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The rule of law, a cornerstone of good governance and democracy, requires that laws are in place to hold everyone to account. However, for millions of women and girls around the world, the reality is that the rule of law means little in practice. The two areas in which women's rights are least protected, where the rule of law is weakest and men's privilege is often most entrenched, are: (i) women's rights in the private and domestic sphere. This includes their right to live a life free of violence, to enjoy equal rights with their partner in marriage and divorce, and to fully realize their reproductive health rights; and (ii) their right to decent work and to inherit and control land and other productive resources.

To effectively enhance women's access to justice, approaches must focus on combating gender stereotypes and discriminatory practices and on engaging women from the grassroots to inform and lead change.

The legal framework in Peru governing women's rights and protections is comprehensive and well defined. Application and enforcement of the law, however, was severely lacking. The law criminalizes rape, including spousal rape, with penalties of six to eight years in prison, but enforcement was ineffective. Country Reports 2013 indicates that the law prohibits domestic violence, and penalties range from one month to six years in prison.

In addition to that Under Peruvian law physical domestic violence can be classified as either a misdemeanor or a felony offense. It is unclear, due to the ambiguities in the law as to what constitutes psychological violence, what the parameters are for determining when psychological abuse constitutes a misdemeanor and when it rises to the level of a felony. The vast majority of domestic violence cases are classified as misdemeanors. The critical actors in this process are the medical examiners charged with conducting forensic examinations and quantifying injuries to legal effect. The medical certificate is often the only evidence to corroborate victims' testimonies. Human Rights Watch documented serious problems with the medicolegal system,

including inadequate and incomplete examinations, which result in the minimization of injuries sustained in domestic violence situations. The lack of clarity on psychological violence has contributed to a situation in which forensic doctors cannot fulfill their designated role in assessing injury to legal effect in these cases.

As such, the Ministry must adopt and distribute national directives on how prosecutors should handle domestic violence complaints and conduct specific and periodic in-house training workshops. The Peruvian justice system has the obligation not only to duly investigate, prosecute, and punish perpetrators, but also to protect victims of domestic violence.

Reference:

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- https://www.researchgate.net/publication/315874908_Gender_Violence_Enforcement_and_Human_Capital_Evidence_from_All-Women's_Justice_Centers_in_Peru