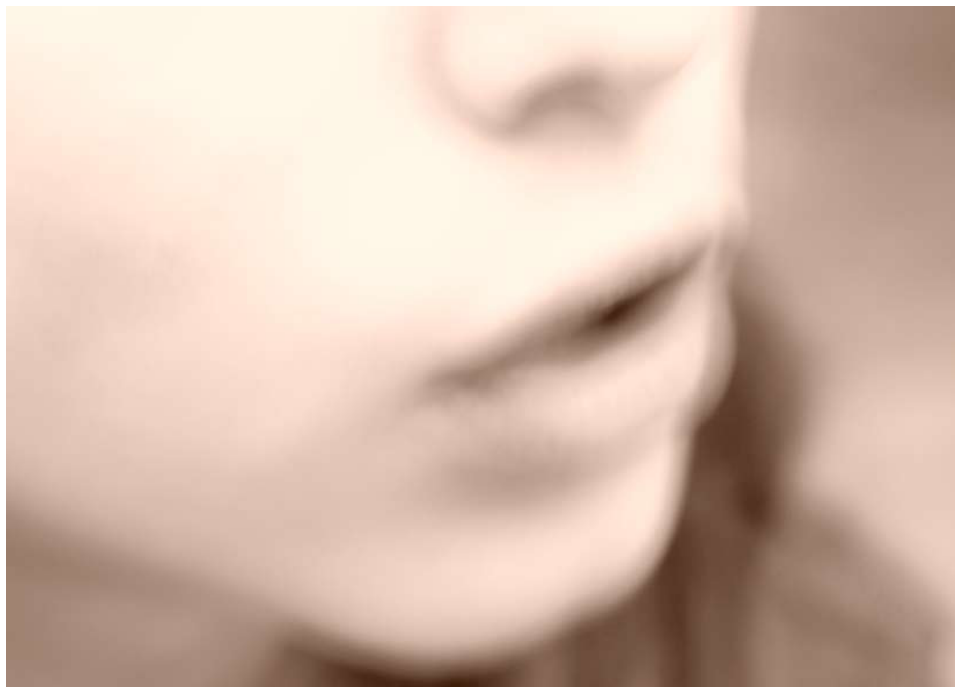
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**IDRC, Ottawa  
Monday, 27 April 2009  
Meeting of the International Network of Women’s Shelters**

# **“Access to Justice for Women Survivors of Violence: A Comparative Study of Women’s Police Stations in Latin America”**

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Image credit: Centro de Planificación y Estudios Sociales (CEPLAES)



# Opening Anecdote

- The chief of a Women's Police Station (or WPS) was shot dead by her husband in a small town in Nicaragua last Monday, April 20, 2009: Suboficial Mayor Luz Marina Lezamo Suazo.
- Her sister is quoted in the newspaper as saying:
  - “She'd been having problems with him for a while and we had told her to leave him, that that man wasn't any good for her. She stayed with him because of mutual interests, not out of love. We know she didn't kill herself - I'm convinced she was killed – but we trust in God.”

Isabel Lezama Suazo, El Nuevo Diario, 23 April 2009,  
p. 1A, 11A.
- Though the killing of a WPS chief is extraordinary, it reflects common issues affecting women in the region: the potential dangers of domestic violence – including increasing rates of femicide in Latin America – and the difficulties women face in accessing justice and finding an end to violence in their lives.

# Introduction

- This overview of our research consists of preliminary findings and analysis
- Focus is mostly on issues in common across the countries
- Brief discussion of shelters, in particular with respect to women's paths taken to access justice and eliminate violence from their lives

# **General Project Objective:**

- Carry out a comparative study on Women's Police Stations in Brazil, Ecuador, Nicaragua, and Peru regarding access to justice for survivors of violence against women and the exercise and respect for their rights, in order to make proposals for the improvement of public policy in this sector.

# What are Women's Police Stations?

**The WPS are specialized police stations that deal with violence against women.**

- Separate location from a regular police station
- Specialized training for operators
- Mostly or all women operators
- Often services are multi-disciplinary and/or coordinate with other institutions and centres
- Models vary in each country

## **Ecuador as exception:**

- “WPS” – called *Comisarías* in Spanish – were created as temporary justice administration bodies that were ascribed to the executive branch; they were recently eliminated but have not yet been replaced.

