

## An analysis of Public Policies for the Comprehensive Protection of Victims of Violence

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### Abstract

*The article addresses the analysis of public policies to determine how effective they could be in protecting victims of violence. The research had a focus focused on violence against women. The seriousness of this social problem is highlighted, which deeply affects the victims, their families and society in general. This article had a qualitative approach, Basic Type and Grounded Theory Design. Given this problem of violence, the creation of Temporary Refuge Homes is mentioned as a crucial measure to provide comprehensive protection and support to survivors, thus emphasizing the signing of treaties and conventions to combat gender violence and discussing the implementation of policies such as the Aurora Program and the Women's Emergency Centers to face this crisis. The importance of improving coordination between public and private institutions is highlighted to ensure adequate protection and care for victims. A comprehensive intervention is proposed that includes psychological support, legal assistance and skills development to promote the recovery and reintegration of victims.*

**Keywords:** *Family violence, Personal Intervention, Politics and Government, Personal Rights, Social Intervention.*

### Introduction

In recent years, both in Peruvian society and internationally, violence against women has persisted as a serious and persistent problem. States are trying to face this crisis with various sanction mechanisms, as it threatens social cohesion, affects interpersonal relationships and, above all, violates women's fundamental rights. This type of violence, usually exercised by a man against a woman, seeks to harm her physical, psychological, economic and even social integrity. In response to this situation, many countries have developed public policies that seek to prevent violence against women, which includes Temporary Shelters, which play a crucial role in providing protection and comprehensive care (De la Rosa, 2023, p. 01).

Likewise, violence against women is recognized as one of the most serious challenges to global public health, considered one of the most devastating, long-lasting and widespread human rights violations, and in many cases, complaints are not translated into concrete actions. In this context, in recent years, international institutions have established several treaties and conventions to eliminate all types of violence, given that in 1979 the Convention on the Elimination of All Forms of Discrimination against Women was signed, hereinafter called CEDAW, and in 1994 the Inter-American Convention on the Prevention of Violence against Women was signed. Eradicate and Punish Violence against Women (Calsin, et al., 2022, p.154). The main objective of this problem is to analyze a proposal for public policies that could contribute to protecting the physical and mental health of people affected by family violence, since in response to this situation, the Women's Emergency Center, hereinafter CEM and the AURORA program of the Ministry of Women and Vulnerable Populations, The so-called MIMP are now focused on the safeguarding of victims of family aggression, since these entities file complaints with the courts to intervene and put an end to harmful acts against the affected individuals, in line with the main objective of the current legislation. In addition, they seek to prevent the repetition of these conditions by carrying out protective actions.

Since the 1980s, the State has implemented public policies to address gender-based violence, including the creation of the Aurora Program as a central entity in the eradication of this problem. For this reason, public policies constitute pacts between the State and society, aimed not only at solving problems, but also at the execution of consensual planning to prevent them (Gutiérrez et al., 2016, p. 255). These policies are part

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of a set of specific and precise measures designed to address public problems classified as "socially problematic situations". In this context, it is essential to focus on the work of the State to achieve social transformation, because the importance of these actions lies in their execution to meet and solve the needs of citizens (Wilson, 2019, p.33).

## Methodology

This study, of a basic or purely substantive nature, does not pursue profit-making purposes; Their motivation lies in simple curiosity and the deep pleasure of discovering new knowledge. It is aimed at improving scientific theories for a more complete understanding of phenomena (Ñaupas et al., 2018, p.58). Likewise, it is aimed at obtaining new knowledge in a coherent way, seeking to understand a specific reality more precisely, since in this sense, this research is classified as basic due to its objective of providing new information and data on public policies for the protection of victims.

