

**GENDER, RACE AND POWER: EXAMINING THE PERUVIAN STATE'S  
RELATIONSHIP WITH INTERSECTING FORMS OF VIOLENCE AND  
INEQUALITIES (1980-2019)**

by

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## **Abstract**

Women in Peru are still experiencing high levels of gender-based violence (GBV). Despite the existence of a broad legal framework that strives to eradicate violence against women (VAW) and GBV, there is limited impact towards transforming structural inequalities/inequities that produce and perpetuate hierarchies along of gender, race, ethnicity, sexuality and class lines in Peru, all of which inextricably linked to GBV. Drawing largely on primary official documents and secondary literature, this research aims to critically understand the Peruvian State's relationship with intersecting forms of gender based-violence and inequalities during war (1980–2000) and peace (2000–mid-2009). The deep-rooted and present-day forms of violence and inequalities are present not just in wartime but also in peacetime, reverberating into a historicized continuum of violence that is critically linked to patriarchal, ethno-racial, gendered and colonial structures of power. I thus provide a state-centred analysis with a prioritization of power, decoloniality and intersectionality to understand how structures of power and processes of differentiation operate in the production of gender-based violence that disproportionately affect indigenous and impoverished rural women. To that end, I analyze a case study of the 2009–2015 National Plan against Violence toward Women and its implementation, reflecting upon its vision and success as well as limitations and constraints, in a continuing effort to unpack the complexity of adequately addressing GBV and its underlying causes. I finally emphasize the Peruvian State's responsibility to work towards the substantial transformation of these inequalities associated with structures of power that have sustained gender-based violence in war and peace alongside its historicized continuation, particularly in light of the State's active facilitation of the same. With this, I hope to improve our understandings, rethink the State's responses and strategies in culturally diverse settings, and improve access to justice, as central to effectively addressing the historical and contemporary forms of sociocultural ideologies and systems of inequality that affect indigenous and non-indigenous women's lives differently, while working to prioritize and address prevention in practical terms.

## **Lay Summary**

The overarching concern of this research is to explore the relationship between the Peruvian State and gender-based violence (GBV) through official policies, legislation and practices as well as actions, inactions, discourses, and interventions during war (1980–2000) and peace (2000 until the present). Recognizing a continuation of GBV through war and peace provides a possibility of examining such violence as a means of producing and perpetuating hierarchies based on gender, race, and class. To that end, this project examines how heteropatriarchal, colonial and ethno-racialized systems have shaped the State’s anti-violence action, particularly in culturally diverse spaces, wherein indigenous women and poor rural women continue to face historical inequities. Finally, this research intends to pay attention to those structural inequities that facilitate violence, in order to improve our understandings, rethink the State’s responses and strategies in culturally diverse settings, and improve access to justice, as central to effectively addressing GBV.

## **Preface**

This thesis is original and independent work by the author, Romina Fernanda Tantalean Castañeda.

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## List of Acronyms

CEMs	Centros de Emergencia Mujer [Women Emergency Centers]
CVR	Comisión de la Verdad y Reconciliación [Peru's Truth and Reconciliation Commission]
GBV	Gender Based-Violence
CEPAL	Comisión Económica para América Latina y el Caribe [United Nations Economic Commission for Latin America and the Caribbean]
ENDES	Encuesta Demográfica y de Salud Familiar [Demographic and Family Health Survey]
INEI	Instituto Nacional de Estadística e Informática [National Institute of Statistics and Informatics]
IACHR	Inter-American Commission on Human Rights
IPV	Intimate Partner Violence
MIMDES	Ministerio de la Mujer y Desarrollo Social [Ministry of Women and Social Development]
MIMP	Ministerio de la Mujer y Poblaciones Vulnerables [Ministry of Women and Vulnerable Populations]
MRTA	Movimiento Revolucionario Túpac Amaru [Tupac Amaru Revolutionary Movement]
OAS	Organization of American States
PIR	Plan Integral de Reparaciones [Comprehensive Plan of Reparations]
PNCVFS	Programa Nacional contra la Violencia Familiar y Sexual [National Program to Combat Family and Sexual Violence]
PROMUDEH	Ministerio de Promoción de la Mujer y Desarrollo Social [Ministry for the Promotion Women and Human Development]
RUV	Registro Único de Víctimas [Registry of Victims]
SL	Partido Comunista del Perú-Sendero Luminoso [the Peruvian Communist Party-Shining Path]
UN	United Nations
VAW	Violence Against Women



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I would like to begin acknowledging that I am an uninvited guest in these traditional territories whereby I am humbly thankful for the Musqueam, Squamish and Tsleil-Waututh nations. I am blessed to be here. It is in their lands that I embarked on a journey of learning, growth and service.

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A mi madre, quien con su ausencia involuntaria  
me enseñó la esencia del amor  
y la singularidad.

## **Chapter 1: Introduction**

### **Challenging patriarchal and colonial violence in war (1980–2000) and peace (2000–mid-2009)**

#### **1.1 Background of the study**

Since the 1980s, feminist organizations and grass-roots women's organizations have been at the forefront of initiatives and debates to put Violence Against Women (VAW) on Peru's national agenda. These efforts have contributed to the passing of national legislation to protect women from domestic violence in the early 1990s. However, despite this progress, women in Peru still experience high levels of Gender-Based Violence (GBV). Statistics from the Instituto Nacional de Estadística e Informática (INEI) [National Institute of Statistics and Informatics]<sup>1</sup> show the percentage of women subjected to any form of physical violence has not reduced from its measured baseline of 30% for nearly two decades. Reports of violence against women on the basis of gender that occurs 'within the family or domestic unit or within any other interpersonal relationship' (Organization of American States [OAS], 1994) officially presents a higher number of incidents. Even though the number of reports of Intimate Partner Violence (IPV) increased to 40,125 cases between 2009-2015 —predominantly due to the expansion of police services and the Centro de Emergencia Mujer (CEM) [Women Emergency Center's] service under the Ministerio de la Mujer y Poblaciones Vulnerables (MIMP) [Ministry of Women and Vulnerable Populations]—12% of women who experience intimate partner violence do not report these attacks because they 'do not know where to go'. An even larger number (42 %) from these women do not report for fear of stigmatization or who consider that 'it was not necessary'. Despite this, the number of women who have sought help from state institutions such as police stations has significantly increased over the past two decades. These figures clearly indicate that there has been progress in creating a broader national culture of reporting IPV, as more and more women have been recognizing their rights violation. Ultimately, this could be linked to the Peruvian State's strategy to make violence within the family a visible topic and a serious social problem that particularly affects women, through different prevention programs and multiple awareness campaigns at the national level.