# The Women's Police Stations (WPS)

- First WPS in Latin America founded in Sao Paulo, **Brazil** in 1985; now there are 403 in Brazil
- **Peru** : Lima, 1988; now there are 21
- **Nicaragua**: Managua, 1993; now there are 32
- **Ecuador**: Cuenca, 1994; until recently there were 31

# Photos of WPS in Peru and Nicaragua

Image credit: Flora Tristán / Manuela Ramos



Image credit: Nadine Jubb



# **Organizational members of the regional research team:**

- **Ecuador** : Lead centre: CEPLAES, Quito
- **Brazil**: PAGU, Universidade de Campinas
- **Nicaragua**: PATH, Managua
- **Peru**: Flora Tristán and Manuela Ramos, Lima

# Analytical Framework

- Integral gender, intersectionality and power analysis
  - Informs analysis of violence against women, though focus on domestic violence because of WPS mandates
- Gender justice and women's citizenship rights
- Women in the centre of the analysis
- Key to eradicating violence against women includes women being subjects of their rights.
- The state has multiple and even contradictory interests, which are reflected in the CMs and other state institutions.

# Main Argument

- **Hypothesis 1:** There are diverse conceptions of access to justice that do not always coincide with formal or institutional conceptions and do not always refer to applying a sanction.
- **Hypothesis 2:** The paths women take are different and are linked to the opportunities and options they have, where they use the WPS, other institutions/ organizations, and support networks to get out of a situation of violence and/or to access justice.

# Main Argument - 2

- **Hypothesis 3**: The responses provided by the WPS and some actors are influenced by traditional conceptions of gender and family, as such they do not necessarily coincide with the women's expectations nor do they guarantee an end to the violence and access to justice.
- **Hypothesis 4**: The WPS have contributed to making the problem of violence against women more visible as a public, collective, and punishable issue and it offers women new opportunities to defend their rights, but they do not necessarily contribute to eliminating or reducing violence or guaranteeing women's access to justice.

# Methodology

## Instruments

- Secondary research: Mapping Study
- Primary research: population-based survey of adult women, interviews (in-depth and exit), participatory observation, document analysis

Informants for qualitative research: WPS users, WPS operators and other state and civil society actors

Ethics protocol

Analytical framework, instruments, etc. developed collaboratively by regional research team

Coordination with WPS and other actors

Survey and interviews with WPS users carried out with adult women aged 19 to 50 years old

# Research sites:

- **Brazil:** Belo Horizonte, Minas Gerais
- **Ecuador:** Cuenca
- **Nicaragua:** Ciudad Sandino
- **Peru:** Villa El Salvador

# Hypothesis 1:

- There are diverse conceptions of access to justice that do not always coincide with formal or institutional conceptions and do not always refer to applying a sanction.

# Commonly found conceptions regarding access to justice:

- Normative / institutional / formal conception
- Feminist conception
- Family values conception
- Mediation conception
- Mixed conception
  
- Each conception differs on key elements, including the link between access to justice and ending violence and the cause of violence
  
- Most actors reflect more than one conception

## **Hypothesis 2:**

- The paths women take are different and are linked to the opportunities and options they have, where they use the WPS, other institutions/organizations, and support networks to get out of a situation of violence and/or access justice.

# **Women have a general but not in-depth knowledge of their rights**

## Survey results:

- Only in Brazil have a majority of women received training or information about their specific rights as women
- Differences regarding access to information based on age, socioeconomic status, and level of education in one or more countries

## Knowledge of rights - 2

- Most women surveyed have a general awareness of their specific rights and the law on violence against women, far beyond those who have received specialized training or information
- However, women with training or information had more in-depth knowledge of their rights and the law

# Knowledge of rights - 3

- Rights most recognized: equality and rights regarding violence against women
- More women recognized their rights when asked directly than when asked spontaneously, in particular:
  - Equality between husband and wife
  - Domestic violence is a violation of women's rights
  - Men who batter their wives should be punished according the law