This study adopts a qualitative research approach, which is a methodological perspective used to explore and understand the phenomena from the perspective of the participants involved, focusing on understanding in detail their experiences, meanings, values, and social contexts. It uses methods such as interviews, observation, focus groups, and content analysis, among other methods (Hernández & Mendoza, 2018, p.7). Qualitative research is distinguished by being based on documented facts and the analysis of bibliographic, newspaper and observational sources, where the researcher interprets and presents the findings in a well-founded manner. (Hernández & Mendoza, 2018, p. 335).

This study was based on the Grounded Theory design, which maintains that theories can arise naturally from the observation and analysis of real data, rather than from an existing idea or theory. This method involves collecting data in an organized way, interpreting and analyzing them to create new categories and concepts that emerge from the study (Barrios, 2015, p.34). Through the use of the methodology of theory grounded in research, an explanation of a phenomenon applicable to a specific context was developed, considering the perspectives of various participants.

### *Public policies*

Public policy studies seek to provide the necessary tools to address any public decision, since their objective is to understand and, possibly, explain various key aspects; why some problems are considered to be of public interest while others are not, how the government agenda is decided, what determines the choice of certain strategies over others to solve public problems, why some policies succeed while others fail, and how to identify the criteria and metrics to evaluate these policies effectively (Navarro, 2008, p. 232). Therefore, public policy is about the strategies and measures that the government implements to face and solve specific problems in the community. In relation to family and gender-based aggression, these policies may encompass laws, programs, and services designed to prevent violence, care for victims, and hold perpetrators accountable. In addition, they aim to promote gender equality and foster respect for human rights. (Khadija, 2023, p.13).

To better understand this context, the argument of Cadénas and Ruiz (2015) was considered, who mentions the following:

Public policies aim to influence people's behavior, forcing or preventing them from performing actions that they would not otherwise perform. These policies seek to guide the course of society by changing the behaviors of those who must conform to the established regulations. In the context of family violence, this implies complying with various standards, although more rigorous monitoring and greater protection for victims is required. However, a gap is observed that compromises this protection and immediate care, as victims often lack continuous follow-up and adequate protection, which exposes them to risks of continuing to be victims of violence (p.5).

According to the official records of the Public Prosecutor's Office and the Ministry of Women and Social Development (MIMDES), it is reported that a worrying percentage of women (18% and 12%, respectively)

have been murdered after reporting at least once a case of family violence, despite state efforts to prevent it. One of the main obstacles identified is the criteria used by justice operators, such as police officers, judges and forensic doctors, who often do not provide the necessary care to victims of violence because they perceive violence as acceptable. Therefore, a viable proposal could be the implementation of temporary shelters that guarantee better protection for victims and allow them to continue with the complaint process safely. This underscores the need to amend the regulations governing the placement of victims in foster care to ensure that public policies effectively achieve their objectives.

#### *Personal-social recovery project in favor of the victim*

This project focuses on the execution of activities designed to encourage the development of daily, personal and social skills among the housed victims, since the objective is to help improve their current quality of life.

This initiative is designed to offer comprehensive support to individuals who have been victims of various types of violence, so this project has as its main objective to assist victims to recover their physical, mental and emotional integrity, affected by various forms of violence such as physical, psychological, sexual, economic or other forms of abuse. as well as rebuilding their lives after facing traumatic experiences, it includes a range of services and resources, such as psychological counseling, medical care, legal support, employment counseling, and access to community support networks, in order to empower victims, strengthen their resilience, and promote their social reintegration and personal recovery (Watts, 2012, p. 315).

#### *Victims of family violence*

One of the misconceptions about violence against women is the misconception that the violent behavior of the aggressor towards his partner does not constitute a significant risk to the children in those households. However, both witnessing violence and the possibility that they themselves will be victims of it have significant negative consequences for their physical and mental health, as well as for their long-term emotional and social growth. (Hernández, Rosa, & Limiñana, 2005, p. 12).

Family violence represents a significant public health problem with profoundly adverse consequences for individual members, both the family and society at large. In this context, addressing violence within the family requires interventions that cover multiple facets, from the application of sanctions that establish a precedent for its eradication, to the implementation of effective measures aimed at protecting victims who have suffered any form of violence, since these measures seek to restore the violated rights of the victims.