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<sup>1</sup> See the Encuesta Demográfica y de Salud Familiar (ENDES) [Demographic and Family Health Survey] under the Instituto Nacional de Estadística e Informática (INEI) [National Institute of Statistics and Informatics], years 2000 — 2004/ 2006 — 2010 — 2013 — 2014 — 2015 - 2016 — 2017 (Instituto Nacional de Estadística e Informática [INEI], n.d.).

In Latin America and the Caribbean, it is estimated that only 5% of rape victims in the overall region report their cases to the police or other authorities (Contreras, Bott, Dartnall, & Guedes, 2010). Again, this data highlights a historical tendency of impunity in thousands of cases, alongside shame, fear and, stigmatization of victims who do not trust the justice system (Llaja, 2016) in Peru and arguably other states in the region. The situation acquires greater concern given the following context: According to the Organization of American States (OAS), Peru is the country with the second highest rate of complaints of rape (28.51) per 100,000 inhabitants in South American countries (as cited in Llaja, 2016). Likewise, it is estimated that 35,000 women have unwanted pregnancies as a result of rape (Llaja, 2016). Evidently, these figures highlight “the role that everyday violence plays in the lives of [Peruvian women]” (Boesten, 2014).

Some case studies suggest that a lack of seriousness in dealing with women’s grievances, along with a lack of police diligence, as well as the inadequate court or prosecutor victim protective measures, are the major reasons why these women withdraw from legal action. Addressing challenges in terms of law enforcement and the institutional fight against VAW necessitates first working towards addressing the impunity in the justice system, and the lack of effective mechanisms to compensate survivors for harm suffered. Furthermore, the notion of family unity is often still advocated over women's rights and protection from violence and it is estimated that conciliation procedures continue to be illegally exercised, thus, contributing to gender-based power imbalances and increasing women's risk of IPV.

## **1.2 Statement of the Research Problem**

For the last three decades, the Peruvian State’s responses in the area of Violence against Women (VAW) have focused on legislative reforms and subsequently on public policies. With the State’s more recent discursive focus on VAW in policy as well as in legislation, however, suggests that there has been some progress made in practical terms to address this problem, with Peru being one of the first countries in the Latin American region to approve a legal framework to address VAW in the 1990s (Boesten, 2012). While the Peruvian State has recently improved its legislation in 2015, the percentage of women who have been subjected to any form of violence has not been considerably reduced from its measured baseline of 30% for nearly two decades. Moreover, high levels of impunity persists and VAW figures only show a relatively slight improvement compared to previous years. An analysis of data collected through surveys regarding reasons for not reporting violence; shame and fear of suffering new aggression, aligns with the relatively low variation in

VAW statistics over the years covered by the national statistics from the Encuesta Demográfica y de Salud Familiar (ENDES) [Demographic and Family Health Survey].

Gaps remain in women's internal and personal recognition of their right to a life free of violence, despite the existence of legal frameworks that protects women and guarantees denunciation and punishment for sexual violence, as well as International Human Rights Laws that strive to eradicate VAW. The Peruvian State's efforts aimed primarily at addressing physical and psychological violence, have been in conflict with an institutional weakness in dealing with sexual violence perpetrated in the private and public space, due to the State's inability to recognize women's vulnerability in denouncing this type of crime. Despite the availability of police stations and court systems, what becomes central is the fact that certain women, specifically impoverished rural and indigenous women are likely to have faced significant violence prior to the first instance of reporting.<sup>2</sup> The State's responses in policy and legal framework have not only lacked meaningful, substantive and transformative strategies to address GBV and its underlying causes, but have also paid little attention to challenging the structural inequalities and cultural ideologies associated with heteropatriarchal, ethno-racial and colonial patterns that affect women's everyday lives differently, specifically in culturally diverse settings. In particular, there is little practical impact of State-based anti-violence responses on addressing the structural causes of violence against indigenous and impoverished rural women in culturally diverse contexts, as well as on preventing such violence.<sup>3</sup>

The relationship between poverty, discrimination, and racism, all of which are historical, structural and institutionalized within social, racial, ethnic, gendered, and classed stratification, centrally configure the colonial legacies of contemporary Peru. This is particularly relevant in a context where indigenous peoples are still one of the most systematically excluded groups in politics, economy and society. According to the Defensoría del Pueblo [Ombudsperson's Office of Peru] (2017), 45.3% of indigenous peoples in rural areas live under conditions of poverty, wherein indigenous girls and women are the most vulnerable. Of this percentage, based on the

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<sup>2</sup> Despite the availability of police stations and court systems, which ironically shape the reasons for not reporting VAW, what comes into play is a precarious situation that puts certain women on the verge of death due to domestic and other forms of violence. The Fiscalía de la Nación – Ministerio Público's [Office of Peru's Public Prosecutor] (2018) study about women murdered by their partners or ex-partners highlights that a significant percentage of these women had already reported previous aggressions. The study, which analyze the gender-related killing of women and girls, found that of the 1,129 recorded female homicide victims between 2009-2018, 79.9 % were killed by partners or ex-partners.

<sup>3</sup> See, for example, the Defensoría del Pueblo's [Ombudsperson's Office] report (2017) titled "*Conditions to guarantee the right to education, health and a life free of violence of indigenous girls and adolescents*".

2017 Encuesta Nacional de Hogares sobre Condiciones de Vida y Pobreza (ENAHOG) [National Household Survey on measurement of living conditions and poverty], an estimated 31% of Quechua-speaking and 32% of Aymara-speaking peoples respectively live in poverty, with the highest incidence in those who speak another indigenous language, a percentage that reaches up to 60%. These legacies thus exacerbate and perpetuate violence within extant power hierarchies of race, gender, sexuality, class, and consequently affect indigenous' and non-indigenous women's lives differently.

Existing cultural ideologies and social hierarchies interlock with entangled modalities of power such as the symbolic, economic, and juridical dimensions of heteropatriarchal, colonial and racial subjugation.<sup>4</sup> Colonial legacies are implicated in embedded layers of racialized and gendered violence alongside spatial configurations rooted in exclusions based on rurality, language, and ethnicity (Bueno-Hansen, 2015). This approach particularly highlights how the Peruvian State has been complicit in shaping social and power relations that sustain patriarchal, colonial and ethno-racial patterns, and in playing a vital role in the naturalization of certain assumptions and understandings of gender, sexuality, and race through state discourses and institutions. Certainly, the state has a significant role in reproducing inequalities and is responsible for the high levels of impunity that remain structurally embedded in its apparatus (Boesten, 2012).

