

Project

Access to
Justice for
Women in
Situations of
Violence:
A Comparative
Study of
Women's
Police Stations
in Latin
America

Regional Mapping Study of Women's Police Stations in Latin America

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Access to Justice for Women
in Situations of Violence:
A Comparative Study of Women's
Police Stations in Latin America
(Brazil, Ecuador, Nicaragua, Peru)
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Introduction

For more than thirty years women's and feminist movements have mobilized throughout Latin America to end violence against women through strategies aimed at breaking the silence; changing the discriminatory social values and power structures that underlie violence against women; providing integral services; reforming and introducing laws; and achieving the recognition, defence and exercise of women's rights, particularly the right to live without violence. The movements have organized around various types of violence against women, however, here the focus is specifically on domestic violence perpetrated by (ex)intimate partners or (ex)spouses. In part due to this struggle, Latin American states have acquired obligations to guarantee women's rights through national laws, policies, and mechanisms, as well as regional and international conventions. Among the more specific commitments taken on so that these rights can be exercised are the Women's Police Stations (WPS): specialized police (or judicial) institutions whose purpose is to improve access to justice. The first WPS was inaugurated in 1985 in Brazil and there are now other similar institutions in the police and judiciary throughout the region.

After almost 25 years of Women's Police Stations and almost fifteen years after signing the Inter-American Convention for the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belem do Pará," 1994), it is now time to investigate the contributions of the WPS to Latin American women's access to justice so that they may exercise their right to a life free of violence and participate fully as citizens. We will examine their contributions in four countries with extensive and varied experience with the WPS: Brazil, Ecuador, Nicaragua, and Peru.

Before building a framework for this research, we must recognize that violence against women, especially domestic violence, continues to be one of the most deeply rooted problems facing the region. Although there is no prevalence data at the regional level, there is information at the national level (CIM-OAS, 2001) that indicates the following. In Nicaragua, a recent study revealed that 48% of women who had at one time been married or in a relationship had suffered verbal or psychological abuse by their partner or ex-partner, 27% had suffered physical abuse, and 13% sexual abuse (ENDESA, 2007). In Ecuador, the ENDEMAIN survey (2004) found that 41% of women who had at one time been married or in a relationship had suffered psychological violence and verbal abuse, 31% physical violence, and 12% sexual abuse.

Prevalence data for Brazil and Peru was produced through the WHO Multi-Country Study

(García-Moreno, 2005), for one urban and one rural zone of each country. In the city of Sao Paulo, 41.9% of women who had at one time been married or in a relationship had experienced emotional abuse by their intimate partner, 27.2% had experienced physical abuse, and 10.1% had suffered physical abuse. In Zona da Mata de Pernambuco (the entire province, except for the city of Recife), 48.8% of women who had at one time been married or in a relationship had suffered emotional abuse from their intimate partners, 33.8% had experienced physical violence, and 14.3% sexual violence. In Peru, the same WHO study (García-Moreno, 2005) found that in Lima, 57.8% of women who had at one time been married or in a relationship had experienced emotional abuse from their husbands/partners, 48.6% had suffered physical abuse, and 22.5% sexual abuse. In the department of Cusco, 68.5% of women who had at one time been married or in a relationship reported that their husbands or partners had subjected them to emotional abuse, 61.0% had suffered physical violence, and 46.7% sexual violence.

Since the 1980s, national, regional, and international frameworks have been created that recognize that violence against women is a violation of their rights and that the state has the obligation to ensure women's exercise of their rights and to put a stop to violence. There are several examples of this at an international level: the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),¹ the Vienna Declaration and Programme of Action (1993), and the Beijing Platform (1995). At the Latin American level there is also the Convention of Belem do Pará (1994), which includes not only women's rights but also the state's duties with regards to preventing, punishing, and eradicating violence, and is legally binding on all the ratifying states, including the four included in this study.

Recognition of these rights is an achievement of great magnitude, however it is just one step towards the final goal: eradication of violence against women. The next step is to ensure that the provisions set forth in those laws, treaties, and conventions are put into practice. There are already several mechanisms in place whose purpose is to get states to assume their responsibilities, some of which are directly linked to these instruments. For example, the periodic submission of reports by signatory states to the CEDAW Committee and on-site visits by the same Committee; there is also the Follow Up Mechanism to the Implementation of the Convention of Belem do Pará (MESECVI) with its own commission of experts (CEVI Committee). There are also other instruments whose purpose is to reaffirm these obligations and define/recommend concrete steps to enforce these rights.²

In order to end the violence, these laws, treaties, mechanisms, etc. must form part of a holistic approach whose fundamental contribution is that any solution must go well beyond the classification and punishment of crimes. Based on a **gender and power** framework, the solution must ensure the transformation of gender-based values and power structures and other forms of oppression that give rise to violence against women. These

¹ Although the original text of the CEDAW does not specifically refer to violence, it was later included in the mandate of the CEDAW Committee.

² Instruments in the judicial sector that can be highlighted are the UN General Assembly Resolution on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (Resolution 52/86 of 1998) and the compendium of model strategies developed to provide follow up to this resolution (ICCLR, 1999).

transformations must take place within the family, in society, in organizations/institutions, and within the state itself, for example, by changing: (1) the false division between the public and private spheres imposed by the patriarchal system, which contributes to violence against women and the imposition of silence and (2) the discriminatory values sometimes applied by police and justice-sector operators. These changes must contribute to women knowing their rights and actively exercising their citizenship.

Another fundamental aspect of this holistic approach is the need for collaboration and coordination among the various actors and relevant sectors, for example, in the judicial sector to facilitate the whole process, from pressing charges to a fair trial and sentence. There must also be a complete range of services at the local level and coordination among them to help women leave situations of violence. These services must comprise a broader legal scope, including not only criminal but also civil/family code issues (for example, child custody and divorce), as well as health care services, shelters, socio-economic support (to secure housing and/or work, vocational training, etc.), as well as specialized training for police and all other justice-sector operators.

The Women's Police Stations (WPS) have been one of the most important and most significant mechanisms used in the police-judicial sector since the inauguration of the first WPS in the region in Sao Paulo, Brazil in 1985. They were one of the first mechanisms or public policies established in some countries of the region in response to the demands of the women's and feminist movements. In fact, in some of the countries the WPS were inaugurated before the creation of specific domestic violence laws. Most of the WPS are specialized police stations, although in some cases they are justice administration entities, as in Ecuador. There are currently more than 400 WPS just in Brazil, while in Latin America in general, more than thirteen countries have some sort of specialized police and/or judicial service. The WPS models have varied from one country to another both historically as well as geographically. Today, the WPS continue to be one of the most important policies and are the main entry point for accessing justice, and some countries have adopted policies to continue increasing the amount of WPS.

A holistic approach and a commitment to women exercising their rights are needed to analyze the contribution that Women's Police Stations (WPS) have made to access to justice, the elimination of violence, and the exercise of citizenship. Using this approach is of the utmost importance for various reasons. First, WPS statistics mainly highlight the amount of formal complaints received and the clearance rate, without delving into the specific procedures and services of the WPS and without forming part of a universal information system that includes the rest of the path to justice and the impact of the WPS on women's lives. Therefore very little is really known about these women beyond the existing data, as no information is collected from the perspective of the women themselves. We must recognize the WPS as both an end in and of itself, with respect to clearing a path towards justice, as well as a step towards achieving gender justice, eradicating violence, and women in situations of violence exercising their rights.

Second, while on the one hand, the laws and other instruments and mechanisms for defending women's rights continue to be strengthened, on the other hand, there are other aspects of the current situation that threaten the exercise of these rights. One aspect of this situation is the debate regarding so-called "family values," which questions the rights won by women and other family members. Another aspect has to do with the dissolution

of the separation of church and state, which historically has been one of the main characteristics of democratic regimes in general. Today, this division is being threatened by religious fundamentalism. A third element includes those aspects of globalization that make women and other members of society more vulnerable, thus exposing them to greater violence. Migrant workers are one example who, in many instances, have much less access to the police and the judicial system.

Third, very little is known about the impact of the WPS on eradicating violence and on women exercising their rights. It is not clear how to distinguish the impact of the WPS from that of the judicial system and/or community networks. There is also very little information on how the current situation is affecting the WPS and the women who use their services. At the same time, there are studies that say that the most significant impact of the WPS has been in making violence more visible in society in general – which is fundamental – rather than a significant rise in the number of women who press charges and follow through the whole process until a judicial sentence is handed down, where the end result of that police-judicial process contributes directly to eliminating violence in their lives. One of the reasons for this are the meanings of gender that have been detected in WPS policies and in the attitudes of the police and justice-sector operators, ones which reproduce an approach based on family values, even though the purpose of the WPS is to defend women's rights. Another reason is the lack of integrated systems or networks to support women by providing accompaniment and other services that respond to their needs.

Fourth, it is important to take advantage of the long and varied experiences of the WPS to collect and disseminate transformative practices by exchanging procedures, practices, and lessons learned among the countries as a contribution to social change. Although when the WPS were first set up there were some exchanges among the personnel and those in charge, there are currently very few sectoral and inter-sectoral exchanges among WPS operators from the different countries.

This mapping study is the first step of a comparative regional study of Women's Police Stations that addresses access to justice for survivors of violence against women and the exercise and respect for their rights in order to make proposals for improving public policy in this sector. The investigation, as previously mentioned, will be carried out in four countries: Brazil, Ecuador, Nicaragua, and Peru. The overall study has several innovative aspects for analyzing the impact of the WPS. The basic element is the holistic gender and power approach. It is from this approach that the two main subjects of the study have been identified: the WPS and women in situations of violence; where women in situations of violence are placed in the centre of the analysis. This is to ensure that the research goes beyond a mere evaluation of whether the WPS are fulfilling their functions to analyze their impact on women's lives from their own perspectives.

The purpose of this regional mapping study and the accompanying national ones is to set out the analytical framework for the research project as well as to collect and analyze existing studies on the WPS in the four countries, which will be used to support the design of the primary research. The present study will analyze the fundamental aspects of the WPS, with less attention to women in situations of violence due to the lack of information available.

The national and regional mapping studies were written by their respective authors, based on collective preparation and review processes involving the whole regional project team. Preparation for the mapping exercise began with the selection of the main topics, basic concepts, structure, and the methodology to be used to gather information. The draft documents were circulated and each was peer reviewed, on the basis of which some of the topics and key points of the analysis were fine-tuned. The national mapping studies (Camacho and Jácome, 2008; D'Angelo, Molina, and Jubb; 2008; Pasinato and MacDowell Santos, 2008; Yáñez De la Borda and Macassi León, 2008) constitute a fundamental ingredient of the regional mapping study, along with other materials consulted.

The key question for the mapping research is, how do the WPS contribute to improving access to justice for women in situations of violence? The WPS, as already mentioned, represent one of the most important public policies in the region. They have contributed to making violence against women visible, with the intention of improving access to justice. However, the contributions made by the WPS to accessing justice and putting a stop to the violence in women's lives are limited because this intention has to confront other interests, whose purpose is to maintain the existing gender power structures. This is a contradiction faced by all state institutions. In the case of the WPS, these constraints are articulated through the following factors: mandates that limit the scope of the WPS to certain forms of violence; limited geographic coverage; operators who often display discriminatory and conservative family attitudes; very few specialized training programmes and of limited effectiveness; limited service networks with little sustainability; the small proportion of women in situations of violence who use the WPS, and the even smaller proportion of women who follow the entire path to justice.

This regional mapping study will first present the analytical framework that will be used as the basis for the research project. The next step will be to identify the most important factors regarding the WPS's contribution to access to justice through a comparative study of the findings and conclusions of the four national mapping studies. This will be followed by an exploration of existing analyses of the results and impact of the WPS, particularly from the perspective of women in situations of violence. The final step will be a summary of the principal aspects of the primary research that have resulted in improving the defence and exercise of women's rights, principally through the WPS.

