

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

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This Bulletin provides a synopsis of a presentation given at York University on April 30th, 2009, by Nadine Jubb, CERLAC Researcher and Regional Coordinator for the research project "Access to Justice for Women Survivors of Violence: A Comparative Study of Women's Police Stations in Latin America." Research for the project is being conducted in Brazil, Ecuador, Nicaragua and Peru; the project aims to generate proposals for the improvement of relevant public policy. Research is supported by the International Development Research Centre of Canada (IDRC). Nadine's presentation was sponsored by CERLAC, the Graduate Program in Women's Studies and the Center for Feminist Research.

The struggle to end domestic violence against women has been called the most successful of the Latin American women's movement. However, research conducted as part of the project "Access to Justice for Women Survivors of Violence: A Comparative Study of Women's Police Stations (WPS) in Latin America" reveals that the contributions of the WPS¹ to wo-

¹ WPS are specialized police stations that deal with violence against women. They have a separate location than the regular police station and WPS operators, most of whom are women, have specialized training. From the first WPS in Latin America found in Sao Paulo, Brazil in 1985, they are now in 13 Latin American countries, with 403 in Brazil alone.

men's access to justice are limited and problematic. The research further suggests that this is due to, among other things, the conflicting concepts around access to justice held by women, justice-sector actors – particularly the Women's Police Stations – and women's rights defenders.

In studying WPS, with a focus on gender justice and women's citizenship rights, the research project places women at the center of the analysis, recognizing that the key to eradicating violence against women includes women being subjects of their rights.

The research indicates that women throughout the region hold different conceptions of their rights, of how to go about ending violence in their lives and of how to obtain justice when their rights are violated. Most women surveyed in the four countries were found to have a general but not in-depth knowledge of their rights; only in Brazil have a majority of women received training or information about their specific rights as women.

The ways women victims of violence seek justice were found to be diverse and their paths are usually very long, complicated, and difficult. An escalation of violence, increased access to information, or encouragement from personal networks are the motivating factors that typically lead women to seek

justice. The types of support that justice-seekers most often want to receive are psycho-social counseling, information, legal advice, arrest of the male perpetrator, or his removal from the home. Where women are unable to complete the criminal justice process, they sometimes turn to family law, taking such actions as filing for payments or custody of their children. There are a number of factors that affect which path women choose to take to access justice, including: access to information about services, about their rights and about judicial procedures, as well as socioeconomic status and access to resources to facilitate participation in the judicial process. Personal networks also have an enormous impact on women's choices of action, as do the reception they get in the WPS, regular police stations and other institutions.

Research has found that few women go to a WPS, press charges against the perpetrators of violence and continue the process; however, almost none of the women surveyed want to reconcile or 'scare' their abusive partners with the threat of action – though some WPS operators perceive this as the motive of women who access their services. Also, many women go to a WPS seeking protection. Preliminary findings suggest that for some women, accessing justice is a means of eradicating domestic viol-

ence from their lives, their main concern.

Women justice-seekers provide mixed reviews regarding the quality of services available to them, but consider most of the available resources in a positive light. They usually consider WPS to be better than regular police stations. Some of the most important problems are rooted in the conceptions of access to justice that underlie operators' attitudes and other elements of the WPS and judicial system. Research shows that WPS operators often blame, re-victimize or humiliate women justice-seekers, often because they have a family values rather than a women's rights conception of access to justice. The reasons women do not return to a WPS are often very different from the reasons that WPS operators attribute to them. WPS operators typically interpret non-return as indicating that "the couple made up" or that the woman in question was not "serious enough" about addressing the problem. The WPS and judicial system were also found to be biased against recognizing psychological violence, where the 'body of the crime,' a Latin American legal tradition, is not visible. WPS operators often perceive access to justice and the work of the WPS as ends in themselves, and do not necessarily link their practice to the goal of actually ending the violence. For women's protection, emergency hotlines and emergency response systems exist, but police do not always have resources or the disposition to respond to calls for help, and WPS operators sometimes underestimate the danger 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.

Another factor that is key for accessing justice and ending violence is effective coordination of services among the WPS, other judicial sector institutions and other local actors, many of which are often part of the women's movement. Unfortunately, networks are not always well sustained due to lack of resources, differing conceptions held regarding access to justice and the fact that in some cases the WPS are isolated from other centers.

The impact of the WPS is undeniable, but it also has been limited. In all four communities studied, WPS are widely known by the populations they aim to serve, where a range from 83 percent of women in Peru to 95 percent of women in Brazil said that they would go to the WPS if confronted with domestic violence. WPS have contributed to making violence against women a public issue and raising awareness of it as a punishable crime. Women of the general public consider that the WPS have increased access to justice more than they have contributed to decreasing domestic violence, though this contrasts with actual user experiences. WPS users and institutional records show that few women pursue the judicial process to completion, and there is a very low rate of convictions in domestic violence cases. Preliminary research results also found mixed responses regarding the impact of using WPS services on the frequency and severity of domestic violence. Overall, WPS remain the primary point of entry into the criminal justice system for women victims of domestic violence, but there are several obstacles that limit WPS from guaranteeing women's exercise of their rights.

Recommendations emerging from the research include promoting greater access to information for women, providing more special-

ized training for WPS operators and regular police from a gender justice perspective, providing greater and more effective protection, and allocating sufficient funds from national budgets to WPS. Strong and sustainable coordination among actors, increased geographic coverage and more and improved prevention measures are also needed. Clearly, WPS have a key role to play in the struggle to increase access to justice for women victims of violence and to bring an end to such violence, one which they share with other state actors and the women's movement, but it is a role with significant challenges.

For more information please contact the project director, Nadine Jubb, at acceso.justicia@ceplaes.org.ec / nadine.jubb@gmail.com or consult the project website at: www.ceplaes.org.ec/AccesoJusticia.



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