### **1.3 Research Questions and Objectives**

The overarching concern of this research is to critically understand the Peruvian State's relationship with intersecting forms of gender based-violence and inequalities during war (1980-2000) and peace (2000-present). This research will examine how heteropatriarchal, colonial and ethno-racialized systems have shaped both anti-violence action and the lack of anti-violence action, particularly in culturally diverse spaces, wherein indigenous women and poor rural women continue to face historical inequities. It will also problematize the limited practical impact of extant state anti-violence responses on transforming patterns of inequality/inequity deep-rooted in institutional and social structures, and historical and cultural patterns, all of which are strongly linked to gender-based violence. The underlying motivation behind this project of critically analyzing the Peruvian State's relationship with intersecting forms of gender based-violence and inequalities is to contribute to the substantial transformation of structural inequalities/inequities

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<sup>4</sup> For detailed accounts of entanglements, see for example Professor Denise Ferreira da Silva's (2016) work, "*On Difference Without Separability*".

and cultural ideologies associated with heteropatriarchal, racial, ethnic and colonial structures of power that affect indigenous' and non-indigenous women's lives differently. This research intends to pay attention to the ways in which heteropatriarchal, colonial, ethnic, gendered, classed, racial systems operate in order to improve our understandings, rethink the State's responses and strategies in culturally diverse settings, and improve access to justice, as central to effectively addressing gender-based violence. Thus, it aims to explore the following central questions: *What are the possibilities and challenges for decolonizing and depatriarchalizing the Peruvian State's relationship with intersecting forms of violence and inequalities configured along gender, race and sexuality lines? How have the legacy of colonialism and the heteropatriarchal order shaped the state-nation and its relationship with gender-based violence in Peru, particularly, during Peru's internal armed conflict? More importantly, how do intersecting forms of inequalities related to heteropatriarchal, colonial, ethnic and racial patterns converge with the State's action, discourses and interventions in shaping the formation of assumptions and understandings that sustain gender-based violence? What are the effects of the Peruvian State's policies, legislation and practices in relation to gender-based violence in Peru today, particularly under the "National Plan against Violence toward Women" (2009-2015) of the Ministry of Women and Vulnerable Populations (MIMP)? What assumptions and understandings of gender, sexuality, and race have been embodied in State's action, discourses and interventions?* Specifically, this research will work to address these questions in the context of culturally diverse spaces in which indigenous and impoverished rural women face multiple forms of structural and historical discrimination. In sum, I am interested in exploring the relationship between the Peruvian State and gender-based violence through the official policies, legislation and practices as well as actions, inactions, discourses, and interventions.

#### **1.4 Methodological framework and premises**

In underscoring the paradoxical character of human rights and the transitional justice process that came into being post Peru's internal armed conflict, Bueno-Hansen's analysis (2015) combines historicization with an intersectional and decolonial feminist lens to demonstrate how racialized and GBV during the Peruvian internal armed conflict and its ongoing impunity is rooted in the legacy of colonialism (p. 7). Specifically, Bueno-Hansen convincingly illustrates how Peru's colonial encounters with Spain has shaped patterns of domination resulting in contemporary violence perpetrated against Peru's ethnicized underclass (p. 8). To address GBV during war and

peace, Bueno-Hansen uses an intersectional sensibility to examine the Peruvian context by giving attention to multiple exclusions based on ethnic and linguistic factors, class, and rurality (p. 12). Following Bueno-Hansen's account, my research is informed by these combined analytical lenses to examine how the legacy of colonialism has shaped the nation-state formation of the racialized GBV, with a particular focus on gender, race, ethnicity, sexuality, and power during Peru's internal armed conflict. Put differently, her contribution helps set the main analytical tools of this research: (i) decolonial feminist and (ii) intersectional analyses, to understand the roots of this perverse violence and their linkages to patterns of inequality, including "the embedded, multilevel and historical dimensions of violence" (Bueno-Hansen, 2015, p. 11) in war and peace. These analytical tools are thus central to understanding the underlying causes of gender-based violence in Peru.

This project emerges from a feminist understanding of the Peruvian State's relationship with intersecting forms of violence and inequalities, the starting point of my examination. The following chapter understands the legacy of colonialism and the heteropatriarchal order in the Peruvian State's relationship with GBV. I will draw from decolonial feminisms and explain it in detail throughout that chapter. Yet, in this chapter, I will frame intersectionality as a foundational approach for this project in order to understand how gender is inextricably linked to other factors of differentiation such as race, ethnicity, class, sexual orientation, and gender identity. In exploring systems of oppression and processes of differentiation, intersectionality has emerged in the late twentieth century as a central framework through which these systems can be analyzed. Proposed by legal scholar K. Crenshaw (1989), intersectionality emerged in her work on the experiences of black women in the justice system in the United States<sup>5</sup>. Intersectionality thus helps locate our study within "the complex dynamics of power" (Dhamoon, 2011) and the role of power in producing and perpetuating hierarchies of gender, ethnic and racial stratification. As Dhamoon (2011) crucially suggests, intersectionality provides a multidimensional analysis of how power operates and affects different levels of political life (p. 233). Within an intersectional analysis there are four vital aspects of the sociopolitical sphere that have been and continue to be analyzed, "the identities of an individual [...] or social group that are marked as different (e.g., a Muslim woman or black women), the categories of difference (e.g., race and gender), the processes of differentiation (e.g., racialization and gendering), and the systems of domination (e.g., racism, colonialism, sexism, and patriarchy)" (p. 223). Central to this framework is the recognition that

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<sup>5</sup> See Kimberle Crenshaw (1989), "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" for a more extensive understanding of the intersectionality theory.



institutional and social structures, historical and cultural contexts shape systems of oppression and processes of differentiation —also known as subject formation. Intersectionality’s focus on subject formation and an analysis of power, thus contextualizes “the processes and systems that constitute, govern, and counter difference” (p. 234) and fosters a “more rigorous critique of how and why differences are interpreted in privileging and penalizing ways” (p. 240). Drawing from intersectionality, my research provides a critical reflection of how processes of differentiation and systems of oppression interact and converge in complex and diverse ways by “the idea that it is not possible to radically critique and therefore disrupt one process and system without simultaneously disrupting other processes and systems precisely because they are enmeshed” (p. 239). For example, there cannot be any transformation or radical change to systems of racism without challenging and defying systems of colonialism, sexism, capitalism, and others (ibid.). As Fellows and Razack (1998) rightly observe, “[th]e ‘interlocking’ effect means that the systems of oppression could not be accomplished without gender and racial hierarchies; imperialism could not function without class exploitation, sexism, heterosexism, and so on” (p. 335). In short, my focus on the operation of coloniality, capitalism, and heteropatriarchy, among other systems of oppression, pays attention to how these systems have been producing and perpetuating processes and hierarchies along gender, race, ethnicity, sexuality and class lines in the Peruvian State’s relationship with GBV. Thus, I am more broadly interested in “the work of power —how it operates, its effects, and the possibilities of transformation” (Dhamoon, 2011, p. 240) that exist in its production of GBV in Peru.