The Analytical Framework

The analytical framework developed here will underpin the entire comparative regional study on the contributions of the Women's Police Stations (WPS) to access to justice. This framework is based on a gender and power analysis that recognizes how gender is used to construct inequalities at all levels – people, society, and the state. These inequalities both enable the various forms of violence against women as well as create huge obstacles to ending them. Accordingly, for the WPS to be successful in providing access to justice for women in situations of violence, a holistic approach needs to be taken that is rooted in this analysis. This approach defines the state's obligations in this regard and places women in situations of violence in the centre in order to underline that the any solution based on the transformation of gendered values and power structures must result in women living free of violence and fully exercising their right to citizenship.

One of the principal ideas underlying this analysis is the concept of **gender** as a main category through which power may be exercised, expressed, or articulated (Scott, n.d.). Understood as an category of analysis, gender may be used to study the construction of specific meanings attributed to it and how these are mobilized through the state or other entities to impose certain types of power. For example, we could refer to the most fundamental political division: the public-private dichotomy, where the public is valued and assigned to men as their domain, and the private is undervalued and where women are relegated. Although women are associated with the private sphere, they have no dominion over it since it is the state itself – in the public sphere – that imposes the limits, meanings, and characteristics of the private sphere. The state often assigns the private sphere to men, as expressed in the saying “a man's home is his castle.” This division between public and private is neither universal nor inevitable; there are social movements dedicated to changing this dichotomy, mainly women's and feminist movement, by (1) resisting the imposed meanings and their effects and (2) proposing and fighting for alternatives. However, as Scott states, “gender is not the only field [within which or by means of which power is articulated], but it seems to have been a persistent and recurrent way of enabling the signification of power in the West, in Judeo-Christian as well as Islamic traditions” (Scott, n.d., 26).

From this perspective, gender is not only relevant at the state level. Gender is a category for articulating power at any level or sphere – individuals in society, organizations and

institutions, and wherever there are cultural politics³ – such that through gender, dominant meanings may be expressed and oppositional meanings introduced and fought for. For example, the catholic church assigns the male gender to God, the supposed almighty, so as to have people believe that this attribution is natural. The same logic is used to justify that God's representatives here on earth must also be exclusively male, thus creating and imposing a bastion of male chauvinist power, while at the same time the church proclaims the long suffering and self-sacrificing image of the virgin Mary, mother of Jesus, as the ideal model for all women.

Another aspect of the concept of gender that will be used in this study is the intersectionality of gender with other systems of oppression (Collins, 2000). It is important to address intersectionality because Latin American countries are multi-ethnic, therefore we must understand that the experiences of being a woman, being in a situation of violence, and having access to the resources needed to leave this situation are not the same for all women. This lack of recognition of the intersectionality of gender has been criticized in Brazil, where WPS police privilege the “paradigmatic” complaints of women who have suffered domestic violence at the hands of their partners over those who have suffered racial violence (Santos, 2005). In Ecuador, certain indigenous organizations reclaim the use of the ancestral systems of justice administration instead of going to the WPS, which could be understood as a demand for recognition and validation of juridical pluralism.

Gender is more than an analytic category, it also refers to people and their relationships: it is “a constitutive element of social relationships based on perceived differences between the sexes” (Scott, n.d., 23). Gender meanings are constitutive of our identity and our personal relationships, where the boundaries of possible meanings are shaped through social processes at all levels, from the personal to the state. Despite the imposition of these boundaries, people never lose their agency. One relevant example of this change in identity relates to the pioneer of the Nicaraguan WPS, Aminta Granera,⁴ for whom the end of the Sandinista revolution in 1990 provided the possibility of constructing a strategic woman's identity. The purpose of this “new woman” was to search for a response that would contribute to resolving the issue of violence against women, despite the resistance she encountered from many of her superiors and colleagues (Granera, 1994).

This study refers to this concept as “**gender and power**” –despite the fact that the framework created by Scott clearly states that power is articulated or constructed through gender meanings– because gender is applied in a variety of contexts where gender work often is turned into a “technical” issue. Gender mainstreaming can be an example of this, where power is separated from gender or, in other words, gender is “diluted” (Longwe, 1993), as a form of resistance to a possible change in power relations. An example worth mentioning is the concept of gender used in the gender mainstreaming process of the National Police of Nicaragua in collaboration with the German technical cooperation agency (GTZ), where the GTZ's intervention did not begin with introducing gender, but

³ See Alvarez et al. 1998. Although this volume focuses on the oppositional cultural politics of social movements, the authors also recognize that the state and other actors can enact a cultural politics. They define this as “the process enacted when sets of social actors shaped by, and embodying, different cultural meanings and practices come into conflict with each other” (Alvarez et al., 1998, 7).

⁴ She is currently the National Chief of Police of Nicaragua.

instead started with transforming the basic concepts, programming, and organizational structure of the police's own initiative. The GTZ's goal was the following:

Work with the Gender Consultative Council to rethink its perspective regarding its role and the scope of its work, by shifting from an emphasis on women's demands to carrying out its proactive role in order to contribute to introducing the gender perspective as an institutional policy that supports the National Police's modernization and is in keeping with its mission of citizen security (Otero, 1999, 149).

This approach clearly positions women's demands – in this case with a direct reference to women members of the institution – in opposition to the promotion of a new institutional subject, where transforming the meaning of gender is of merely instrumental importance. This particular approach to institutional change can be distinguished from other feminist approaches that recognize the women's rights and even promote women's organizing within organizations/institution (for example, Levy, 1996).

The concept of **violence against women** that is used in this research is rooted in this gender and power framework. It is of vital importance that violence against women be recognized as an expression of unequal power. It is a “dramatic expression of gender inequality and asymmetry” (Rico, 1996). From this perspective, acts of violence themselves can be analyzed as well as the discriminatory social beliefs or myths that are reproduced in the media and everyday social communications as a “micro” form of imposing asymmetric gender-based power relations. One important myth is that violence is a personal problem – where the woman is blamed because of the way she was dressed or because she went out without her husband's permission – therefore it is not a social problem or a public-sphere issue, much less a crime. Another example of these myths is reproduced in cases of domestic violence against women, when women are urged to not press charges against their aggressors in order to preserve family unity. These myths are culturally transmitted in sayings such as, “he hits you because he loves you.” Women are frequently pressured into believing these myths by family members, their partner/aggressor, the police, the church, and society in general. This perspective provides a way to understand why women stay in violent relationships: it might be a cross between socio-economic and gender factors, based on the intersectionality of gender with other fields of power, but it might also be due to the gender meanings that she has learned, such as having little knowledge of her rights. However, she never loses her agency and can learn about her rights, believe in them, and take steps to leave a situation of violence.

Taking this gender and power approach into account, it is vital to use a broad interpretation of violence. Latin American women face various types of violence: in the domestic sphere at the hands of their intimate partner, including femicide; workplace violence; violence linked to armed conflict; violence for ethnic reasons; and violence against women who are displaced, refugees, or migrants, among others. We must also recognize that violence can be perpetrated by various actors, both by individuals in those various contexts, such as an (ex) intimate partner/husband, employer, or acquaintance, as well as by institutional actors, such as state or church agents. Examples of violence perpetrated by state agents include rape as a war crime and the re-victimization of women in the WPS, where they go to press charges.

This study uses the definition of violence stated in the Convention of Belem do Pará because it reflects an analysis similar to the framework of the present research project.

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere (OAS, 1994).

Several important elements of this definition can be pointed out. It refers to violence against women in particular, distinguishing it from “family violence,” thereby making visible and assigning equal importance to both the public and private spheres, and counteracting that fundamental dichotomy that underpins unequal gender relations. Other sections of the Convention address this issue implicitly when referring to violence perpetrated in the public sphere, by recognizing that state agents are also capable of perpetrating violence through acts or omission. Another reason why it makes sense to use this framework is because this definition is legally binding on all four countries participating in the study, therefore, it can be used to investigate whether the state is complying with its obligations in this respect.

Although this investigation is based on the Convention's definition of violence and shares the gender and power approach, it focuses specifically on domestic violence because that is the scope shared in common by the WPS in all four countries. It is important to clarify that the term **domestic violence** is used to refer specifically to domestic violence perpetrated against women, where it reflects the feminist analysis of the public-private dichotomy, as previously mentioned. This term is not the same as “family violence,” which does not necessarily reflect an analysis of gender and power.

Another concept is the holistic approach to violence, applied to both the analysis of the problem as well as measures to eradicate it. For example, it can be used to reflect how gendered power relations can make violence possible in the various social spheres and reproduce it. Other experts, such as Batres (1999), and the Convention of Belem do Pará itself, state that the WPS or other state entities cannot serve as instruments to eliminate violence unless they overcome the myths that their own agents believe and reproduce through institutional policies, laws, and the forms in which WPS operators treat women in situations of violence.

It is important to use the term “violence against women” instead of “gender violence” to reflect that the intersectionality of gender with other forms of oppression results in various forms of violence that do not affect all women equally. Lastly, “**women in situations of violence,**” is articulated according to a new approach that has emerged from the feminist movement in Brazil, so as to not fix the position or ontology of women exposed to violence as “victims” (Santos, 2005). It is a way of expressing both the structural relationship of power that constructs said ‘situation,’ as well as women's agency to leave the situation.

The concept of **access to justice** used in this study is based on the same analysis of gender and power, as well as an analysis of the state and citizenship. One feminist criticism highlights that the judicial system, which should provide justice, often reproduces unequal gender relations. One such example occurs when a judge hands down a sentence

in favour of a man even though there is overwhelming proof of his guilt, or when a WPS operator carries out mediations or issues protection measures that promote family unity. Thus the term “gender justice” (Goetz, 2007) has been developed to insist that judicial systems incorporate the provisions relevant to women’s rights defined in several international conventions and the Convention of Belem do Pará, as well as in national constitutions and laws.

In accordance with this gender and power analysis, a concept of access to justice that is based solely on individual responsibility cannot bring justice to women in situations of violence. Instead, the state’s responsibilities must be recognized as well as women’s rights. A concept that is a “mere statement of the possibility each person has of using the designated conflict resolution system in accordance with each country’s judicial system” (Facio, 2004, 6), does not capture the situation faced by women at home, in society, and in relation to the state. The problem is that this “possibility” implicitly assigns the responsibility for accessing the system of justice to the individual and, therefore, does not recognize the state’s obligation to provide access by passing laws that guarantee said access to all people, and by designing and implementing policies, agencies, and mechanisms. According to Facio, access to justice must be understood in a dual and complementary manner, where on the one hand, rights are recognized and on the other, responsibilities. “It is a human right that involves both the state’s duty to provide a public service, as well as the exercise of a right by the inhabitants of that state” (Facio, 2004, 6). The next step will be to develop this concept of state, followed by an exploration of the concept of women’s citizenship.

This concept of access to justice implies a certain understanding of the state, which is not based on the various simplistic approaches that view the state as a mere instrument. At one extreme is the approach that assumes that the state is a neutral instrument that enables any person to access justice. This approach has been criticized from a feminist perspective, for example by Goetz (2007) and Facio (2004). At the other extreme are critiques (for example, MacKinnon, 2005) that suggest that the state is just an instrument of chauvinistic interests, such that the state cannot play an effective role in ending violence or discrimination against women.

Conversely, the concept used in this study recognizes the state as a complex of agencies that imposes power in different ways and that can represent various interests. It is based on the assumption that recognizes the complexity of the state, which can be identified in various ways. Here the state is not a unitary institution, a closed “black box” with an impenetrable and uniform content (Brodie, 1995; Corrigan and Sayer, 1985). It is composed of innumerable entities, as well as the individual agents that design, promote, and implement laws, budgets, policies, etc. This concept makes it easier to understand how, in the case of Brazil, the first WPS (a state jurisdiction) was founded in 1985, although there were no laws on domestic violence (a federal jurisdiction) until 2004, by which time there were more than 200 WPS throughout the country. This can also explain why state/government institutions and ministries do not have the same level of commitment to networks and commissions against violence, even within the same government.