The MIMP refers to the fact that all forms of abuse do not necessarily cause physical injury, but that it includes psychological harm, serious or repeated coercion, physical harm, or sexual violence, which occurs in the following situations:

- a) Among people who cohabit, spouses, ex-partners who lived together, married ex-partners, ascendants, relatives up to the fourth degree of blood relationship and the second degree of affinity, as well as descendants.
- b) In couples who live together, the relationship with the other's relatives is considered up to the second degree by affinity and the fourth by consanguinity.
- c) Between individuals who live together, as long as there are no employment or contractual ties.
- d) Between individuals, regardless of whether they live together or not, when they have procreated children with each other.

### *Comprehensive intervention*

It consists of establishing agreements to coordinate the complete care of housed victims with religious organizations, public entities, organized communities, civil society and private entities. This process is aimed at helping them overcome the consequences of traumatic experiences, and on the promotion of skills, the fulfillment of fundamental needs and the assurance of the follow-up of the protection of their rights.

According to the (MIMP, 2015), through the "Model of basic internal regulations of temporary shelter homes", it establishes that:

These homes have a responsibility to ensure high-quality care. To meet this objective, they must coordinate with both governmental and private entities specialized in the protection and treatment of violence. It is essential that these coordinations include the support of these entities to ensure legal assistance, psychological and social support, physical medical care, as well as training and improving the capacities of the affected people. (p.11)

The comprehensive care system for violence against women must be comprehensive and carefully designed to intervene, understand and analyse each case in a comprehensive manner. This involves identifying the root causes of the aggression and the effects it causes, with the aim of comprehensively protecting the integrity, rights and physical and psychological well-being of the affected person.

The comprehensive health care system, in compliance with the rights of women who have suffered gender violence, must be considered fundamental and essential in their lives. This not only supports their empowerment to participate in various social, political and economic spheres, but also ensures them a dignified place in society with equal conditions, so health care acquires a crucial importance, being the responsibility of the rulers of all countries, so the main responsible for offering health services for the entire community would be the State, since this implies evaluating and addressing the diverse needs in terms of diseases and physical harm of people (Calvo & Camacho, 2014, 435).

The social intervention focuses on two sequential goals to empower women: first, to raise awareness of the oppression they face; and, secondly, to contribute to their personal and collective transformation by strengthening their own resources. In this context, empowerment is seen as a social intervention strategy that helps women participate in decision-making, gain access to power, and be able to influence social change. This approach is carried out at three levels: both personal, in groups and in the community (Garrido et al., 2020, p.38).

The comprehensive health system for people affected by gender violence, which treats cases of physical violence, psychological aggression and sometimes sexual abuse within the family, seeks to identify the consequences derived from this problem. It is crucial because of its role in spreading sexual and psychological health, and protecting from sexually transmitted diseases and the physical and neurological sequelae that can arise after assault.

### *Temporary shelters*

According to the (MIMP, 2015), a temporary shelter is a space intended to temporarily accommodate victims of gender, family and/or sexual violence, with the purpose of offering multidisciplinary care that includes shelter, food and protection adjusted to the particular needs of each individual. The primary goals of these shelters are to: a) promote skill development to increase victims' life alternatives, b) provide support in making meaningful decisions, and c) provide supportive therapy to victims of domestic violence (p. 18).

In this sense, for the author "these centers are institutions that offer specialized multidisciplinary care, protection, food, and housing to individuals who have been victims of domestic violence, also facilitating their recovery and social reintegration in a safe manner" (Caballero, 2015, p. 179).