As mentioned earlier, by combining decolonial feminisms with intersectional analysis, my State-focused analysis will serve as a basis for showing that intersecting forms of gender based-violence and inequalities during Peru’s wartime (1980-2000) and peacetime (2000-mid-2019) eras are rooted in systems of oppression and specific forms of discrimination that affect indigenous’ and non-indigenous women’s everyday lives differently. The term ‘gender-based violence’ in this thesis refers to violence against different groups of women perpetrated against their bodies and their ways of life, as well as more abstract ‘power relationships based on gender norms at the social, institutional, legal, and representational levels’ (Bueno-Hansen, 2015) that produce this violence, with particular attention paid to the violence against indigenous and impoverished rural women in culturally diverse settings. My area of analysis includes violence against queer, trans, lesbian and bisexual women on the basis of sexual orientation, gender identity, and gender expression. I depart from the *Convention of Belém do Pará*’s definition of ‘violence against

women', contained at Article 1, which defines violence against women "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). Article 2 states that violence against women includes physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and c. that is perpetrated or condoned by the state or its agents regardless of where it occurs (OAS, 1994).

The Inter-American Commission on Human Rights (IACHR) has further reviewed and expanded upon this definition to include obstetrics and spiritual violence as forms of violence against women widespread in the Americas. Overall, VAW can take many forms, particularly in the case of indigenous women is often perpetrated "during armed conflicts; the implementation of development, investment, and extractive projects; the militarization of their territories; situations of deprivation of liberty; within the family or domestic sphere; and in connection with their involvement in the defense of their human rights" (Inter-American Commission on Human Rights [IACHR], 2017, paras. 7 & 80). This broader more comprehensive definition of 'violence' is central to my understanding of GBV, and I use it throughout this project precisely because the Peruvian State approved the *Convention of Belém do Pará* on March 22<sup>nd</sup>, 1996, and ratified it on April 2<sup>nd</sup>, 1996, whereby it has binding nature.

Drawing largely on primary official documents and secondary literature, this research aims to explore what are the possibilities and challenges for decolonizing and depatriarchalizing the state's responses configured along gender, race and sexuality lines. I will examine key literature in the area of gender-based violence during and in the aftermath of Peru's internal armed conflict<sup>6</sup>

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<sup>6</sup> My usage of the term 'internal armed conflict' echoes the official use by the Comisión de la Verdad y Reconciliación (CVR) [Truth and Reconciliation Commission], in application of International Humanitarian Laws, to define the 1980-2000 period of political violence. In the CVR's words (2003), the use of "the term 'internal armed conflict' had the purpose of preventing subversive groups from being excluded from an investigation based on the highest standards of rights and of the application of the rules of International Humanitarian Law. Yet its application does not imply in any way the recognition of belligerent status to groups armed subversives, nor of the status of combatant to the members of said groups, or of political prisoners or of war to those who were captured by the security forces" (vol. 1, 1.1, p. 54)

to highlight the synergies between wartime violence and peacetime violence against indigenous and non-indigenous women (Boesten, 2014). Recognizing a continuation of gender-based violence through war and peace provides a possibility of examining such violence as a means of producing and perpetuating hierarchies based on gender, race, and class. Put differently, those deep-rooted and present-day intersecting forms of violence and inequalities are present not just in wartime but also in peacetime, reverberating into a continuum of violence along lines of gender, race, ethnicity, sexuality, class, and affects indigenous and non-indigenous women's lives differently. In Boesten's view (2010), "[o]bserving a continuum — a continuity and affinity in the use of violence rather than rupture and exceptionality— forces us to examine the underpinning norms, values and institutional structures that normalize certain violences and exceptionalize others" (p. 113).

In terms of positionality, I conduct this study as a *mestizo* woman from Lima, Peru's capital city, as a researcher with experience in the public sector. I have previously worked in the Peruvian Government, the Congress of the Republic of Peru and the Peruvian Ombudsperson Office and in the non-profit sector more broadly as a legal specialist in the area of human rights, indigenous peoples, gender equality/equity, and gender-based violence, and have also participated in the design, implementation, and evaluation of national policies and development projects. It is critical to note that as a non-indigenous person my reflection is subject to my analytical lenses. I thus provide a state-centred analysis with a prioritization of power, decoloniality and intersectionality to understand how systems of oppression —also called as structures of power— and processes of differentiation operate in the production of gender-based violence that disproportionately affect certain groups of women. This is the starting point of my analysis alongside the ethical and political commitments that inform this project. Lastly, my own experience working in these sectors has been useful to my understanding of the more local dynamics that emerge over policies and interventions exerted by governmental authorities/workers, NGOs/civil society and development workers/employees.

## 1.5 Thesis Structure

Chapters 2 and 3 serve as the central arguments of this thesis project. Chapter 2, *Understanding the Peruvian State's relationship with deep-rooted intersecting forms of violence and inequalities*, is divided into three main sections. Drawing on theoretical concepts and frameworks in the fields of Postcolonial and Decolonial Feminist scholarly literature, the first

section provides a brief overview of how gender-based violence<sup>7</sup> needs to be relocated in a broader ‘structural inequality’<sup>8</sup> that is embedded in complex forces of coloniality, heteropatriarchy, racialization, and poverty. In the second section, I examine the legacies of colonialism and the patriarchal order, in the Peruvian state’s relationship with gender-based violence. This serves as a basis for an exploration into how intersecting forms of inequalities have been converging with the State’s discourses and interventions in shaping the formation of assumptions and understandings along lines of gender, race, ethnicity, sexuality, and class. I then turn my attention to Peru’s internal armed conflict (1980-2000) where I examine the wartime gender-based violence perpetrated by the *fuerzas del orden* [the army and the police] against indigenous and non-indigenous women, including those suspected of collaborating with or belonging to subversive groups such as Sendero Luminoso (SL) [the Peruvian Communist Party-Shining Path] and Movimiento Revolucionario Túpac Amaru (MRTA) [Tupac Amaru Revolutionary Movement]. Here I analyze how mass violence faced by Quechua-speaking peoples during Peru’s internal violence, particularly the pervasive use of sexual violence deployed by the *fuerzas del orden* against indigenous women, ties back to the legacy of colonialism and the consequent historical, structural and institutionalized racism of contemporary Peruvian society. I also discuss the State’s complicity in shaping the assumptions and understandings that sustained GBV in the context of counter-subversive struggle (from early 1980 to late 1992). The final section of this chapter discusses the conditions and factors that led to the overthrow of Alberto Fujimori’s regime in late 2000, as well as the pressures, demands, and actors that led to the creation of Peru’s Truth and Reconciliation Commission [CVR, the acronym in Spanish for Comisión de la Verdad y Reconciliación] soon later in 2003.