Another aspect of the complexity of the state are the multiple and event conflicting interests that are represented by the state, and the way in which the State imposes those interests on women and/or other sectors of society (Pringle and Watson, 1992). Consequently,

even though the state is committed to recognizing women's rights, other interests may interfere and result in not providing an effective access to justice in practice. An example of this can be seen when a policy is designed or a law is passed that creates a specific family court or a court for women's rights, without approving the budget so that it can operate. Another example is the specific discourse on gender or violence against women that is adopted by a state programme or institution and the effects it can have on women's lives. Fraser (1998) analyzed how the purpose of certain judicial-sector programmes was to convert women into "passive clients of manageable needs," where the "experts" were the ones who defined the women's needs. Morgan (1981) also did an analysis of the process by which the interventionist state shapes social problems to reflect certain interests. She illustrates how the state, through its programmes and policies, converts "battered women," the concept articulated by the feminist movement, into passive "programme clients" (Morgan, 1981).

It is essential to point out that the state has various forms of imposing ideas, one of the most important of which is "moral regulation" (Corrigan and Sayer, 1985), through which it is able to impose a certain order (for example, the division between public and private) so that this order is perceived to be normal, natural, or obvious. Therefore, references to institutional interests must be based on the assumption that these interests are not neutral.

It is precisely because of this conflict among contradictory interests that having just one law and one convention is considered to be insufficient for eliminating violence against women and duly punishing all aggressors. The state's obligation to fulfil its duties, usually referred to as due diligence, has been insisted upon time and again. For example, it is included in the Convention of Belem do Pará (art. 7, subparagraph b). There are more and more measures to enforce and promote compliance, through state entities and non-governmental organizations that insist on the provisions being implemented or that promote or audit their implementation. The various observatories established to monitor fulfilment of laws and conventions and their impact on women's daily lives are an example of a non-governmental measure. In Brazil, for example, a consortium of civil society organizations created an "Observatory on the Maria da Penha Law," with support from the federal government, to monitor the implementation of this new law on domestic violence (Law 11.340/2006). An example of a state measure is the Brazilian president's request that the Supreme Court of Justice rule on the constitutionality of that new law in the face of judges' and magistrates' refusal to implement it.

A clear definition of due diligence is needed, and one was developed by the UN Special Rapporteur for Violence against Women, which consists of two parts:

- a) Focus on the state's obligation to transform societal values and institutions that support gender inequality, while at the same time effectively respond to violence against women when it occurs, and
- b) examine the shared responsibilities of state and non-state actors with respect to preventing and responding to violence and other violations of women's human rights (Commission on Human Rights, 2006).

This definition echoes the other key concepts of this framework by linking violence against women to gender inequality. This in turn implies the need for a holistic approach,

to both analyze the ways in which inequality is reproduced –thereby making violence possible– as well as identify ways to prevent and eradicate them.

It is essential that the holistic gender and power analysis be applied to police institutions to understand the process and challenges faced by this state entity with respect to defending women’s rights, especially in regards to violence against women. These institutions have traditionally imposed order through physical and armed force, the very embodiment of the police service, or “the force.” Patrolling has always been directly linked to police work –a real job for real men– where the meaning of gender can vary from one institution to another.⁵ For that reason women have normally been excluded from operational posts. However, through the WPS and institutional modernization, policing work has changed greatly. While the police still impose order by use of force in certain circumstances, they can now also use moral regulation, where the order enforced is always based on a certain configuration of the public-private dichotomy. The WPS have brought about tremendous changes in the daily activities of the police. They used to ignore domestic violence against women in particular, or they would almost always blame or re-victimize the woman, thus maintaining the dichotomy between public and private. However, given the complexities of the state, we cannot assume that the mere introduction of the WPS has meant that the old practices and ways of understanding violence against women have automatically disappeared.

Batres (1999), for example, argues for the need to start with a gender analysis of domestic violence and the role of the police and the judicial system. Based on this analysis, she states that policemen and policewomen need to be trained to change their discriminatory values and the myths they believe, for example, the common attitude among justice-sector operators against arresting a violent male (ex)partner, even though he could endanger a woman’s life. An example of the persistence of these myths was revealed in a study done in Peru, where it was found that almost half of the police were in favour of mediation procedures, even though this procedure had been abolished by law. Consequently, proposals for reforming police institutions (Denham, 2008; UNDP and UNIFEM, 2007) and other judicial- and security- sector institutions (Valasek, 2008) emphasize transforming institutional cultures and values through changes in services to the public as well as internal policies.⁶

This framework allows us to understand the Women’s Police Stations as institutions created to meet the state’s obligation to provide access to justice for women in situations of violence, even though at the same time they face the problem of having to represent other interests that may contradict this purpose. In the case of Brazil, Nelson has underlined that the WPS can be used to resist and confront unequal forms of power that can lead to violence against women, while at the same they reproduce discriminatory myths about violence. For example, she discovered that even though they worked in the WPS, the operators believed that the legal system was neutral, therefore equity measures⁷ such as

⁵ See McCoy (1995) for an example of constructions of masculinity in a military academy.

⁶ There are several approaches to the topic of “gender and organizational change,” and one of the most comprehensive is offered by Levy (1996), who identifies thirteen different interrelated factors for transforming an organization, its members, and the work it does.

⁷ Equity measures are understood as procedures or other instruments used to achieve equality.

the WPS were not necessary and were even biased (Nelson, 1996). Protection measures are another example. The WPS operators in Ecuador frequently prescribe those measures geared towards keeping the family together instead of the ones that order the aggressor to leave the family home and allow the woman (and children) to return to it. There are many examples of how the WPS reproduce conservative family values, despite having clear mandates to defend women's rights. That is why ways must be sought to strengthen their purpose of defending women's rights so it will be duly implemented.

One way of strengthening the focus on rights from a holistic vision and the consequent transformation of women's daily lives is through service networks, both in the judicial sector as well as among the various institutions and organizations that operate at the local level. Judicial-sector networks are essential to ensure that every institution has a similar perspective regarding women's rights. Peru and Ecuador are still having difficulties with prosecuting cases of psychological violence, despite being recognized in the law, due to a lack of specific procedures to quantify damages. Perhaps a national and/or regional network could identify measures to overcome this type of limitation. Furthermore, the local networks in which the WPS participate together with other state agencies and civil society organizations, particularly women's and feminist movements, are extremely important. All the organizations involved should share the same commitment and approach across their various spheres of specialization and mandates, and establish and maintain fluid coordination to achieve their common goal (Sullivan and Keefe, 1999). In this way they will fulfil the second aspect of the definition of due diligence cited above. In other words, state and non-state entities have a shared responsibility for preventing and responding to violence. However, because of the various differences among them and their diverse or contradictory interests, it can be so difficult to establish and sustain these networks.

While the concept of access to justice requires an in-depth analysis of the state's responsibilities, at the same time the rights of women in situations of violence also need to be defined, as well as their agency, to exercise those rights. One of the principles of this research project is the following: the provision of access to justice by the state, while essential and an end in itself, at the same time is a means to enable women to live free of violence, fully exercising their citizenship rights. In what follows various relevant aspects of citizenship will be considered, then they will be addressed more specifically with respect to the WPS.

First, the concept of **citizenship** was selected because it is one of the basic concepts of political membership: it has to do with the inclusion of people in the polity and stating the scope of their rights and responsibilities (Meer and Sever, 2003). However inclusion needs to be problematized because it can be two-faced: inclusion is predicated on exclusion. In other words, being a citizen becomes significant if there are other people who are not. For example, not all women in the region are included in the same manner or to the same degree. This is borne out in the geographic coverage of the WPS: despite being the most important entry point for accessing the judicial system in all four countries, they are located only in certain cities. This means that for rural and indigenous women living in their places of origin, as well as women living in other cities, access to the WPS is difficult. It is because of this very exclusion that in some cases in the region the term access to justice for "inhabitants" is used (Facio, 2004), in recognition of the current phenomenon of migration.

Another manner in which exclusion is practiced is found in the concepts of *de facto* and *de jure* citizenship. Despite having certain rights guaranteed by the constitution and the law, they cannot always be exercised in practice. Goetz (2007) proposes that one of the reasons for this distinction is because the polity is immersed in social relations of power, where the state and society in general separate and privilege the public sphere (where citizenship is fundamentally exercised) from the private sphere (where women, identified as mothers and wives, are relegated to and where there is less access to citizen rights). For example, even though women were belatedly recognized as citizens in these four countries with respect to voting rights during the first half of the twentieth century, at the international level their rights were not recognized as an integral part of human rights until 1993, more than fifty years later, while at the national level, their right to live without violence was not recognized until even later.

This concept of citizenship is intimately linked to women's agency and the collective subject of women's and feminist movements. In Latin America and other regions, far from being just an identity, citizenship is recognized as a result of long history of struggle (Lister, 1998). The purpose of this struggle is not just to include more people or more rights, but rather to create counter-discourses to influence a change in the meaning of citizenship, and thus in the relationship between citizens and the state, as well as the state's *raison d'être* (Fraser, 1989). That is to say, as a collective subject, women have used their agency to vindicate their identity as citizens from the state. An example of this is the struggle to transform both the public-private dichotomy as well as the public agenda so that it will address the elimination of violence against women as a state obligation. These collective struggles allow women to individually take up this fight in their daily lives, especially so they can live without violence. In other words, women's and feminist movements in the region have been the leaders of these struggles for an "active gender citizenship" (Meer and Sever, 2003; Molyneux, 2007).

Therefore for women in situations of violence to exercise this active citizenship, they need to know that they are subjects of the law and they must embrace their rights. This is an objective that the WPS must contribute as part of integrated service networks, both those within the judicial system and those at the community level. Recognizing oneself as a subject of rights goes far beyond just having rights (Camacho 2003), it includes various aspects: (1) what they perceive as justice and their rights, (2) women must know their rights, (3) they must consider themselves as subjects of rights, and (4) they must seek to exercise these rights. Although it is true that women in situations of violence do not lose their agency, this approach also recognizes that violence prevents women from fully exercising their citizenship.

The WPS play an important role, not only by providing access to justice for women in situations of violence, but also by contributing to eliminating violence in their lives and to women exercising their citizenship, and they do so in at least three different ways. First, WPS operators must explain to those who seek their services what their rights are, as well as the legal and judicial procedures for pressing charges. Second, the WPS must implement the relevant procedures to defend women's rights, for example, by carrying out studies and providing protection, instead of reproducing a conservative family values discourse. A third form is the way in which the women in situations of violence are treated. They must not be stereotyped as passive subjects, submitted to the exercise police or judicial authority. Operators must provide their services based on this fundamental starting

point: the recognition that (1) women know what they need (Sullivan and Keefe, 1999) and (2) the role of the WPS is to help these women to gain control of the situation (Batres, 1999). Through judicial-sector and community networks the WPS can increase its contributions in a more integrated way, more effectively and consistently, so that women in situations of violence can more fully exercise their citizenship. Since the objective of this project is to contribute to women's citizenship, two research subjects have been selected: the Women's Police Stations themselves and women in situations of violence, where these women are placed at the centre of the framework.

In the next section this framework will be applied to the regional mapping study of the WPS, based on the national WPS mapping studies of Brazil, Ecuador, Nicaragua, and Peru.

Women's Police Stations

The Creation of the Women's Police Stations and the National, Regional, and International Framework

The creation of the Women's Police Stations (WPS) in the four countries included in this study – Brazil, Ecuador, Nicaragua, and Peru – as well as other countries of the region, is rooted in two social and political processes. One of the processes has been the struggle of the women's and feminist movements to break the silence around violence against women, demand comprehensive services, and defend women's rights. The other has been the recognition of the state's responsibility to provide access to justice and punish, prevent, and eliminate violence against women. Both dynamics are linked and have been carried out at the local, national, regional, and international levels. In a relatively brief period, women's right to live free of violence has been formally recognized and there are various mechanisms in place so that right can be exercised, among which the WPS have been one of the most important, especially in the judicial sector. However, these responses require a holistic gender and power approach as well as greater coordination among the actors involved if women are to gain access to justice so they can live free of violence.

The Women's Police Stations in Context

The creation of the Women's Police Stations can be placed within the context of a great social transformation that began at the end of the 1970s: changes in gender relations and the recognition of women's rights. During a period marked by sweeping changes and revolutions in the social, economic, and political spheres – which also affected existing gender roles – the women's and feminist movements undertook a sustained struggle to transform the public agenda and achieve recognition of women's rights by the state and society in general, from the local level to the national, regional, and international levels.