Temporary Shelter Homes, also called Shelter Homes, are temporary facilities that provide shelter for victims of family violence. In accordance with Article 5 of Chapter II of the Regulations of Law No. 28236, the objectives of these homes are:

- a) Ensure a safe and welcoming space where victims of family violence receive not only housing, food, and clothing, but also protection, emotional support, and a recovery plan tailored to their individual needs, considering their gender, age, and physical and mental condition.
- b) Offer therapeutic assistance that promotes the independence of people affected by domestic violence, supporting them in decision-making and in the personal progress of skills that allow them to choose a life free of violence.

#### Analysis of current legislation in cases of violence: Protection and Rights of Victims in the Current Legal Framework

The Convention of Belém do Pará was adopted on June 9, 1994 and is a legal tool for the protection of women's human rights, it also emphasizes the right of women to obtain justice. This means having prompt and effective judicial proceedings, in which the right to be heard and personal dignity are respected. Legal remedies and psychological assistance are indispensable elements in order to ensure full access to justice and guarantee adequate reparation to victims. (OAS, 2024)

Ultimately, this treaty not only has a regional impact, but also influences national legislation, serving as the basis for specific laws on domestic violence, protection in the workplace, and precautionary measures to ensure women's physical and emotional integrity. CBP symbolizes the commitment of Member States to build a society where equality, respect and dignity of women are fundamental and protected values in all aspects of public and private life.

The Convention provides a broad definition of violence against women, encompassing not only physical acts, but also psychological, sexual, economic and property acts. This vision includes situations in both the private and public spheres, highlighting the importance of addressing violence not only within the home, but also in workplaces, educational institutions, and social life. It also places a responsibility on governments to create effective laws and policies to protect victims and ensure access to essential services such as shelters, psychological support and legal advice. Prevention plays a crucial role, as the Convention calls for the implementation of educational programs and social campaigns that eradicate gender stereotypes and promote equality between men and women from an early age and in all sectors of society.

On the other hand, Law 30364, enacted in 2015, offers a robust and necessary legal framework to protect women and other members of the family group in Peru. However, its success depends on effective and coherent implementation involving the State, judicial institutions, and civil society. It is necessary to strengthen preventive education, guarantee adequate training of justice operators and ensure timely and effective access to resources and services. Only then can an environment be created in which respect for human dignity and substantive equality are a tangible reality, guaranteeing a life free of violence for all people.

The law also seeks to facilitate access to justice through agile procedures and without delay. Victims have the right to be heard and to receive legal assistance without facing administrative or institutional obstacles. The idea is to ensure that they can report and resolve their cases effectively and without unnecessary delays. However, despite the advances offered by Law No. 30364, there are several challenges in its implementation. The persistence of gender stereotypes in Peruvian society continues to be a major obstacle. These cultural biases make it difficult for victims to access justice and adequate protection.

Bodies responsible for monitoring compliance with international human rights treaties have taken a more active role in ensuring that States implement effective measures against violence against women. This position highlights the obligation of governments not only to respond to visible and public situations, but also to ensure that no act of violence goes unaddressed, guaranteeing the protection and respect of

fundamental human rights for all women. In this regard, in its General Recommendation No. 19 (1992), CEDAW stressed that, according to international law and specific human rights conventions, States are responsible for preventing violence, investigating acts of abuse, punishing perpetrators, and providing support and compensation to victims, even when these acts occur in the private sphere (Rojas, 2021, p.24).

CEDAW, adopted by the United Nations General Assembly in 1979 and approved in Peru in 1982, is one of the greatest advances in the search for gender equality. More than a legal document, it represents a global commitment to ensure that women can live without discrimination in any aspect of their lives, whether in any social environment and in political decision-making, as it is a key step towards a more just and equitable society, recognising that equality is not just a right, but a basis for collective well-being.

#### Cases related to gender violence

In this section, a comparative analysis is made between international and national jurisprudence in relation to violence, starting with Judgment T-967/2014 of the Constitutional Court of Colombia. This ruling emphasizes the relevance of the gender perspective in the administration of justice, highlighting the factual errors committed by the judge in not adequately assessing the documentary and testimonial evidence that accredited acts of psychological and domestic violence.