Chapter 3 begins by paying a critical attention to the deep-rooted and present-day structural forms of violence and inequalities associated with patriarchal, ethno-racial, gendered and colonial patterns that proceed and survive Peru’s armed conflict (Boesten 2010, 2012 and 2014). Additionally, this chapter provides an overview of the state’s discursive inclusion of gender-based violence in policy, legislation, and practices between 1980 and mid-2019. The aim of this chapter is to analyze not only the effects and effectiveness of the interventions that seek to protect women’s

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<sup>7</sup> In examining the racialization of gender-based violence in Peru’s internal armed conflict, Bueno-Hansen (2015) applies Marcela Lagarde’s analysis of gender-based violence. According to this insight, “the gendered nature of practice and behaviours, along with the performance of gender norms” (p. 12). As Bueno-Hansen holds, “such an understanding of gender-based violence expands the focus from sexed bodies to include power relationships based on gender norms at the social, institutional, legal, and representational levels” (*ibid.*).

<sup>8</sup> Halim Chowdhury’s analysis (2014) draws attention to a broader ‘structural inequality’, in an effort to truly understand how multiple complex forces of globalization, patriarchy and poverty are linked to gender-based violence (p. 99).

rights, but also the way in which meanings of heteropatriarchal, colonial and ethno-racial systems have shaped anti-violence action and inaction; more specifically, in culturally diverse spaces, wherein indigenous women and poor rural women are particularly exposed to multiple forms of discrimination. To that end, I analyze how anti-violence responses are formulated in Peru today, examining a case study of the ‘National Plan against Violence toward women (2009-2015)’ under the Ministry of Women and Vulnerable Populations (MIMP). Both, the case study and my discursive analysis of the State, reveal insights into how official policies, legislation, discourses, and interventions have shaped the fight against gender-based violence in practice at a national level.

I conclude this thesis by summarizing my findings and adding my reflections on the key points of this research. This section answers the above-mentioned main research question and considers how crucial it is to relocate attention to broader structural inequalities/inequities and ongoing structures of power—including structural and historical forms of discrimination—when addressing GBV and its underlying causes, as well as prevention through national responses and strategies.

## Chapter 2

### Understanding the Peruvian State's relationship with deep-rooted intersecting forms of violence and inequalities

The State still discriminates [against us] and does not consider the Andean inhabitant as equal as a citizen; when the bombs occurred in Tarata [Lima City] and elsewhere, [Peruvian mainstream] society became aware that something was happening in the country; perhaps what was happening in the country were just Indian matters. (Testimony of Edilberto Oré. Thematic Public Hearing, CVR, 2003, vol. 8, 2.2, p. 101).

In this chapter, I begin by briefly summarizing the work of postcolonial and decolonial feminist scholars on understanding the complexity of GBV and its underlying causes, particularly how such violence should be relocated in a broader 'structural inequality' associated with interlocking systems of oppression deep-rooted in institutional, economic and social structures, and historical and cultural patterns. The next section discusses the legacy of colonialism and the heteropatriarchal order and related systems in the Peruvian State's relationship with GBV. I then provide a state-centred analysis to examine wartime gender-based violence against indigenous and non-indigenous women, including those women linked to subversive groups like Sendero Luminoso (SL) [the Peruvian Communist Party-Shining Path] and Movimiento Revolucionario Túpac Amaru (MRTA) [Tupac Amaru Revolutionary Movement]. Moreover, I analyze how the pervasive use of sexual violence deployed by the *fuerzas del orden* [the army and the police] against Quechua-speaking women links back to colonial legacies and structural racism. Additionally, I also consider the State's central role in shaping discursive assumptions and understandings along lines of gender, race, ethnicity, and sexuality during the 1989-1992 context of counter-subversive struggle. I conclude this chapter by critically reflecting upon deep-rooted and present-day patriarchal, ethno-racial, gendered and colonial patterns, which operate not just in wartime but also in peacetime, and facilitate a continuum of violence along gender, race, ethnicity and class lines that affect indigenous and non-indigenous women's lives differently.

#### 2.1 General Overview: Understanding the complexity of gender-based violence and its underlying causes

The work of Postcolonial and Decolonial Feminists has paid much attention to international and national discourses and responses to GBV, highly challenging the patriarchal order and other related systems configured along gender, race and sexuality lines. The emergence of this work has

focused on understating the complexity of gender-based violence and its underlying causes, with a prioritization of power to contextualize the way in which colonial legacies have shaped the nation-state relationship with such violence. By employing patriarchy as a core theoretical concept, Hunnicutt's essay (2009) presents an interesting way to understand violence against women. Hunnicutt attempts to respond to the legitimate criticisms waged against the use of patriarchy as a theoretical tool by restructuring and remaking its concept, as a way of explaining violence against women (p. 554).<sup>9</sup> In light of Hunnicutt's critique —situated in a context where “theory development remains slow” (p. 556)— I am interested in how her argument demonstrates that violence against women should be explained using a gender-centred theory that locates causes in the social domain (*ibid.*). According to Hunnicutt, a theory of patriarchy and VAW should consider variation across time, place and material contexts, including a historical perspective of “how structure and agency, domination and contestation, change and vary” (p. 559). What is key here is how her findings suggest ways for rethinking VAW by looking at patriarchal systems as “varieties in movement” (*ibid.*) as well as situating male power within a patriarchal order —where VAW is “a product of patriarchal social arrangements and ideologies that are sustained and reinforced by other systems of domination” (pp. 567-568). Hunnicutt's argument helps to locate VAW within patriarchal systems that vary across time, place and material contexts. However, it falls short of a more intersectional and transformative shift in how gender-based violence is inextricably linked to patterns of inequality associated with interlocked systems of oppression deep-rooted in institutional, economic and social structures, and historical and cultural patterns. I will argue, however, that her work offers an important analytical tool to examine gender-based violence through patriarchal systems as varieties in movement. Thus, Hunnicutt's theorization of patriarchy and VAW —that vary across time, place and material contexts— is helpful for this research, as it gives attention to meanings of patriarchal systems in addressing intersecting forms of violence and inequalities that affect women's everyday lives differently.