Latin American women's and feminist movements started to organize around violence against women in the 1970s. Their demands with respect to eliminating violence were varied and also linked. From the outset, one aspect in common was the struggle to break the silence, particularly regarding domestic violence, and turning it into a public issue. Another issue has been direct service delivery by the state and/or NGOs, such as shelters and/or comprehensive legal, psychological, medical, socio-economic, and forensic

services, among others. They have also fought for changes in public policies, laws, and the constitution so that these rights will be recognized and the state will meet its responsibility to provide the necessary services and mechanisms. Women have mobilized not only locally and nationally, but also regionally and internationally. At the First Latin American and Caribbean Feminist Gathering in Bogota, Colombia in 1981, the 25th of November was selected as the International Day to End Violence against Women, a date which is now celebrated in the majority of countries around the world.

Women's organization and advocacy in Latin America and many countries of the world had an impact on states and international governmental organizations. In 1975, the United Nations International Decade for Women was inaugurated with an international conference in Mexico, and was then extended to the Beijing (1995) and post-Beijing processes. At the same time other UN conferences, conventions, and resolutions also recognized women's rights. The first was the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. Although it is true that in the beginning CEDAW did not explicitly address domestic violence, it did state that women have equal rights as citizens and it committed signatory states to eliminating discrimination against women in married couples and family relations, as well as in the public sphere. The right to live free of violence was later incorporated into the work of the CEDAW Committee, as an acknowledgement that violence against women is directly related to discrimination. Another important milestone was the Vienna Declaration and Action Programme adopted at the World Conference on Human Rights in 1993, which recognized women's rights as an integral part of human rights, especially the right to be protected from domestic violence.

In 1994, the member states of the Organization of American States (OAS) signed the Convention of Belem do Pará on the Prevention, Punishment, and Eradication of Violence against Women. The Convention establishes women's rights, states' duties, and Inter-American protection mechanisms. This Convention has been ratified by all member states and its relevance is fundamental. First of all, it has the force of law in all countries where it has been ratified. Second, it has a gender and power analysis that largely reflects the analytical framework of this investigation.

In its preamble the Convention of Belem do Pará explicitly states that "violence against women is an offence against human dignity and a manifestation of the historically unequal power relations between men and women." It recognizes women as subjects of rights and provides a broad definition of women's rights. In particular, it clearly establishes that living without violence is a right and that being in a situation of violence prevents the full exercise of the rest of women's rights.

The Convention of Belem do Pará establishes the state's duties to ensure that women can exercise their rights. This reflects the central idea of Facio's (2004) definition of access to justice, in the sense that this exercise depends on the state fulfilling its obligation to provide the necessary conditions. The state's field of action and responsibility is broad and profound. The state must not only reduce violence against women, the Convention also establishes measures to be taken in the judicial sector in particular, as well as in others. The Convention states that in order to eliminate violence a comprehensive strategy must be used that includes – in addition to punishing crimes and other actions in the judicial sector – prevention, education, and sensitization through actions by the state and other actors, including reforming socio-cultural patterns that discriminate against women.

These instruments have been shored up by resolutions and mechanisms to support their implementation. In particular, specific committees and mechanisms have been established to provide follow up (CEDAW, Convention of Belem do Pará). In the case of the Convention of Belem do Pará, persons or non-governmental entities of member states can present petitions to the Inter-American Commission on Human Rights (IACHR) if a state is not meeting its duties. The UN General Assembly has also passed resolutions on the elimination of violence against women (resolution 48/104 of 1993) and crime prevention and criminal justice measures (resolution 52/86 of 1998) and there are also UN Security Council resolutions – on women, peace, and security (resolution 1325) and sexual violence in armed conflict (1820). The UN has a Special Rapporteur on violence against women, its causes and consequences, and she has recently emphasized different ways to put these duties into practice, for example, through reports on due diligence (Commission on Human Rights, 2006) and designing indicators. The UN Secretary General has also published periodic reports on the subject (UN General Assembly, 2006). Another relevant initiative carried out to promote the implementation of these instruments is a work that gathers model strategies and practical measures for crime prevention and criminal justice (ICCLR, 1999). This body of international conventions and commitments has created a “global women’s rights regime” (Kardam, 2004) that has established state obligations to defend these rights and continue strengthening them.⁸

The construction of this international and regional women’s rights regime has worked in a virtuous circle to strengthen women’s and feminist movements in their demands for the effective implementation of these rights. International non-governmental, bilateral, and multilateral cooperation agencies backed the implementation of women’s rights with technical and financial support for women’s and feminist organizations as well as governments. One of the fundamental goals of these movements was to get these regional and international instruments that recognize women’s rights to be signed and ratified. Another goal continues to be the reform of the national rights regime, through designing and implementing laws, public policies, and programmes, particularly through processes that involve women’s and feminist movements, as well as the creation of new institutions. The initiatives of the women’s and feminist movements have been diverse, including: advocacy around programmes of governmental and state institutions, legal reform, programme implementation by women’s NGOs, the drafting and dissemination of parallel reports to regional and international bodies, as well as critical analyses⁹ of public policies that prevent these rights from being exercised.

It can be said that the struggle of the women’s and feminist movements against violence against women has been the most successful (Molyneux, 2007) because of the formal changes achieved in getting the state’s obligations recognized with respect to protecting women’s rights. Before analyzing how these duties have been implemented, we must first examine state obligations at the regional level.

⁸ Today there are also various documents on “good practices” for integrating gender into security sector reform (SSR), including Women’s Police Stations. See for example, UNDP and UNIFEM, 2007; and the Gender and Security Sector Reform Toolkit produced by DCAF, OSCE/ODIHR, and UN-INSTRAW (Valasek, 2008; Denham, 2008).

⁹ There are also feminist critiques of the possibility of implementing women’s rights through gender mainstreaming. In the case of development in general, see for example, Cornwall et al. (2007); in the case of the security sector, see as an example, Whitworth (2004).

The Creation of the Women's Police Stations

In all four countries the demands made by the women's and feminist movements for legal and other reforms to eliminate violence served as catalysts for the creation of the WPS. The establishment of a global and regional women's rights regime also formed a fundamental part of the context. Here other more specific factors will be explored, such as the process of (re)democratization in the relevant countries, the role of government public policy institutions for women, the leading role of certain individuals, the institutions' history (to a limited extent), and horizontal learning among countries.

Prior to the WPS, some of the countries had government public policy institutions for women that were already implementing programmes and had begun to make changes to public policies and laws regarding violence against women. In Ecuador, the National Women's Directorate (DINAMU) already had programmes, for example, an emergency hotline, service delivery, research, and training. In Brazil, the State Council on the Status of Women (CECF), an inter-sectoral body in the state of Sao Paulo, set up just after the return to democracy, had started transforming public policies. It later participated in negotiations with the Civil Police to define the mandate and powers of the first WPS, as well as providing specialized training for police and other activities.

(Re)democratization was a significant part of the context from which the WPS emerged in three of the four countries. In Brazil, Nicaragua, and Peru, these changes towards (re) democratization also involved changes in the police institutions, where the inauguration of the WPS was seen as a measure to improve the image of the police (Peru) or as part of institutional modernization and autonomy from the government (Nicaragua). The inauguration of the WPS occurred just before the institutional changes (Peru) or very soon after (Brazil, Nicaragua), with the intent of not only expressing their commitment to women's rights and providing a means to defend them, but also as a way to disseminate the police's new mandate as an institution at the public's service. This was not the case in Ecuador, where the "WPS" are not *police* institutions. Instead they are justice administration entities that form part of the executive branch.

In fact, the initiative to create the first WPS came from the state itself. Although women's and feminist movements in Brazil were pressuring the state government to respond to their demands regarding violence, they had not specifically articulated the creation of a WPS. Rather, the idea came from the Secretary of Public Security of the state of Sao Paulo. Even though the women's and feminist movements supported the idea, their demands were more extensive. They were demanding that the state go beyond punishing violence to create integrated services – social, legal, and psychological services – for women in situations of violence. In this sense, the state's response represented a "restricted absorption" (Santos, 2008) of feminist demands.

The previous experience of Brazil, then gradually of other countries that began to open WPS, had a positive influence on the rest of the countries in the region, albeit in a general way. After the Brazilian initiative, women's and feminist movements in other countries (and other Brazilian states) started demanding WPS, in some cases for years before they were inaugurated. Their demands were echoed by government public policy institutions for women or the police itself. For example, in Peru, the creation of the WPS was set out

in the National Development Plan (1986-1990) and other policy documents in response to a proposal by organized women from various sectors. In Ecuador, DINAMU participated in the creation of the WPS; in Nicaragua, a woman police chief was the pioneer of the WPS. Another more specific form of influence among countries was through visits and traineeships of leaders, future chiefs, and/or operators during the process of creating the WPS.

After the first WPS was inaugurated in Brazil in 1985 (called *Delegacia da Mulher*), the first Peruvian WPS (*Comisaría de Mujeres*) was opened in Lima in 1988; the first Nicaraguan WPS (*Comisaría de la Mujer y la Niñez*) in Managua in 1993; and the first Ecuadorian WPS (*Comisaría de la Mujer y la Familia*) in Cuenca in 1994. Starting with just one WPS per country, the number of WPS has been gradually increasing, especially in Brazil and Nicaragua where they are policies to continue opening more. In Brazil in 2007 there were 403 Women's Police Stations; in Ecuador there are currently 31, in Nicaragua there are 32, and in Peru there are 21 WPS.

Women's Police Stations (WPS) within the Framework of Legislation, Public Policy, and Legal-Judicial Changes regarding Violence against Women

When the Women's Police Stations were created, they were the first or one of the first public policies created to address violence against women. After legal reforms and various state programmes and policies throughout the years, they continue to be the most relevant policy in the judicial sector and one of the most important in general. Next, some of the more significant policy and legal changes will be presented and the main reasons that explain the current situation will be considered, such as advocacy by the women's and feminist movements as well as the diverse interests of the state.

None of the countries had laws on violence against women or family violence when the first WPS was founded. That is to say, the WPS were established in one branch of the state to punish violence, meanwhile other laws, branches of the state, and/or ministries – including officials and/or operators of the same institution (WPS) – did not recognize violence against women as a public-sphere issue, much less a crime. There were even contradictions between the purpose of the WPS and certain legal provisions. In Ecuador, during the first year of operation of the WPS, a woman could not file a complaint against her husband and/or a member of the immediate family, forcing operators to find other alternatives.

Since the founding of the WPS, in all the countries there have been substantial constitutional and legal changes, however these can reflect different interests, perspectives, or levels of commitment regarding violence. On the one hand, all the countries signed and ratified the CEDAW and the Convention of Belem do Pará. On the other hand, in Brazil and Ecuador, the constitutions were reformed to explicitly recognize violence against women as unconstitutional, while in Nicaragua and Peru, the constitutions refer only to the physical, mental (and other forms of) integrity of all individuals. Legislation on domestic violence was approved within one year after opening the first CM (Ecuador) to almost twenty years later (Brazil). Even with the first legal reform often the wait for a reform that classified family violence as a crime, instead of as a non-specific injury, was even longer. In Ecuador they are still waiting for this reform. Another important element that reflects a certain perspective on family violence is the fact that the laws of Ecuador,

Nicaragua, and Peru apply to any family member up to a certain degree of kinship or affinity, therefore family violence is not differentiated from domestic violence against women. Even though the law recognizes psychological violence, in Ecuador and Peru it is still difficult to process these cases because mechanisms and instruments to quantify the damage are lacking.

Legal and judicial reforms have not always been carried out to benefit women and their exercise of their rights. For example, in 1995 in Brazil, the Special Criminal Courts were created for minor offences. Although their purpose was not to only hear domestic violence cases, most of the WPS cases were sent to these courts. As a result, domestic violence was trivialized, according to evaluations by feminists, because of the assumption that it was not a serious crime. After many protests and advocacy on the part of the women's and feminist movements, a new law on domestic violence – law 11.340/2006, called the Maria da Penha law – put an end to the Special Criminal Courts' jurisdiction over these cases and created the Special Courts for Domestic and Family Violence against Women. The new law against domestic violence is the only law in all four countries that is specifically designed to defend women's rights in particular. It recognizes five forms of domestic violence: physical, psychological, sexual, patrimonial, and moral. It is also unique in its comprehensive approach to domestic violence because it covers not only criminal law, but also aspects of civil or family law, such as: custody of children, alimony/child support, restitution of assets, and keeping the aggressor away from the home.