This case reveals a problem that transcends the legal field, revealing how the omission in the evaluation of the evidence by the magistrate not only perpetuated the violence by dismissing the reality of the victim, but also prioritized the preservation of family privacy over the fundamental rights of women. The ruling sets a fundamental precedent, stressing that justice must adopt a gender perspective to make visible and effectively address domestic violence, guaranteeing the protection of victims' rights. The ruling also highlights the importance of recognizing that psychological violence is no less harmful than physical violence, warning that ignoring it implies making invisible forms of control and abuse that, although subtle, are deeply destructive for women. Finally, the ruling establishes that the justice system must adjust to the realities faced by victims, fully recognizing their rights and providing them with timely protection.

In the case of Velásquez Paiz et al. v. Guatemala, presented to the Inter-American Court of Human Rights (IACHR), is conclusively evident of the problem of systematic violence against women and persistent impunity in Guatemala. The IACHR declared the international responsibility of the Guatemalan State for the violent death of a young woman, noting that gender stereotypes had a negative influence on the investigation and treatment of the case. This jurisprudence is of great importance in recognizing that gender stereotypes are not only a cultural problem, but also a concrete obstacle to the guarantee of justice. The ruling highlights that behind the statistics of gender violence there are truncated lives, broken families and women whose fundamental right to live free of violence is violated.

On the other hand, in Cassation No. 1293-2021, the case addresses the evaluation of psychological evidence in a complaint of psychological violence in Peru. The Supreme Court questioned the decision to dismiss the case, given that the previous judicial instances had not given adequate weight to a psychological report prepared by the CEM, which, together with the statement of the aggrieved party, constituted essential evidence that was dismissed.

The ruling highlights the need to recognize psychological violence as a real and serious harm, comparable in magnitude to physical violence. It stresses that the absence of physical or testimonial evidence should not constitute an obstacle to access to justice, when there is psychological and testimonial evidence that demonstrates the harm suffered. In this sense, the Supreme Court established a relevant precedent by emphasizing that psychological evidence must be duly valued in cases of gender violence, given that psychological aggression usually takes place in the private sphere and without the presence of witnesses.

For its part, in Cassation No. 4475-2016, the Supreme Court of Lima examined a violation of procedural norms in a context of family violence, particularly in relation to the absence of motivation in judicial decisions. Despite the fact that the defendant was acquitted in the criminal proceedings, the Court determined that there was sufficient evidence of family violence against the plaintiff and her children,

including medical certificates and psychological expert reports, which reinforces the need for adequate substantiation in judicial decisions in cases of this nature.

What is noteworthy about this judgment is to reaffirm that the lack of evidence that leads to a criminal acquittal does not prevent the recognition of the existence of violence in the family or civil spheres. This approach ensures that victims and their rights to justice are protected, preventing evidence from being dismissed solely because of a ruling in another jurisdiction. The Court stresses the importance of analyzing each case in a comprehensive manner, considering the context of violence and all the available evidence, which constitutes a step towards a fairer and more sensitive judicial system.

File No. 21779-2021, which addresses a complaint of psychological violence in a particular context, highlighting the importance of immediately implementing protection measures to safeguard the integrity of the plaintiff. The request for these precautionary measures is based on Law No. 30364 and international human rights standards, which shows significant progress in the protection of victims. This case highlights the need for a proactive approach to gender-based violence, where justice not only acts in the face of fact accompli, but also anticipates the risks that victims may face. Ensuring their safety and well-being makes the implementation of protective measures an essential element.

These jurisprudences show a slow but significant progress towards a judicial system that is more aware and responsible in the face of violence. Although significant challenges remain, the courts have begun to recognize the importance of properly valuing psychological violence, eradicating gender stereotypes, and providing victims with the protections they deserve. Justice must transcend the abstract concept and become a tangible reality for victims, who need to be heard, protected and supported in their struggle for a life free of violence.