To complement the above analysis, I will refer to Chowdhury's *“Rethinking Patriarchy, Culture and Masculinity: Transnational Narratives of Gender Violence and Human Rights Advocacy”* (2014). Chowdhury aims to provide some insights on addressing the root causes of acid violence against women in Bangladesh, with particular attention to the confluence of diverse forces that make certain social groups more vulnerable to such violence and suffering. In her

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<sup>9</sup> It is worth noting that this analysis has already been forwarded by many radical, Black, and socialist feminists in the 1980s, notably Andrea Dworkin, Angela Davis, Charlotte Bunch, Catherine McKinnon, among others, along with many Third World feminists who discussed the issues in various contexts —e.g. Brazil, Chile, Iran, etc.— in the 90s.

critique, Chowdhury draws attention to a broader ‘structural inequality’ in an effort to reveal how multiple complex forces of globalization, patriarchy and poverty are tightly related to gender-based violence (p. 99). What is remarkable about her argument is not so much how it challenges the predominant narrative that relates “gendered violence in developing countries like Bangladesh with tradition and cultural stasis and within intimate realm of the family” (p. 101), but how complex layers of political, economic and historical forces—including processes of colonialism neoliberalism, globalization and poverty—make women’s lives more insecure and vulnerable to interpersonal and structural violence (pp. 105-106). Such a critique can, in turn, provide an analytical tool to challenge the nonchalant certainty in which human rights discourses and universal feminism narratives reduce some forms of gendered violence to either a “static set of cultural practices” (p. 106) or a “pathology of the poor” (p. 100). Chowdhury’s account also helps consider GBV as inextricably linked to structural inequalities and global power relations (pp. 105-106), and also offers new possibilities for contesting the way in which human rights narratives in the Third World have framed gender-based violence. Indeed, her work is central to my argument because she relocates the attention to a broader ‘structural inequality’—embedded in multiple complex forces of globalization, patriarchy, and poverty connected by political, economic and historical patterns—when addressing gender-based violence and its underlying causes. Furthermore, I argue that this articulation of paying attention to a broader ‘structural inequality’ has the potential to transform national and international initiatives and interventions about GBV in the Global South, in a more meaningful and substantive manner, and thus positively impact the lives of systematically excluded women.

In exploring the possibilities and challenges for addressing Peruvian State patriarchal violence, Boesten (2012) reveals how state interventions in policy and legislation have themselves been perpetuating violence against women, consequent of a lack of a central focus on women’s rights or gender equality. Moreover, impunity remains embedded in structural and intersecting inequalities, facilitated by the patriarchal state (p. 364). Central to this argument is Boesten’s understanding of patriarchy, which does not imply a static dimension of Peruvian society. On the contrary, Boesten links patriarchy to social divisions and hierarchical relationships between men and women, as well as socio-economic and ethno-racial factors in Peru (p. 366).

[t]he intersection of class, race, and gender informs structural violence in Peru, and determines individual and group’s access to resources, services, political voice, and justice (Boesten 2010a, 2010b, 2010c). Socioeconomic position, geographical origin, education, consumption patterns, dress, and language inform a person’s position



on the ethnic ladder in a racially hierarchical society. In Peru, race is interpreted as based on the above characteristics, plus physical characteristics such as height and skin, hair, and eye color. [...] These intersecting inequalities facilitate violence against those perceived as inferior (*ibid.*).

This assertion is certainly important to shed light on the need for addressing inequalities and power hierarchies, both of which locate certain women in particular situations of vulnerability, with bodies and spaces subjected to various forms of gender-based violence. Such framing thus highlights the State's responsibility and responsiveness to gendered and racialized violence in a more meaningful, transformative and substantive manner.

Although visible structures of racism, sexism, poverty and class influence women's experiences in Lima, Alcalde (2010) examines how women are capable of creating spaces in within which to exert agency (p. 217). Rather than centering her argument on the romanticization of options available to women, Alcalde seeks to problematize the discussion of both the persistence and limits of women's everyday forms of resistance (*ibid.*). In doing so, she brings much-needed attention to intersecting forms of intimate, institutional and structural violence, the ways these frame women's everyday experiences and their struggles to survive and resist such violence (p. 223). As Alcalde crucially suggests, racism constitutes a structural factor, which plays an essential role in women's experiences of violence.

What is, therefore, at stake in both Boesten's and Alcalde's work is the very notion that intersecting forms of violence and inequalities continue during war and peace in part through their continued perpetuation of extant hierarchies of gender, race, and class. For Boesten (2012), the complicity of the patriarchal State in both the reproduction of hierarchical social relations and in the persistent high levels of impunity that remains structurally embedded in the state's apparatus, is critically linked with structural and intersecting inequalities (p. 364). The following quote sheds additional light on this: "[t]he state is not only the main perpetrator of violence against women, but also complicit in the normalization of such violence. The normalization of violence against women is further evidenced by the high levels of intimate partner violence and persistent impunity in peacetime" (Boesten, 2012, p. 369). Boesten's articulation helps set the stage for a State-focused analysis as a basis for suggesting that intersecting forms of violence and inequalities are deep-rooted in structures of power and discrimination, and to help parse the ways in which heteropatriarchal, colonial and racial systems have shaped anti-violence responses.

Since patriarchy varies across time, place and material contexts (Hunnicut, 2009), the intersection of these three elements constitute a critical theoretical tool to analyze violence against

women. However, contrary to what Hunnicutt affirms, the understandings of VAW exceed the social sphere because it is linked to patterns of inequality deep-rooted in the institutional, economic, social and cultural domains. This theorization is particularly helpful to understand how the patriarchal order and related systems have shaped the nation-state and the state's relationship with gender-based violence that intersect along gender, race and sexuality lines in the context of Peru. Likewise, it is crucial to critically analyze the way in which state anti-violence responses in policy and legal framework continue to represent a 'victimized woman' narrative —entwined in the analytical construct of the economically essentialized 'Third World woman' (Klenk, 2004)— whose vulnerability and powerlessness deserves the 'privilege' of paternal protection (Hunnicutt, 2009). Paradoxically, "not all women are afforded protective status" (p. 566) precisely because certain women fit in the construction and colonial imaginaries of racial otherness under the 'coloniality of power' and its 'racial classification superiority/inferiority' (Quijano 2000), which have translated onto Peruvian State's practices and discourses. It is worth noting that structural inequalities and cultural ideologies —which facilitates GBV— are associated not only with heteropatriarchal structures, but also with complex forces of colonialism, racism, and poverty. As Kuokkanen (2008) rightly observes: "All these systems and structures —colonialism, capitalism and patriarchy— are predicated on violence, whether direct and interpersonal or structural, economic or epistemic" (pp. 221-222).