Unfortunately, it cannot be proved that reforms in support of women's rights are the result of an evolutionary and linear process. Despite the regional and international obligations signed by states, the political will of the government in office – in other words, the various interests represented – has a lot to do with the design of public policies and their implementation. At one extreme, in Brazil, during the last five years the current federal government has introduced a mechanism, policy, and plan regarding violence against women and the WPS in particular – including a budget increase – where before there was not a single policy. At the other extreme, in Nicaragua, the current gender policy no longer mentions violence against women and the government public policy institution for women is barely implementing the relevant projects that were previously approved.

Nevertheless, a broad range of programmes, policies, laws, and plans regarding violence against women have been created in these four countries, with various levels of impact. Inter-institutional and inter-sectoral national commissions have designed national plans against violence; there are laws and protocols both in the health and sector sectors to provide specialized violence against women services; even specific courts have been created.

The existing framework of laws and policies indicates that there have been significant reforms and progress towards recognizing and defending women's rights so they can access justice, fully exercise their citizenship, and live without violence. However, if the WPS are still situated as the most important or one of the most important policies, this means that there is still much to do to convert the commitments acquired by the state into a comprehensive, integrated system that provides all the services, programmes, and institutions needed to prevent and eliminate violence from a gender and power perspective, and where the main strategy is to attack the root of the problem –gender discrimination. The contributions made by the WPS towards achieving this goal and the perspective of their mandates and specialized services will be examined next.

Key Aspects of the Women's Police Stations

We will now analyze the Women's Police Stations in the four countries, concentrating on the following aspects: mandates, institutionalization, and their specialized procedures, policies, and services. The holistic gender and power approach will be used to consider these elements in terms of the WPS's contributions to accessing justice. It is important to study the assumptions underlying the different aspects: both the formal, that is to say, the mandates and institutionalization, as well as the everyday, for example, the attitudes of the operators who apply the mandates and protocols through specialized procedures and services. We will start with a brief review of how women in situations of violence were treated in regular police stations and similar institutions before the WPS were created.

Background to the Women's Police Stations: Treatment of Women in Situations of Violence Prior to their Foundation

In all four countries, prior to founding the Women's Police Stations (WPS) the regular police stations and similar institutions did not recognize women's rights and women who arrived to file domestic violence complaints were usually treated on the basis of conservative family-values stereotypes that reproduce gender inequality. There were several methods to dissuade women from pressing charges or continuing the judicial process. One was to convince them that they had to think about their children first or preserve their family. Another was to make the women feel guilty about the violence that had been perpetrated against them. A tactic that was also used was to ignore the women or send them home, telling them that "domestic disputes" were not a police matter. When a complaint was received, it would usually go to mediation at the police station itself, because there were still no specific laws on domestic violence, and because of the same discriminatory attitudes that led to not applying the existing laws, such as for injuries. These forms of mediation, called "extra-judicial agreements" (Nicaragua), "records of mutual respect" (Ecuador), or "extra-judicial conciliations" (Peru), were used frequently in all four countries. The women's and feminist movements in all the countries advocated for the elimination of these procedures, pointing out how they violated women's rights in various ways. For example, by completing the process at the police station, these women had to waive their right to a trial (Nicaragua), which meant that the police also took on the role of judge. In the signed statements, the women who had been assaulted had to accept part or all of the blame (Nicaragua, Ecuador) and promise to not provoke their partners and seek harmony in the home, while the aggressors only had to sign that they would not assault their partners again (Ecuador). In Brazil, although this procedure already existed, it was applied much more frequently in the WPS. Another typical variation stipulated that both parties had to promise to mutually respect each other. As a result of these mediations, women received no protection and far from ending the violence, they often contributed to prolonging it or even provoking a worsening of the situation.

All these methods have the following in common: regular police stations and related justice-sector institutions reproduced and imposed the public-private dichotomy, where violence against women – especially domestic violence – was not a public-sphere issue and, therefore, did not constitute a crime. Far from being recognized as subjects of rights, women who had the courage to go to the police were obliged to submit themselves to the operators' institutionalized chauvinistic prejudice, with little hope that the men would be

punished or the violence would end. The state had still not assumed any specific obligation with respect to violence against women, justice-sector operators could act according to their own discretion, and all the while, there was no specialized mechanism available to women so they could demand to be treated decently and exercise their rights.

The Women's Police Stations' Scope and Legal and Institutional Mandates

One of the most substantial changes achieved through the Women's Police Stations (WPS) and the reforms of the national and regional legal frameworks has been to establish the compulsory intervention of the police and other actors of the judicial system in cases of violence against women. The purpose is to ensure that they provide the opportunity for women to exercise their rights instead of subjecting them to discriminatory prejudice. What follows is a comparative analysis of how the scope and mandate of the WPS in each country ensure access to justice based on the following elements: their institutional location, forms of violence, persons who can be victims, types of crimes, and WPS functions. This analysis will be based on the current mandates, as they have varied among countries and over time.¹⁰ These mandates are defined by the laws and regulations regarding violence as well as the WPS themselves. In each, one can identify elements that reflect women's rights, but also other perspectives. None have a mandate that completely reflects the analytical framework of this project.

The WPS in Brazil, Nicaragua, and Peru are police units, where Nicaragua and Peru each have a single national police service. In Brazil, where there are generally two police institutions per state – the civil police that carry out investigations (among other functions) and the military police that patrol the streets (etc.) – the WPS belong to the civil police in each state. In Ecuador the WPS are not police units; they form part of the justice administration system, located within the executive branch of the state.

The forms of violence dealt with in the WPS in each country reflect different ways of perceiving violence; no national model has a framework that completely reflects the approach used in this project or that of the Convention of Belem do Pará. The WPS in Ecuador and Peru are authorized to deal only with family violence, which includes physical, psychological, and sexual violence, according to the laws of both countries. In Nicaragua, the law on family violence only includes physical and psychological violence, but the mandate of the WPS also covers sexual violence. In Brazil the mandates vary widely, but most commonly the WPS address family violence, particularly physical violence and threats, as well as sexual violence.¹¹ Mandates vary according to the seriousness of the violence. In all the countries, the law recognizes that family violence can be either a minor or major offence. The WPS can receive both types of cases in all countries except Ecuador, where the WPS are only authorized for minor offences.

As their official names in each country indicate, the Women's Police Stations put the spotlight on women, although their sole purpose is not to defend exclusively women as

¹⁰ In the case of Brazil, where various models have co-existed, the information is based on generalizations and new federal guidelines.

¹¹ The mandate of the WPS in Sao Paulo, Brazil also includes the murder of women in the domestic sphere.

victims of violence. Their unofficial purpose, based on other interests, is to privilege the family/domestic sphere without an analysis of gender and power, for the most part. This is most evident in Ecuador and Peru, where only family violence is included in the WPS mandates and any member of the family – including an adult male – can be considered a victim according to the respective laws on family violence. In Nicaragua, even though the law on family violence also includes any family member up to a certain degree of consanguinity or a spouse/partner,¹² the WPS mandate only accepts complaints from adult women, children, and adolescents, which reflects yet another perspective on gender. In Brazil, although the new Maria da Penha law focuses specifically on domestic violence against women with an obvious gender and power analysis, the WPS continue to have different mandates that may reflect this new law, although this is not always the case: they can still include other family members as complainants and/or other forms of violence.

WPS functions in the various countries are similar in general terms, although they are put into practice quite differently. They all have the following functions: preventing and investigating violence, receiving complaints, and protecting people. Because the WPS in Ecuador are justice administration entities, they have the authority to punish violence, issue protection measures, and order reparations. In Brazil, the WPS now have the authority to remit cases to the corresponding court to issue protection measures. Similarly, the WPS in Brazil, Nicaragua, and Peru have the authority to enforce protection measures issued by the courts.

Besides from these judicial functions (Ecuador) or judicial auxiliary functions (Brazil, Nicaragua, and Peru), WPS mandates include a broader set of functions, reflecting to a certain degree the call for more integrated services for women in situations of violence. In Brazil, the mandates in this regard have varied according to legislation and state regulations, however, the new federal policy and Technical Guidelines expanded their authority to include prevention and participation in local service networks. In Ecuador, from their founding in 1994 until 2002, the WPS had the authority to provide integrated services (legal, psychological, and social services). However, these were partially eliminated due to the withdrawal of NGOs from the joint management model and a lack of state resources to cover all of them. In Nicaragua, the WPS are authorized to provide specialized services at two levels: secondary prevention and direct services, where the latter refers specifically to psycho-social care. In Peru, the family violence law mandates integrated services, but this is not mentioned in the WPS Organization and Functions Manual.

In Brazil, Ecuador, and Peru, the WPS mandates specifically mention women's human rights. Brazil's mandate makes explicit reference to the Convention of Belem do Pará. In Peru, the mandate is linked to the CEDAW, but also makes reference to the need to "re-establish family harmony," which creates an important contradiction. Nicaragua's mandate makes reference to treating people with respect, without mentioning their rights.

In general the scope of the WPS is more restricted, both in terms of the definition of violence as well as their functions, in comparison with the Convention of Belem do Pará, which could affect women's access to justice. When women have to knock at more than one door to access the system of justice and/or the various institutions that intervene in the process, this can make it more complicated. For example, if a woman in a situation of

¹² In Nicaragua, law 230 does not include ex-spouses and ex-partners, unlike Ecuador and Peru.

violence goes to the WPS but her case does not fit within its legal mandate, she then has to be remitted to another agency, possibly one that is not specialized. It becomes further complicated in that: (1) there are more steps, thus drawing out the process, (2) there is a need for more specialized institutions and services, and, (3) there needs to be greater coordination among agencies to ensure that women receive services according to the same criteria and they complete all the steps of the process.

Establishing obligatory jurisdiction to receive complaints and provide services to women in situations of violence is a great achievement. However, it gets diluted; first by the restricted scope and mandates of the WPS and second, as will be shown next, by the way in which the procedures and services are institutionalized.

The Institutionalization of the Women's Police Stations

The institutionalization of the Women's Police Stations (WPS) is indispensable to ensure institutional sustainability, fulfilment of the mandate, the development of a standardized model, control of quality of service, and policy design and implementation. Institutionalization does not just consist of fulfilling certain elements, such as having sufficient resources, but also the type of approach embedded in them. Some of those elements will be analyzed here: formal institutional commitment at a high level; the presence of central units to design, implement, and oversee WPS policies and procedures, etc.; adequate and sustainable human, financial, and material resources; and programmes to guarantee the quality and holistic approach to services, where a key factor of success is transforming the organizational culture's gender values – i.e., those which underlie all the other elements.¹³ Implementing services from a holistic gender and power approach is much more feasible if the approach is integrated into the institutionalization of the WPS.

Each of the four countries started with just one WPS. The initial commitment was small in quantity, but its impact was great, since the institutions were entering not only a new field, but also a controversial one. The WPS crossed over the gap between the public and private spheres at a time when there were still discourses that contradicted the need for a specialized unit. In Brazil, at the outset, some of the very policewomen who worked at the WPS thought that the creation of a unit specifically for women was a form of discrimination because the law establishes gender equality (Nelson, 1996). Other studies have emphasized that the first WPS operators in other countries also had to face considerable resistance from their colleagues at the outset.

Nevertheless, in all the countries there was an initial formal commitment issued upon the creation of the WPS. The exception was Nicaragua, where the WPS were not formally created until three years after the inauguration of the first WPS. In Ecuador, in

¹³ There is an extensive literature on gender and organizational change that considers various related elements, for example, Goetz (1995) and Levy (1996). This debate has also been raised with specific reference to the police and security sector reform. See for example, Denham (2008), UNDP and UNIFEM (2007), and Valasek (2008), who also include elements related to human resources, which will not be addressed in this analysis. Other important elements are also raised in the Convention of Belem do Pará and UN resolution 52/86 on model strategies and practical measures, for example, codes of conduct, procedures, training, due diligence, and the use of information and research for policy evaluation and improvement.

the beginning, the WPS were located within the executive branch. It was later proposed that they be transferred to the judicial branch, however this transfer has still not taken place, due both to lack of political will and budget as well as a lack of pressure from civil society.