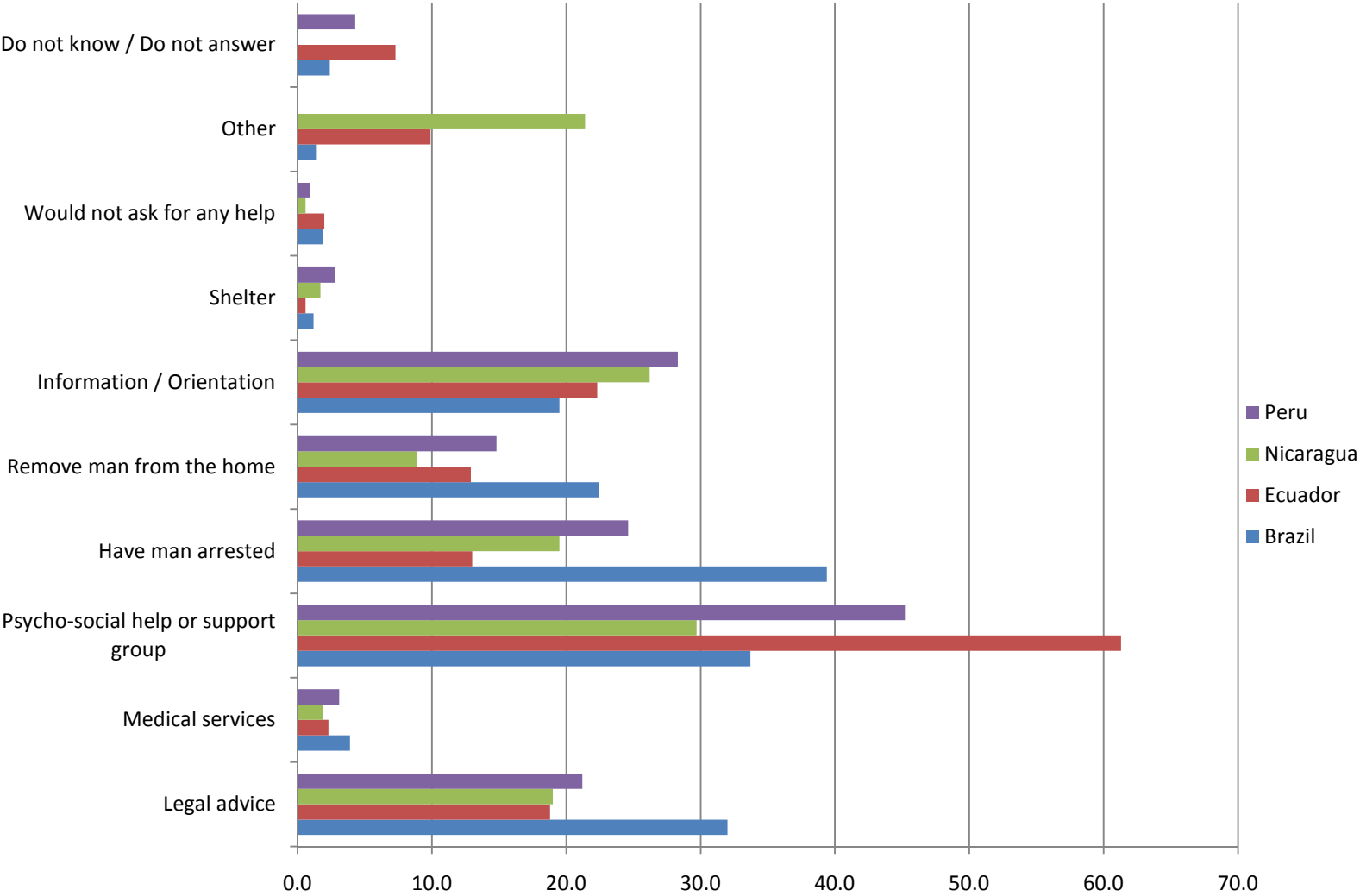
# What motivates women to start their path of accessing justice:

- Escalation of violence
  - More severe, dangerous, frequent
  - Women's family members are threatened (mother, children)
- Information and motivation from their personal networks
  - Mothers and/or other relatives
  - Neighbours and friends

# Types of support women would want to receive (survey – hypothetical):

- #1 answer is psycho-social counselling
- Other popular responses: information and orientation, legal advice, have man arrested, have man removed from home
- Very few women would not seek institutional support

# If your partner/husband abused you, what type of support would you seek? (spontaneous and multiple - %)



## **Knowledge of rights, law, services affects the choices women make regarding their paths**

- In the survey, more women recognized the institutions and centres in their community than said they would go to them in a potential situation of domestic violence
- Women stated that they wanted more information about: their rights, the law, the judicial process, and other services available in their community

# Some features of women's paths

- Do not necessarily start by going to an institution like the WPS
- Rarely follow the institutional diagrams of the judicial process in a linear fashion
- Often complicated, long, and difficult
- Often involve returning to one or more institution/organization more than once
- There are likely as many paths to accessing justice as there are women

# Features of paths - 2

- All of the women interviewed in the study have been to the WPS at least once. Many have also been to another institution or centre, a few have also been to a regular police station
- Many of the women interviewed have not reached the end of their path to justice
- If women are not able to go through the criminal justice system, they sometimes decide to use civil or family law processes: especially getting child support payments or filing for custody of their children