In what follows, I examine the legacy of colonialism and the heteropatriarchal order and related heteropatriarchal systems, in a continuing effort to reveal how both have shaped the Peruvian State's relationship with GBV. Furthermore, I focus on intersecting forms of inequalities related to the abovementioned structures of power in order to problematize how state's discourses and interventions have had a determining role in shaping the formation and dissemination of assumptions that sustain gender-based violence. To understand these embedded layers of violence, I first reflect upon the legacy of colonialism and its underlying ethno-racialization processes in order to better understand gender-based violence in war (1980-2000) and peace (2000-present).

## 2.2 Legacy of colonialism and patriarchal systems in the Peruvian State's relationship with gender-based violence.

We are moving on at a time of crossings, of seeing each other at the colonial difference  
constructing a new subject of a new feminist geopolitics of knowing and loving.  
(Lugones, 2010, p. 756)

This research is grounded in understanding the Peruvian State's relationship with intersecting forms of violence and inequalities, which is the starting premise of this project. To understand the roots of intersecting forms of violence and inequalities, the following section addresses the research question: *How have the legacy of colonialism and the heteropatriarchal order shaped the state-nation and its relationship with gender-based violence in Peru, particularly, in Peru's internal armed conflict?* I embark on researching this concern, drawing mainly on decolonial feminisms in order to examine colonial legacies and heteropatriarchal systems in the Peruvian context.

Critical attention to Latin American decolonial theory serves as the entry point for understanding the roots of this perverse violence strongly linked to patterns of inequality. Peruvian sociologist, Quijano's (2000) theorization of 'the colonality of power' is crucial to thinking about the legacy of colonialism and how it has shaped the nation-state relationship with gender-based violence. For Quijano (2007a), "[c]oloniality [...] is still the most general form of domination in the world today, once colonialism as an explicit political order was destroyed. It doesn't exhaust, obviously, the conditions nor the modes of exploitation and domination between peoples" (p. 170).<sup>10</sup> Of particular interest to this inquiry is Quijano's (2000) articulation of nation-state and power, where rationality/modernity is constituted in its very core.

A nation-state is a sort of individualized society between others. Therefore, its members can feel it as an identity. However, societies are power structures. Power articulates forms of dispersed and diverse social existence into one totality, one society. Every power structure always involves, partially or totally, the imposition by some (usually a particular small group) over the rest. Therefore, every possible nation-state is a structure of power in the same way in which it is a product of power. It is a structure of power by the ways in which the following elements have been articulated: (a) the disputes over the control of labor and its

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<sup>10</sup> As Lugones (2007) points out, here Quijano offers a distinction between colonality and colonialism in which "the latter does not necessarily include racist relations of power. Coloniality's birth and its prolonged and deep extension through the planet is tightly related to colonialism" (p. 191).

resources and products; (b) sex and its resources and products; (c) authority and its specific violence; (d) intersubjectivity and knowledge. (p. 557)

Quijano's theorization of the colonial matrix of power reveals how the entire population is underpinned by a race-based social classification under Eurocentred world power (2007b): "race became the fundamental criterion for the distribution of the world population into ranks, places, and roles in the new society's structure of power [...] yellows and olives were added to whites, Indians, blacks, and mestizos" (pp. 535-537). According to Quijano's latter assertion (2007a), the "coloniality of power is not exhausted in the problem of 'racist' social relations, [but it is instead] pervaded and modulated [by the] basic instances of Eurocentred capitalist colonial/modern world power to become the cornerstone of this coloniality of power" (p. 171). In such a view, 'coloniality of power' embraces the European paradigm of modernity/rationality translated through colonization onto the Peruvian nation-state. As decolonial thinker Mignolo (2007) rightly observes, "[i]n Quijano's seminal article the colonial matrix of power has been described in four interrelated domains: control of economy [...]; control of authority [...]; control of gender and sexuality (family, education) and control of subjectivity and knowledge [...]" (p. 156). What interests me here is Quijano's articulation of gender and sexuality—as one domain in which the coloniality of power takes place (p. 157). Thus, I now refer to the framing of gender and sexuality under the coloniality of power.

Decolonial scholar Lugones (2007) presents deeper insights about Quijano's theorization of 'the coloniality of power' not only by locating race and gender at the core of colonial relations—both in the past and in the present. She recognizes a framework within which the coloniality of power entangles with the colonial/modern gender systems that operates in relation to race, class, and sexuality. Drawing on two frameworks of analysis, first, Third World/women of color feminists, with particular emphasis on the concept of intersectionality, and second, Quijano's concept of 'coloniality of power', Lugones theorizes what she calls 'the modern/colonial gender systems' in an effort to problematize Quijano's model that "restricts gender to the organization of sex, its resources and products" (p. 194). Lugones' central contribution, thus, comes in unveiling the foundational premises of 'coloniality of gender', in which heterosexual and patriarchal relations of domination and oppression are at the heart of this framework. In essence, she suggests that "the modern/colonial gender system—the biological dimorphism, the patriarchal and heterosexual organizations of relations—is crucial to an understanding of the differential gender arrangements along 'racial' lines. Biological dimorphism, heterosexualism, and patriarchy are all

characteristic of [...] the colonial/modern organization of gender” (p. 190). What Lugones is articulating is the possibility of looking at the processes of colonial/gender systems entangled with the colonality of power into the present as a way of uncovering the systematic racialized gender-based violence (p. 207). Her understanding of ‘the modern/colonial gender systems’ enables us to theorize the underlying causes of GBV in the Peruvian context, in particular, the systematic and generalized violence perpetrated against indigenous women during the internal armed conflict. More importantly, Lugones’ framing speaks to how gender-based violence, and sexual violence, in particular, operates as a means of reinforcing the Indianization of women as lesser human beings under the ‘colonality of power’ and its ‘racial classification superiority/inferiority’ (Quijano 2000), precisely because the subjugation of indigenous women’s bodies serves to produce and reproduce gender and racial hierarchies, thus perpetuating colonial power relations.