Another basic aspect relates to the quantity and sustainability of resources. The WPS have always had insufficient financial, material, and human resources to fulfil their mandate. This is a reflection of the institutions' infrastructure in general, but it could also be an effect of the gender values embedded in the organizational culture. In other words, only certain locations are selected to have a WPS, a limitation that is not applied to other specialties, such as criminal investigations. Even so, the institutions in every country have committed to providing services to women in situations of violence – even where there are no WPS – but without the WPS's specialization. Both Brazil and Nicaragua have committed to opening more WPS. In Brazil, this is a federal government commitment, even though the WPS are under the jurisdiction of state governments. Resources are sustainable in all the countries, as evidenced by sustained institutional commitments for more than a decade. Sustainability also has to do with the source of the resources. In all the countries the funds have been supplied by the respective governments and police services themselves, with the exception of Nicaragua. Historically, Nicaraguan WPS have largely depended on international donations, although the police service and the government have gradually taken on responsibility for more expenses.

A fundamental aspect of institutionalization is the creation and operation of a national oversight body to: regulate the work of the WPS, manage the WPS at the national level, create protocols to define technical standards and quality of service, and monitor and supervise protocol implementation. These entities exist in Ecuador and Nicaragua, although it took several years to set them up. Peru has one body that supervises only the seven WPS in Lima, but there is no similar body for the rest of the WPS in the country. In Brazil, since the police are a state-level institution, there is no federal actor at the top of the chain of command, and only three states have a similar body.

A national governing body is crucial in the design and implementation of programmes to improve the quality of service and create standards for WPS procedures and services.¹⁴ Often these entities have not been part of the WPS themselves. In Brazil, Ecuador, and Nicaragua, the government public policy institutions for women have carried out part of these functions, in various ways and for certain historic periods (in Nicaragua, for example, there was also an inter-institutional coordinating body). There have been times when their authority was not always recognized, specifically in the cases of Brazil and Nicaragua, which could be explained by the chain of command culture of these police services and/or the reduced formal authority and recognition of the government public policy institutions for women. These entities – even when they do form part of the same police institution – do not necessarily have the mandate or authority to make the necessary decisions regarding the budget or the approach and quality of the services, or ensure that their decisions will be respected.

It should be pointed out that there have been inter-institutional and inter-sectoral joint management models both in Ecuador and in Nicaragua that involved the WPS, the

¹⁴ The next section will examine training programmes.

government public policy institutions for women, and organizations and/or networks of the women's and feminist movements. Assessments of these joint management models have been mixed. On the one hand, they were recognized as an important strength because the entities coordinated on administrative-financial issues and/or integrated service delivery. In both countries the models were praised for guaranteeing high quality, integrated services, thereby improving access to justice. In Ecuador, this model was considered to be vital, while in Nicaragua, the joint management of the WPS was also recognized as a contribution to democratic governance (UNDP, 2000). However the models were not sustainable, as much because of the lack of local funds in both countries, as from weak consensus building among the parties, particularly in the case of Nicaragua. If the crucial factor of these joint management models was integrated service delivery and not the management model itself, then there are other alternatives for creating and strengthening integrated services within the WPS themselves and the service network without administrative-management collaboration, as will be analyzed later.

Institutionalization of the WPS has greatly improved since they were founded, at both the formal level as well as the organizational culture. But what has also become evident is that the following can co-exist: on the one hand, a formal commitment to the state's obligation to provide access to justice to women in situations of violence and on the other, elements of the organizational culture that reflect discriminatory perspectives, such as the attitudes of some of the operators. The next section will look at the specialized procedures and services introduced with a view to putting the state's obligations into practice.

WPS Procedures, Policies, and Specialized Services

The legal and institutional mandates and the institutionalization of the WPS are implemented through the procedures, policies, and specialized services used daily in the WPS. Despite the various measures taken to provide access to justice through specialized services, studies have found that WPS operators do not always implement procedures and services in a non-discriminatory fashion, nor do they always promote women's agency as subjects of rights – whether this be due to institutional factors (laws, policies, guidelines, regulations) or individual ones (perspectives and attitudes).

An important obstacle to accessing justice is the continued use of mediation or conciliation procedures instead of carrying out investigations and directing cases towards an expeditious trial. As noted above, these procedures were in use before the WPS were opened. Each country has different experiences: in Ecuador, they were prohibited and are practically no longer in use; in Brazil, they continue to be used in some WPS; in Nicaragua and Peru, they have a long and conflictive history. Women's and feminist movements have been against these procedures in all of the countries. In Nicaragua and Peru, the women's and feminist movements advocated to bring about a change in these procedures, arguing that mediation/conciliation blocked women from exercising their rights.¹⁵ Their advocacy had a certain degree of success in eliminating these procedures. Nevertheless, police attitudes have always been divided over the effectiveness and benefits of the process. After many years of not practicing the procedure in Nicaragua (at least officially),

¹⁵ Another regional analysis also criticized the practice because it violates women's human rights by subordinating them to the value of family unity (Rioseco Ortega, 1999).

they are once again openly using what are now called conciliation procedures. In Peru in 2008, a bill was presented to reform the law on family violence that would have, among other things, authorized the police, and the WPS in particular, to apply conciliation procedures. However, with the women's and feminist movements' successful advocacy campaign, this particular reform was not approved.

While mediation/conciliation procedures should not be used and are illegal, it remains to be analyzed as to whether the WPS are appropriately applying the specialized procedures designed to provide women with access to justice. In the case of protection measures, in Ecuador, it has been shown that WPS officials select which measures to apply, many times guided by a conservative family values approach. For example, it was discovered that these justice-sector operators make greater use of appearance notices or summons and temporary arrest warrants based on those summons, instead of applying a heavier penalty. Above all, they do not apply the two measures for removing the aggressor from the home and authorizing the woman victim to return (CEPAM, 2005).

Training has been identified as a key factor to ensure that women receive appropriate services. It is stipulated in the Convention of Belem do Pará, the UN resolutions, and "good practices" documents.¹⁶ All four countries have had various experiences that can be categorized based on three main factors: (1) whether the training is part of a national institutional programme, (2) whether the training is provided by women's NGOs, and (3) the approach and content of the programme. The effectiveness of the training depends on its quality, its approach, and the topics presented, among other factors. A study in Ecuador found that applying research results in a training programme could improve its effectiveness (Camacho, 2003). Furthermore, training should be provided from a women's rights perspective, which depends to a certain degree on who provides the training. In Brazil, there is evidence that WPS policewomen changed their perspective on violence and even their identity after being exposed to a feminist discourse by women's/feminist organizations (Santos, 2005). Nevertheless, training programmes often depend on local initiative and the relationship between the police and the women's and feminist movement. Even if there were a national training programme with the attendant advantages of being systematic and having a greater scope, it could not necessarily guarantee that the training would be provided from a gender, power, and rights approach or that it would cover all the relevant topics (gender-based violence, human rights, crisis intervention, national laws, and relevant international conventions, among others). One obstacle to effective training is the rotation policy of police institutions: justice-sector operators who are trained and sensitized are eventually transferred and training for the new personnel must begin all over again.

The issue of having all-women personnel at the WPS has been subject to much debate, and may or may not be linked to the issue of training. The proportion of men and women WPS staff varies from country to country. In Nicaragua, the official mandate says that there should only be women, and this is normally followed in practice. In Brazil, Ecuador, and Peru the majority of operators are women. In the beginning in Brazil, it was assumed that since both the police and the users were women, they would understand

¹⁶ In fact, some countries in the region have prioritized the development of specialized training programmes without having specific units with specialized mandates, such as the WPS. One example in particular can be found in Guyana (Guyana Police Force, n.d.).

each other and the users would feel more confident about pressing charges. This position has been criticized by feminists as being essentialist. Evidence has shown instead that more relevant factors are the gender approach of the institution itself (Ostermann, 2003) and the operators' attitude towards and treatment of the users (ICCLR, 1999). By contrast, in Nicaragua the first national WPS chiefs argued the need for policewomen based on a claim of "strategic essentialism." Policewomen would treat women users better, not just because they were women, but also because they had been trained using a gender and power approach and were committed to it (Jubb, 2001). Nevertheless, there have been WPS staff in Ecuador and Brazil who have not wanted to work in the WPS because they considered that it would have a negative impact on their careers, since the WPS are held in low esteem. The women's and feminist movements in each country have had different perspectives on this issue. In Brazil, they never proposed the need for the personnel to be exclusively women; in Ecuador, they were only able to ensure that the heads of the local WPS be women, although this provision was changed after several years; in Nicaragua they advocated for an all-female staff. All the same, it is generally considered that training from a gender and power approach –with or without an exclusively all-woman staff– is the most defining factor for quality of service.

Comprehensiveness is one of the most important factors for guaranteeing specialized services. One aspect of this issue is a debate about where the integrated services should be provided: in the WPS itself and/or in coordination with other actors' services at their own facilities. Where there have been integrated services in the WPS itself, they have usually been provided by some combination of professionals from different fields: lawyers, psychologists, and/or social workers. While in Nicaragua and Ecuador, delivery of these services depends on the institutional mandate (Nicaragua) or the joint management model (Ecuador), in Peru and Brazil, the services provided in practice do not necessarily reflect the national policy. In Brazil, some WPS continue to offer integrated services within the same facility, even though the new federal policy emphasizes the use of networks, where non-police services are offered at separate facilities. In Peru, the law stipulates that integrated services must be provided, but it was never included in the organization and functions manual. Where there have been integrated services within the WPS this has been considered a *sine qua non* of the WPS itself: either indispensable for women's effective and expeditious access to justice (Ecuador) or a belief that eliminating the integrated services would create an obstacle to carrying out even police-specific work (Brazil).

At the same time, there are several factors that must be considered when evaluating the comprehensiveness of services. There needs to be solid coordination between the professionals and the police. Also, for services to be truly collaborative they must all share the same approach, one that promotes women as subjects of rights. Another factor is the need to coordinate services on a case-by-case basis, which can be done even if all the services are not under the same roof. Also, professionals as well as WPS operators must be adequately trained using the same approach. Having all or several of the services under the same roof can facilitate women's access to justice because they do not need to go to various places to receive services. As a rule, all the WPS services have been offered free of charge, another fundamental factor for promoting access to justice. Nevertheless, studies in these four countries as well as from other parts of the world show how difficult it is to coordinate among the different agencies, services, and sectors due to the actors' different institutional and gender approaches at the individual and institutional levels. It

has been highlighted that effective coordination often depends more on local actors' will and commitment than institutional mandates (Sullivan and Keefe, 1999).

Another key aspect for strengthening the WPS's specialized services is adequate data collection and having a universal information system at the national level. Often police data is the only information available on violence in a particular area. However, this data may have many weaknesses, one in particular being a high level of underreporting, since few women in situations of violence go to the WPS. Another limitation can be gaps in the personal data collected, for example, sex, age, relationship between victim and aggressor, among others. Without this key data it is difficult to do analyses that can be used to evaluate and improve policies, training, etc. Often WPS police statistics reflect the institutional priority of knowing only the quantity of complaints filed and the clearance rate. Therefore they do not necessarily record all the services provided to women in the WPS, much less any information regarding follow up, such as (1) results of cases measured in institutional terms and (2) impact measured in terms of putting a stop to violence. This more global and strategic data could be included in a national universal information system, however wherever this kind of system has been attempted, such as in Nicaragua, there were severe obstacles to establishing and maintaining it. Thus it is still difficult to ascertain women's institutional paths towards accessing justice based exclusively on existing institutional statistics and records. Collecting and analyzing this information could contribute to improving public policy, laws, training, and services.