# Why do women go the WPS and press charges?

Results from survey and interviews:

- Access judicial process – judicial sentence and sanction/punishment
- Protection measures
- Other services: counselling
- Other judicial processes: child support, custody
- Get more information regarding: laws, rights, procedures, other services
- Very few want to reconcile or “scare” their partners (despite the views of some WPS operators)
- Want the violence to end

# Sanctions

Very notable difference between:

- Defence of sanctions in the abstract (over 95% in all 4 countries)
- Reasons why women would go (survey) and do go (interviews) to the WPS
  - Survey: between 7.3% (Ecuador) and 21.9% (Brazil) would want their partner to be arrested

# Use of other services: shelters

- Women of the general public are both not very familiar with the local shelter and not likely to go to a shelter if they were in a situation of violence
  - Shelter as type of support: 0.6% (Ecuador ) to 2.8% (Peru)
- Few of the women interviewed have stayed at a shelter

# Separation from abusive partner

- Many of the women interviewed have separated from their abusive partners as a part of ending the violence
  - Women leave or get a protection order so their abusive partner is removed and has to stay away from the home
- May separate from their partner before or after going to the WPS for the first time

## **Some ways in which conceptions of access to justice are reflected in the paths women take:**

- Women tend not to go to certain institutions (go 1<sup>st</sup> time or return) or demand certain procedures when they do not have a strong conception of themselves as subjects of rights.
- Some women do not want their husbands to go to jail because of either a family values or mediation perspective

# Factors that affect women's paths

- Access to information about other services available, rights, and procedures of the judicial process
- Socioeconomic status and access to resources to cover costs and time needed to participate in the judicial process
- When women know their rights they are more likely to go to different institutions/centres to get support
- Personal networks have an enormous influence on women's paths, where provide support and/or barriers
- Responses they get in the WPS, regular police stations and other institutions/centres

## **Hypothesis 3:**

- The responses provided by the WPS and some actors are influenced by traditional conceptions of gender and family, as such they do not necessarily coincide with women's expectations nor do they guarantee an end to the violence and access to justice.

# **Significant issues of the WPS that affect women's access to justice:**

## **Mandate of the WPS:**

- Forms of violence included:
  - severity of crime
  - types of violence
  - who are recognized as victims

# **Quality of services and conceptions of access to justice:**

- Very mixed responses on the part of users, however in general they are positive
- WPS usually cited as better than the regular police stations, with exceptions
- In Brazil, notable difference between first time users in exit interviews, who had more positive responses, and repeat users in in-depth interviews, who had more negative responses

# Quality of services and conceptions - 2

- Use of mediation and reconciliation – particularly in Nicaragua – reflects family values conception
- Women often receive very limited information (or none) about their rights, the judicial process, or other services available
- Not always a universal standard of care in a single WPS: rotation, limits to training (amount and perspective), use of discretion
- Follow-up occasionally provided, though quite rare

# Quality of services and conceptions - 3

- WPS operators often blame, revictimize or humiliate women (discourse on access to justice)
- If a woman does not return to the WPS after her initial visit to press charges, operators typically think that the couple reconciled, or the woman wasn't serious about pressing charges (in contrast to women users' experiences & perspectives)
- Bias against psychological violence because operators can't see the "*body of the crime*" (Latin American legal tradition)

# Judicial process

- Very slow process of justice in the WPS and throughout the process limits accessibility
- WPS operators sometimes consider access to justice and work of the WPS as an end in itself; not necessarily linked to bringing an end to violence

# Protection

- Emergency hotlines and emergency responses exist, but police do not always have the resources or the disposition to respond
- WPS operators sometimes underestimate the dangerousness of domestic violence
  - Femicide studies in Nicaragua and Peru have found that some of the women killed by their current or former intimate partners had already filed a complaint at a WPS

# Prevention

The WPS do prevention work and community outreach in some places, but not in others

# Other key institutional issues

- Specialized training: amount, evidence-based and conceptions
- Limited resources (human resources, financial resources)
- Geographic coverage of services
- Data, analysis, and application of findings
- When a police officer is a victim or abuser

# Coordination of services

- Having multi- and inter-disciplinary services located under one roof and/or ...
- Effective coordination with other institutions/centres is key to women accessing justice and bringing an end to violence in their lives, yet...
- Limited sustainability of networks due to: lack of resources; different conceptions of access to justice; WPS sometimes isolate themselves from other centres, especially from other sectors.