#### *General comments*

While it is true that violence against women is a social problem of alarming magnitude, evidenced not only by statistical figures, but also by individual stories of suffering and vulnerability. Thus, these victims of violence go in search of effective solutions, having temporary shelters as an option, as these emerge as a crucial response to protect victims and offer them a safe environment where they can rebuild their lives. These shelters not only provide shelter and physical protection, but also deploy multidisciplinary services ranging from legal assistance to psychological support, customized to the specific needs of each individual.

Likewise, public policies are essential to address family and gender-based violence, as they define the strategies and measures that the government implements to prevent violence, protect victims and hold aggressors accountable. Cadéas and Ruiz (2015, p.5) believe that public policies not only try to influence people's behavior through regulations, but must also ensure effective monitoring to protect victims of family violence, thus minimizing the gap that compromises their safety and continuous care.

Therefore, it is essential to recognize the theoretical and legal framework that supports these initiatives, because both international treaties such as CEDAW and Law 30364, establish clear guidelines to ensure that women's human rights are protected, with special measures to prevent and eliminate gender violence. In terms of social impact, temporary shelters not only offer a safe place, but also play a crucial role in the recovery and empowerment of victims, the comprehensive care provided, which includes everything from emotional support to job training, seeks to mitigate the immediate effects of violence.

However, significant challenges remain. Effective public policy implementation faces obstacles ranging from a lack of resources to entrenched cultural resistance that perpetuates violence. It is imperative to improve cooperation between government, civil society, and the private sector to ensure that these shelters are not only accessible, but also effective in their mission to protect and support victims. Thus, the creation and strengthening of temporary shelters constitutes a crucial step towards building more equitable and just societies, where all people, regardless of their gender, can live without violence and with dignity. This study not only underscores the importance of these public policies, but also invites reflection and continuous action to improve and expand these initiatives in favor of all people impacted by gender-based violence.

## Conclusions

Violence against women and the implementation of public policies for their protection are high priority issues. Despite international and national efforts, such as temporary shelters, there is still a significant gap between existing legislation and its effective implementation, underscoring the urgency of strengthening and improving these policies, including gender-based violence, not only affects the physical and psychological integrity of direct victims, but also has broad social repercussions, affecting social cohesion and perpetuating cycles of violence that span generations.

It is crucial to develop and implement comprehensive interventions that address not only immediate protection of victims, but also long-term prevention and rehabilitation. This includes effective coordination between various public and private institutions to ensure continuous and adequate support for victims. Temporary Shelters and other similar programs are essential to offer a safe place and comprehensive support to victims. It is essential to strengthen these resources and ensure their accessibility for all affected people. It is important to note that temporary shelters play a crucial role in the protection and recovery of victims of violence. These spaces not only offer physical shelter and security, but also emotional support, legal assistance, and resources for social reintegration. However, for them to be effective, it is essential that they are supported by comprehensive public policies that guarantee their access, quality, and long-term sustainability, thus ensuring that victims can rebuild their lives in a safe environment free of violence.

Public policies should focus on strengthening women's empowerment and improving public awareness of human rights and gender equality, as this not only helps to change attitudes and behaviours, but also strengthens the capacity of victims to seek help and defend their rights effectively and it is essential that the empowerment of victims is promoted, facilitating their active participation in decision-making that affects their lives. This includes providing them with tools and resources so they can rebuild their lives autonomously and safely after the trauma of family violence.

In general, the effective implementation of public policies for the comprehensive protection of victims of violence requires a multidimensional approach that encompasses prevention, immediate attention, access to justice, and the reconstruction of the social fabric. It is critical that these policies not only address the visible manifestations of violence, but also the structural and cultural roots that perpetuate it. In addition, they must guarantee effective coordination between government institutions, civil organizations and the community in general, promoting a culture of respect for human rights and gender equality. Only in this way can we aspire to a safer and fairer society for all people, free of violence and discrimination.

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