In order to guarantee the specialization of the WPS from a gender and power approach, the following principal elements are needed: (1) implementation of procedures designed to prevent and punish violence; (2) training of operators so that they apply those procedures in a way that reflects the intentions of the holistic gender and power approach; (3) coordination with other agencies and services both inside and beyond the WPS facilities as part of comprehensive services; and (4) other procedures and policies needed to contribute to the prevention, punishment, and elimination of violence, such as information systems that record the necessary data and coordination with other state and non-governmental actors.

Service Networks with WPS Participation

Service networks are one of the key factors for ending violence in women's lives. There are two kinds of networks: (1) police/judicial-sector specific and (2) multi-sectoral, broad, and integrated among all the relevant actors in the community. Experiences in the four countries have varied greatly, both from one WPS to the next and also historically among models. Accumulated expertise in these four countries, as well as in the other regions, stresses just how difficult and complex coordination and articulation can be, but how at the same time, they can provide great benefits to women in situations of violence.

There are certain basic principles regarding how these networks should operate so that they contribute to eliminating violence. Their goal must be to help women in situations of violence live without violence and fully exercise their rights to access to justice and

citizenship. Another principle is that there be collaboration among the various institutions and organizations in order to accompany women in situations of violence all the way through the system.

A third principle is that women must be considered as having agency and be placed at the centre of the model, instead of being viewed as passive clients. This means that the starting point must be that women in situations of violence know what they need (Batres, 1997; Sullivan and Keefe, 1999). Also, networks need to integrate services that provide women with the tools and conditions to definitively leave a situation of violence (including training, rehabilitation, support for substitute housing, and/or returning home). Furthermore, this means that networks must be organized around the women's needs and how they access and use the services, in order to provide them with the support they need. Here it is vital to take into account differences among women, for example, in relation to the availability of resources and the type of support sought. Coordination is not just a good idea, rather the state is authorized to provide it by the Convention of Belem do Pará (art. 8).

Coordination among actors of the judicial system is vital for guaranteeing access to justice, an expeditious trial, security for women in situations of violence, and punishing domestic violence crimes against women. Coordination is a two-way street, running from the WPS to the other actors for sentencing as well as from the courts to the WPS (in some countries) for implementing sentences and protection measures. The judicial sector in all four countries have created specialized units in various state institutions whose purpose is to provide services to the public and/or provide technical support to officials, even though the WPS continue to be the main or sole entry point in every country. These specialized units may be located in the following institutions: the courts, police stations (in the case of Ecuador, where the WPS is an institution that administers justice), forensic medicine institutes, the attorney general's office, and the Supreme Court of Justice. The limitations faced by these institutions include the following: institutions that are created through legislation are not always set up; limited human and financial resources; little training or training without a gender and power approach; inexistent, inappropriate, or unimplemented protocols; operators do not inform women regarding their rights and procedures; re-victimizing women; and treating women based on prejudices and myths that reproduce the public-private dichotomy. Coordination among actors often consists of simply moving a case from one step to the next with a focus on legal requirements and mandates only, without any strategic collaboration. Difficulties with sectoral coordination also usually include the absence of a universal information system as well as a lack of a service model and protocols that treat women as subjects of rights.

Multi-sectoral community networks are the hallmark of comprehensive services for women in situations of violence since they facilitate both (1) women's exercise of their rights and (2) the state's fulfilment of its obligations. These networks should be extensive, multi-sectoral, and integrated, in terms of both the actors involved as well as the services provided. Their field of action can include: follow up for women in situations of violence on the one hand and aggressors on the other; public awareness campaigns; training of service providers; a universal information system; and the dissemination of information regarding women's rights, services available, and procedures. The networks complement and strengthen the work of the individual actors, including the WPS. With respect to the WPS in particular, they can extend their work with respect to prevention, protection, and education. These networks can include not only organizational and institutional actors,

but also informal actors and individuals. For example, networks of promoters can be formed and trained in the communities so that women have a place to go and ask for information. Promoters may be more accessible than a state institution and can play an important role in explaining to women their rights and the services available in the community, as well as accompanying them on their journey. Using this approach, networks must carry out primary prevention at the community level as well, not only with individual women in situations of violence. Networks are well positioned to carry out education and awareness-raising programmes geared towards the general public on changing discriminatory socio-cultural patterns.

In each of the four countries there have been different experiences with networks. In many cases they have emerged through local initiative, while in others, mainly in Nicaragua and Ecuador during the joint management phases, they have been part of the model. In both of these countries there are no longer national inter-sectoral coordination models between the WPS and other centres/institutions at the local or national levels, although there is some coordination at the local level as a result of local initiatives. In Brazil, a new federal policy has guidelines on the creation of community networks, however this policy is not yet being implemented and existing local practices continue. In Peru, there are various forms of collaboration at the local level depending on the authorities' initiative, although not every WPS is involved in inter-institutional coordination. Among the organizations or institutions that coordinate with the WPS are women's NGOs and/or Women's Emergency Centres (CEM) of the Ministry for Women and Social Development (MIMDES), of which there are 68 in the country (not all of which are located in WPS).

There are several debates regarding the roles of the various actors and services they should provide in order to eliminate violence,¹⁷ especially regarding the role of the women's movement. This role may be (1) advocacy and/or (2) direct services in coordination with the WPS and other actors. In Peru, there has apparently not been any conflict between these two roles, but there has been in Nicaragua. Perhaps the difference in Nicaragua is due to the fact that the women's centres, through their national representative, participated in the joint management model. Another debate has to do with whether NGOs should offer specialized services or whether these services fall within the state's sphere of competence. This debate has to do not only with the delimitation and fulfilment of the state's obligations, but also with the issue of fundraising and the sustainability of services offered by NGOs dependent on external funds. Although it is incumbent on the state to provide the necessary services in accordance with the right to access to justice and health care, as well as other rights, it does not have the capacity to do so. On the one hand, if the services are left exclusively in the hands of the state, there is no guarantee that women will have access to services with a gender and power approach or integrated services provided by the state or civil society. On the other hand, there is no assurance that there will be coordination among women's and feminist organizations, the WPS, and other state and governmental institutions to provide training to justice-sector operators from a gender and power approach. Interventions are needed from several angles –as long as there is solid coordination and sufficient resources– for them to be as successful as possible.

Research in the four countries has shown that there are several obstacles to articulating

¹⁷ One debate has to do with services to male aggressors, but it has not yet been debated much in the four countries and/or studies have not been done. Nicaragua is the exception, where protocols do exist.

services and sustaining coordination among them. One of the most important is the isolation of the WPS from the other actors, due as much to institutional prejudice on the part of WPS officials as the other actors. Also, many times there are great differences and even conflicts among their approaches. These approaches may relate to institutional priorities instead of the needs of women in situations of violence, as understood from a gender and power perspective. Another great obstacle has to do with insufficient and/or unsustainable financial and human resources to maintain coordination among the actors. Other limitations may have to do with several other key elements such as: (1) leadership, (2) institutional and/or personal willingness, (3) knowledge of the other services, (4) prejudice regarding gender and violence, (5) resistance to women's rights, (6) awareness, (7) trust among institutions and their representatives, (8) programmes and protocols to systematically inform women in situations of violence about their rights and procedures, and (9) exchanges of information and analysis, with or without a universal information system, for the purpose of improving public policy.

It must be stressed that multi-sectoral and integrated networks have been identified as a transformative practice (ICCLR, 1999; UNDP and UNIFEM, 2007), however, they need to have the appropriate approach and overcome the many obstacles that normally arise. The general conclusion based on these experiences, in the four countries as well as other parts of the world, is that these networks are as necessary as they are difficult to establish and sustain. Hence they also contribute to analyzing the results and impact of the WPS, which we turn to next.

Results and Impact of the Women's Police Stations on the Lives of Women in Situations of Violence

There are very few or no studies on the impact of the Women's Police Stations (WPS) in the four countries. This raises the following question. Why, after 15-23 years of experience with the WPS, do we know so little about their impact? The WPS statistics do not capture their impact because they are based on WPS records, which select priorities based on an institutional perspective. In this sense, the statistics reflect the existing models, which do not have a holistic approach, nor do they place women in situations of violence in the centre.

It is essential that the indicators used to measure the results and impact of the WPS reflect the holistic gender and power approach, which leads to recognition of the two main subjects: the WPS and women in situations of violence. That is to say, the indicators must go beyond measuring the number of complaints received and the clearance rate. As part of an integrated network or universal information system, they should also cover the entire judicial process, the state's fulfilment of its obligations and the WPS mandate in particular (with respect to the Convention of Belem do Pará and others), as well as women's experiences and perceptions.

Some key indicators will be explored next, as well as the corresponding secondary information and analyses that are currently available, despite the significant gaps.

Violence Eliminated from Women's Lives and Women Exercise Their Citizenship

The main indicator of the WPS's impact has to do with their purpose, which according to the analytical framework of this project is eliminating violence from women's lives and women exercising their citizenship. It is centred directly on the experience of women in situations of violence who seek out the WPS and/or other services. Besides measuring whether women consider that the violence has been eliminated or in what other way it has changed, it also covers indicators regarding women's knowledge and exercise of their rights, for example, whether women know their rights, whether they feel they are subjects of rights, and whether they actually exercise these rights.

One study in particular allows us to have a better understanding of this issue. In Ecuador in 1998, it was found that in four of the five original WPS, violence had continued in the lives of 52% of the women, even though 59% of these women said that it has less severe. At the other original WPS, 76% of the women who were consulted stated that the violence had continued after having pressed charges (Ordeñana, 1998).

Effective access to justice

This indicator is more directly linked to the WPS's mandate, for example, by measuring the judicial-system results of the complaints filed in the WPS. However, it should not focus on judicial-system results only in terms of institutional actions; users' perspectives must also be taken into account.

Access to justice analyses can start by investigating the proportion of women in situations of violence who go to the WPS and file a complaint. A Nicaraguan qualitative study of the support networks of women in situations of violence found that few women had gone to a WPS. Although quantitative data is lacking for all the countries, it is generally considered that the proportion of women in situations of violence who begin the judicial process to access justice is rather small.

Due to the lack of universal information systems, there are no institutional reports nor independent studies to trace the complete path women take through the judicial system – another access to justice indicator. However, an evaluation of the Nicaraguan WPS was able to trace the paths of various women and found that there were as many paths as women, that the information collected did not allow for any generalizations (Jubb and Recinos Montes, 2003). Data from the annual WPS report of Nicaragua, albeit incomplete, revealed that in 2007, only 29.9% of the people served (this includes women, girls, boys, and adolescents) filed complaints and 15.7% of the total were referred to other agencies in the judicial system. The report did not identify the specific percentage of adult women nor provide the final result.

Only in Ecuador are there formal statistics on sentencing, due to the different mandate that these WPS have in terms of receiving complaints, punishing, and issuing protection measures. The official records show that between 2004 and 2007, only 11% of complaints ended in a sentence, of which 8% were in favour of the complainant. An independent study in Peru found that, despite official police data that indicated that 61% of the complaints were referred to a judicial institution, the Ministry of the Interior found that

only 15% of family violence complaints were referred to the courts. At the same time, an independent study based on police records found that after an average of ten months after having filed a complaint, only 0.4% of the women (just 1 case) had resulted in a sentence (Movimiento Manuela Ramos, 2007).

The few data available clearly indicate that the proportion of women who follow the process throughout the judicial system is very small. Neither is there very much information regarding the profiles, motivations, and expectations of women in situations of violence in order to establish comparisons among the countries. The only thing that can be said is that most of the women who press charges are between 20 and 39 years old. Only in Brazil was information found regarding women's expectations.

Therefore it is indispensable to know what happens in the lives of women who follow the entire path of the justice system as well as those who do not, without leaving aside those who never go to the WPS. We need to explore more deeply why so many women do not continue the process in order to study the possible relationship between, on the one hand, women's experiences of the institutional process and on the other, eliminating violence in their lives and exercising their rights. A fundamental principle of the gender and power approach is to not blame women who decide against beginning or completing the judicial process. Nevertheless, their decision does not diminish the state's obligation to provide integrated services for women in situations of violence. Several independent studies have found that women who go to the WPS are not necessarily seeking to have their (ex) partner punished for being violent or exercise their rights in the formal sense. Instead, often times they are seeking to do the following: drop the charges, seek protection and renegotiate the terms of their relationship with their partner, reaffirm their relationship with their partner, and/or do a mediation procedure.