# **Women's centres and other institutions**

- In all countries, women's centres and other institutions, including shelters, are where women often find out about their rights.
- Women's organizations mostly reflect a feminist perspective (solely or mixed)

# Shelters

- Although few women interviewed have been to the women's shelter in Belo Horizonte, Brazil, most of those who did learned to change their values and see themselves as a subject of rights while staying there

## **Hypothesis 4:**

- The WPS have contributed to making the problem of violence against women more visible as a public, collective, and punishable issue and it offers women new opportunities to defend their rights, but they do not necessarily contribute to eliminating or reducing violence or guaranteeing women's access to justice.

# General perceptions of outcomes:

- The WPS are widely known in all four communities; they are a major point of reference for women in the general public
  - Between 84.6% (Peru) and 98.6% (Brazil) have heard of the WPS
  - When asked directly, between 82.9% (Peru) and 94.9% (Brazil) said they would go to the WPS if they in a situation of domestic violence
- WPS have contributed – along with the women’s and feminist movements and other state institutions – to making violence against women a public issue and raising awareness of it as a punishable crime
- When a WPS opens in a community, complaints of violence against women usually increase, however this does not mean that the prevalence rate has necessarily changed
  - Especially since many women take months and even years to decide to press charges

# General perceptions - 2

- Women of the general public consider that the WPS have contributed more to access to justice than to decreasing domestic violence
  - Contribute to improving access to justice: 80.4% (Peru) to 89.8% (Brazil)
  - Contribute to reducing wife abuse: 57.5% (Peru) to 77.2% (Nicaragua)
- However,
  - Note that large percentage decline to respond or answer “no”: from 23.4% (Brazil) to 42.5% (Peru)
  - Contrast with users’ experiences...

# Experiences of WPS users

- Few women continue the judicial process: low rates of women continue on to other institutions involved in judicial process and even lower rates of convictions
  - Nicaragua: WPS national data from 2007 found that only 29.9% of people served in WPS filed complaints, while only 15.7% were referred to other judicial institutions
  - Ecuador: Between 2004 and 2007, only 11% of complaints ended in a sentence: 8% were in favour of the complainant and 3% in favour of the accused
  - Peru: Ministry of the Interior data for 2006 found that only 15% of all domestic violence cases had been transferred to courts

# Experiences of WPS users - 2

Women usually take several steps to bring an end to violence in their lives, include various combinations of the following:

- Pressing charges
- Protective measures
- Judicial sentencing / convictions
- Separation (woman or man leaves)
- Support from family, friends, neighbours, including accompaniment
- Women learn about their rights; change values to consider themselves subjects of rights
- Hire a lawyer and/or pay for other services

# Experiences of WPS users - 3

- Found mixed responses regarding impact of using WPS services on frequency and severity of domestic violence
- Recall: These are preliminary results

# **Issue: Strengths and weaknesses of an instrumental approach to access to justice**

On the one hand,

- Limited access to justice in the formal sense leads to limited application of the judicial process and continued impunity

On the other hand,

- An exclusively legal/judicial approach can take the focus away from supporting women to become subjects of their rights and bringing an end to violence in their lives

# Final word on outcomes:

- The WPS are the number one point of entry into the criminal justice system (even though in all 4 countries women can start the judicial process elsewhere under certain conditions), but there are several obstacles that limit the WPS from guaranteeing women's exercise of their rights.
- WPS have a key role to play in the struggle to increase access to justice and bring an end to violence, but it is neither an exclusive role, nor – particularly for ending violence – necessarily the most important.

# Recommendations

# Recommendations emerging from the research:

- Women need greater access to information
  - Especially sectors identified as having less access to information
  - Information about: laws, rights, judicial procedures , services available
- More specialized training for WPS and regular police
- Provide greater and more effective protection
- Sufficient funds allocated from national budgets

# Recommendations emerging from the research - 2

- Specific and effective measures so that women will have access to justice for psychological violence
- Stronger and sustainable coordination among actors, both inter-institutional and inter-sectoral
- Increased geographic coverage
- More and improved prevention

## Some actions taken as part of this project:

- **In Nicaragua:** Consultations with local actors have led to reactivation of local commission
- **In Brazil:** Two sessions planned to present and discuss findings: one with WPS alone, one with local actors including the WPS
- **In Peru:** Research used last year in a successful advocacy campaign to stop the reintroduction of mediation procedures for domestic violence
- **In Ecuador:** Lead research centre of this project is key actor in an ongoing advocacy campaign to ensure that the new institution(s) that will replace the former WPS have a mandate that will guarantee women's access to justice (see photos on next slide)

# Current advocacy campaign in Ecuador