Another factor that contributes to impunity for violence against women is the use of counter-charges by male aggressors. In certain jurisdictions, particularly in Ecuador and Peru, men can press charges against their (ex)partner or (ex)spouse in the WPS. Data from Ecuador shows that even while in the 1990s almost all those who filed complaints were women, in more recent times, up to 12% of complainants have been men. This situation can be analyzed to show that the men's intention is to avoid the complaints filed against them by their (ex)wives or partners, as well as the corresponding judicial process. Without a gender and power analytical framework, one might fall into an empiricist trap, accepting both complaints on equal terms – as used to be done (or is still being done) in the case of mediation and conciliation procedures – without emphasizing the defence of human rights.

Another access to justice indicator has to do with protection measures, i.e. analyzing which measures are applied and how they are implemented. In Ecuador, the data reveal that these measures are applied in a biased way: the measures most applied are the ones that least threaten family unity. In Peru, an independent study found that protection measures had been issued in 42% of the cases of survey respondents, of which 76% of the women confirmed that they were respected (Movimiento Manuela Ramos, 2007).

Using institutional data alone is not sufficient for measuring the impact of access to justice. Socio-economic and cultural factors that facilitate and/or impede access to justice must also be taken into account. These factors are diverse, ranging from socio-economic

factors that affect being able to carry out all the procedures (e.g. having money for transportation, having someone to watch the children, receive permission to be absent from the workplace) to adopting a new identity as a subject of rights. In a survey carried out in Peru, women who had filed complaints in the WPS explained that they did not continue the judicial process because of socio-economic barriers, while the WPS police attributed it to the women reconciling with their partners because they were economically dependent on them (Movimiento Manuela Ramos, 2007). Although both views are based on the impact of socio-economic factors, the women's understanding of their own situation reflects the perspective of people with agency, while the police's analysis reproduces discriminatory stereotypes against women, particularly the myth that relegates women to the private sphere under their husband's authority.

Geographic Coverage of the WPS

Most of the WPS in the four countries are located in the principal cities and mainly offer services to urban women of the same city. Although the WPS of Ecuador, Nicaragua, and Peru normally have a large catchment area – for Peru it is the whole country – very few rural women or women from other cities can access the WPS to press charges, much less to continue through the whole judicial process.

In Brazil, the 403 WPS are not distributed equally: only 10% of municipalities have a WPS and only 11% are located in state capitals. Ecuador has 31 WPS, however, five of the 24 provinces do not have any WPS. Nicaragua has 32 WPS, one in each departmental/regional capital and one in each district of Managua, plus two more in other cities. Peru has 21 WPS, of which seven are located in metropolitan Lima.

To address these limitations, the institutions in all the countries have agreed to expand their coverage in the existing regular units, without opening a WPS in each locality. In addition, previously in Ecuador, with help from international cooperation agencies and women's NGOs, an itinerant WPS was created that contributed to disseminating the WPS's work and improving access. In Nicaragua, the WPS have recently created networks of popular defenders in order to have a greater presence at the community level. Nevertheless, taking into account the limitations analyzed above related to providing services based on a gender and power approach and integrated services at the WPS themselves, there are serious doubts about the quality and approach of the services provided at non-specialized police stations.

Quality of Services

Among the various indicators and methods that exist to measure the quality of services, the most relevant for this study are: (1) specialized training of the WPS operators, (2) peer review, (3) treatment provided to women users (do they consider that they were: treated with respect, listened to, mistreated), and (4) the information received by users (written or oral) on their rights as well as political and judicial procedures.

In Peru, there are few studies, but they have different results. A UNDP study found that 39% of the population felt they had been mistreated at police stations in general, whether a WPS or a regular one. Another study from a WPS in particular found that only 19%

reported that they had been mistreated. This could be an indication of the difference in quality of service between the general police stations and the WPS, or other factors. Also in Peru, approximately 75% of the women who went to court for minor offences felt they had received “friendly” or “normal” treatment from the judges, while 41% were not informed of the process or their rights (Movimiento Manuela Ramos, 2007)

The Construction, Operation, and Sustainability of Integrated Service Networks

An important indicator for measuring the impact of the WPS has to do with integrated service networks. Having access to a network of services opens up more possibilities to women in situations of violence to access specialized services and greater support to leave the situation, access justice, live free of violence, and know their rights as well as exercise them. The existence or construction of networks, their operation (coordination, resources, and the comprehensiveness of the actors and services included), and their sustainability are all factors that can be measured.

One way of measuring coordination among actors is to consider how women experience their path towards justice. Information collected from women in Nicaragua (Jubb and Recinos Montes, 2003) indicates that most of them had to tell their experience over and over again at each agency, and to each person who dealt with their case. This increases the possibility of re-victimization and makes the path to justice much more difficult.

Even if these networks do exist, women are not necessarily referred to the WPS or other agencies. Nor do the various institutions necessarily coordinate among themselves to follow up on individual cases or do prevention work in the community or at a national level. A UNDP study in Peru found that only 46% of women had access to other services, while in Nicaragua in 2007, only 36% of the people served in the country's WPS were referred to other agencies, including the judicial system and centres that provide services.

On the whole, measuring these elements will provide much more information regarding the results and impact of the WPS. It will also provide a broader picture of the situation of violence against women based on quantitative as well as qualitative data from the perspectives of the women themselves, the WPS, and other institutions and organizations. This information and analysis could be used to further develop the work of the WPS and thus improve women's access to justice and the exercise of their rights.

Conclusions

This regional mapping study has shown that Women's Police Stations continue to be the most important public policy to address violence against women in the judicial sector in Latin America and one of the most important and visible in general. However, the impact of the WPS with regards to access to justice, elimination of violence, and women's exercise of their rights is not as evident, in part because of the relatively little information and analysis available. Another reason is due to the contradictions among the various interests, where on the one hand, the intention of the WPS is to defend women's rights in fulfilment of states' international, regional, and national obligations. On the other hand, aspects of the WPS reproduce unequal gendered power structures and relations that hinder the exercise of those rights. The conclusions from the regional and national WPS mapping studies will be presented next, followed by an outline of the key elements of a regional-level primary study whose purpose is to present proposals for improving access to justice and eliminating violence against women.

Over the last thirty years, the issue of violence against women has been placed on the public agenda thanks to advocacy within and outside the state as well as inter-sectoral actions and interventions carried out by women's and feminist movements, the WPS, and other civil society and state actors. As a result, great transformations have taken place at many levels: individuals, families, society, and the state in general. The two most important are: (1) breaking the silence regarding violence against women and (2) getting violence recognized as a crime and an attack on women's exercise of their rights, both within society in general as well as in the lives of many, many women.

Despite the current limitations for analyzing the specific impact of the WPS, the general contribution of the WPS to this continuing process of social transformation is recognized in the four countries. More specifically, there is a high level of social recognition of the WPS itself. One example of this is a popular saying in Nicaragua: "man's number one enemy is the Women's Police Station." The results of a recent Brazilian survey provide another illustration: 54% of the people¹⁸ thought that women who have been abused by their partner seek help, and of these, 45% (the majority) thought that these women go to the WPS (Ibope/Themis, 2008).

¹⁸ These are the findings for people living in capital cities (federal or state), where the WPS have a greater presence.

From an initial commitment to just one WPS at least fifteen years ago (depending on the country), the WPS have been sustained due to the increased commitment of states and the various governments over time. Today, each of the countries has several WPS with a relatively high degree of institutionalization and limited but guaranteed resources (for the most part). Mandates, policies, protocols, and training programmes have been developed to strengthen the specialization of the WPS for the purpose of improving access to justice. At the same time, states have acquired national, regional, and international obligations to punish and eradicate violence against women, and several interventions are being carried out fulfil them, although the main one continues to be the WPS.

This study has also shown how the WPS face limitations and even contradictions in order to completely fulfil the states' obligations. This issue can be more easily grasped by placing the WPS within the gender and power analytical framework, where on the one hand, violence against women is rooted in gendered power structures and relations and on the other hand, gender is also used to construct counter-discourses to transform these structures and relations. As a result, one limitation is that often women in situations of violence do not go to the WPS and/or do not follow completely the police and judicial process to access justice. One contradiction faced by the WPS is the conflict among different interests, where the WPS must provide access to justice and defend women's rights, while at the same time, certain aspects continue to reflect a conservative family-values approach (for example, attitudes, procedures used, etc.), which contribute to maintaining a gendered social order that discriminates against women.

The gender and power framework also underpins the need for comprehensive strategies to fight against the unequal power structures and relations that underlie the WPS and for the exercise of women's rights in general. The contradictions are an indication that the struggle continues unabated to influence social transformation. Thus different forms of coordination are needed, both in community service networks as well as in national inter-sectoral commissions focused on public policy. This does not diminish the importance of the role the WPS must play in ensuring access to justice for women in situations of violence. The challenge is to discover how to make sure that the WPS are used for receiving and investigating complaints, doing prevention work, providing protection and, in the case of Ecuador, punishing violence, where these functions must be not only an end in and of themselves, but also instrumental to achieving access to justice (that is, the complete judicial process), the elimination of violence, and women's exercise of their citizenship. This can be achieved through various strategies. One strategy would improve the specialization of the WPS through changes to their mandates, institutionalization, and specialized policies, protocols, and practices. Another strategy would incorporate the WPS into sustainable, comprehensive service networks (in and/or out of the WPS), where the state would be responsible for designing and implementing a full array of inter-connected policies to fulfil the WPS's goal. At the same time, different state institutions and civil society organizations would develop their own strategies based on their respective mandates and continue doing advocacy within and outside the state, as well as in mixed bodies. A third strategy would ensure that women in situations of violence are active subjects of these processes.

Designing a Comparative Regional Study on Women's Police Stations, Access to Justice, and Women's Exercise of Their Rights

The findings of this regional mapping study and the national ones point to the need for a comparative regional investigation of the WPS and their impact on access to justice for the purpose of making proposals to improve women's access to justice and exercise of their rights. This study will be carried out in four countries, Brazil, Ecuador, Nicaragua, and Peru, which were selected because of both the longevity of the WPS in each country as well as the similarities and differences among the WPS models in each one.

The main points of the analytical framework are as follows. The analysis is grounded in a gender and power framework to better understand how violence against women is based on unequal gendered power structures and relations and the need for broad and comprehensive strategies to fight against these structures. The research has two principal subjects: the WPS and the women in situations of violence who use the WPS. These women are placed in the centre of the analysis in order to: take into account the comprehensiveness of their situations and the analysis of the WPS and other services/agencies; take into account these women's needs and outlooks; and recognize them as agents of their own processes. The WPS play an important role in fulfilling the state's obligation to provide access to justice, which is both an end in and of itself as well as a contribution towards eliminating violence in women's lives so that they can fully exercise their rights as citizens.

This analytical framework will be applied to the primary research components, which are organized by sector: users and the general population, the WPS, and other services and institutions operating in the communities. The first component will involve a population-based survey, exit interviews with users of the WPS and other agencies, and in-depth interviews. For the WPS component, we will analyze the mandates, procedures, and practices used in the WPS, as well as operators' knowledge and perspectives. We will also analyze the services offered by other agencies, particularly the courts and other actors in the judicial sector, and women's centres that provide services. We will analyze the coordination between them and the WPS. The primary research will be carried out in one location in each country. All the phases of the research will be consistent with an ethical protocol based on the following considerations: confidentiality and privacy of information, safety of informants and the research team, scientific rigour, and the creation of benefits.

The purpose of the research results is to contribute to strengthening public policy. The findings and conclusions will be based on the analytical framework and will include the identification of transformative practices and lessons learned. The results will be designed for national and regional audiences and will include in particular, documents, forums, and a website. These results will be also be defined with respect to the research context, where on the one hand, the dynamics of religious fundamentalism and aspects of globalization are placing women's exercise of their rights at risk, and on the other hand, the dynamic of struggle against these forces puts an ever increasing emphasis on women's rights and the state's obligations.

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