Lugones’ concept of ‘colonality of gender’ (2010) formulated in her subsequent piece titled “*Toward a Decolonial Feminism*” aims to theorize ‘the colonality of gender’, building upon Quijano’s work on colonality of power and gender, with particular attention to the process of dehumanization and subjectification in which the colonized are turned into lesser human beings (p. 745). Masculinity, in this scenario, directly links to the process of ‘feminization’ of colonized men, a means of ascribing them sexual passivity under the threat of rape (p. 744). Following Lugones’ assertion, I am interested here in how the ‘tension between hypersexuality and sexual passivity’ (*ibid.*) through colonialism and the ongoing colonality of power have shaped masculinity in relation to GBV. I argue that the articulation of colonality, heteropatriarchy and masculinity is crucial for understanding the historical dimensions of violence against indigenous and non-indigenous women in war (1980-2000) and peace (2000-present). Additionally, Lugones seeks to complicate the colonality of power by theorizing resistance and decolonizing gender,

Unlike colonization, the colonality of gender is still with us; it is what lies at the intersection of gender/class/race as central constructs of the capitalist world system of power. Thinking about the colonality of gender enables us to think of historical beings only one-sidedly, understood as oppressed. As there are no such beings as colonized women, **I suggest that we focus on the beings who resist the colonality of gender from the "colonial difference." Such beings are, as I have suggested, only partially understood as oppressed, as constructed through the colonality of gender.** The suggestion is not to search for a non-colonized construction of gender in indigenous organizations of the social. There is no such thing; "gender" does not travel away from colonial modernity. Resistance to the colonality of gender is thus historically complex (p. 746, emphasis mine).

This framing is particularly important to shed light on ‘colonial difference’ when thinking about the geographic and spatial dimensions of Peru’s internal political violence and its differentiated impacts on Quechua-speaking peoples’ everyday lives and relationships. Certainly, decolonial feminism<sup>11</sup> provides a “critique of racialized, colonial and capitalist heterosexual gender oppression as a lived transformation of the social” (Lugones, 2010, p. 746). It thus pays great attention to resisting colonial difference to resist women’s oppression through processes of racialization, colonization, capitalist exploitation, and heterosexuality, and to understand the complex interaction of economic, racializing, and gendering systems (p. 747).

Similarly, decolonial thinker Schiwy (2007) examines the question of coloniality and subjectivity entangled with gender by interrogating modern/colonial constructs of gender beyond a binary logic, which is articulated around the idea of race. Schiwy explicitly links race and ethnicity with gender in the colonization of the Americas: “coalescing into gender specific forms of oppression and meshing longstanding imaginaries in order to justify hierarchies of subjectivity, economic and political as well as epistemic orders associated with these subjectivities” (p. 275). Additionally, Schiwy highlights how “the gendering of colonial imaginaries has operated as a means of rendering European masculinity through Othering” (*ibid.*). Schiwy’s framework ties back to the notion of intersectionality in analyzing gender and race as entangled foundational elements of the coloniality of power where gender binaries and gender imaginaries naturalized across the Americas through Spanish and Portuguese colonialism. Here, Bueno-Hansen (2015) illustrates how decolonial feminist analyses —such as Schiwy’s articulation— sheds light on binary logics as an instrument of colonial power relations through classifications of superiority and inferiority —then and now (p. 56). Critical analysis of decolonial feminist thought necessitates paying attention to the interactions of different categories such as gender and race with the colonial making of social relations that continues to occur in a post-colonial present. However, as Bueno-Hansen points out, “such categories cannot be separated into parts. Those bodies and collectivities form an integral whole before the imposition of such categories” (*ibid.*). What is also key to understanding GBV in Latin America lies within Schiwy’s argument of how the emasculation of indigenous men was enacted and inscribed through rape, both in reality and in the imaginary of

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<sup>11</sup> In referring to decolonial feminism, Lugones (2010) highlights the following: “I think about feminism from and at the grassroots, and from and at the colonial difference, with a strong emphasis on ground, on a historicized, incarnate intersubjectivity [...] My intent is to focus on the subjective, intersubjective to reveal that disaggregating oppressions disaggregates the subjective, intersubjective springs of colonized women's agency. I call the analysis of racialized, capitalist, gender oppression "the coloniality of gender". I call the possibility of overcoming the coloniality of gender "decolonial feminism"” (pp. 746-747).

colonial text and later in *indigenista* literature (p. 276). As Schiwy highlights, “rape, the founding act and trope of mestizaje re-enforces patriarchal relations where women are reduced to objects and their abuse comes to signify damage to male honor. It thus inscribes a heterosexual order and may lead to an urgent need to affirm male power in the process of decolonization” (*ibid.*). Schiwy’s account helps to situate gender and race within legacies of colonial power relations in Latin America, with a special focus on how sexual violence —inscribed on women’s bodies— operated as a means of rendering European masculinity and superiority by reinforcing heteropatriarchal orders.

In speaking about state-nation relationship with GBV in Peru, particularly in culturally diverse contexts, I move now to De la Cadena’s (1995) emblematic piece, “*Women are more Indian*”. In analyzing the complexity of gender and ethnic inequalities in Chitapampa, Cuzco, De la Cadena observes how “individuals construct or contest their ascribed ethnicity within specific social contexts of power and domination based on class and gender inequalities” (p. 331). The ‘modern/colonial gender systems’ that operates in relation to race, class, and sexuality —at whose core lie patriarchal relations of domination— have “reinforced the indianization of women, while opening the option of cultural mestizaje to most men” (p. 343). De la Cadena’s analysis of gender and ethnicity highlights the deep-rooted and present-day reality of coloniality, in which violence can confer ethno-racial and gendered identities and be inscribed on the ‘Indianized’ woman’s body. Bueno-Hansen (2015) illustrates very lucidly this point when describing the inherent antagonisms of the Indianized woman, “[t]he representative of Peruvian modern patriarchy, the literate Limeño [Lima citizen] of colonial descent, can exist only in contrast and opposition to the abject subject of the nation-state, the indianized woman” (p. 144). This echoes Theidon’s (2012) study in Accomarca, Ayacucho —the region with the largest number of sexual violence reports against Quechua-speaking women in Peru’s internal armed conflict. When explaining the usage of the term ‘race’ in her analysis, she states

**I use the term “race” intentionally.** While it may be more accurate to think in terms of ethnicity given that race has no biological basis, **it is more appropriate to think of racism when analyzing discrimination in Peru. I met mothers who were eager to marry me off to their sons to “whiten the family” or “improve the race.” There is a biological imaginary fueling these comments, which most certainly prompts the sorts of insults that Quechua-speaking peasants are routinely subjected** (p. 409, emphasis mine).

What calls to my attention here is how coloniality has shaped every aspect of living and everyday lives through circulations of power around the symbolic, economic, and juridical

dimensions of heteropatriarchal, and racial subjugation, including the hegemony of the nation-state as a structure of power. The coloniality of gender —as the entanglement of heteropatriarchy, masculinity, and colonial systems— has shaped and is continually shaping the nation-state in a sense of producing and perpetuating not just power hierarchies of gender, race, ethnicity, class, and sexuality but also processes of differentiation along these lines. Certainly, the State's relationship with GBV, steeped in colonial, ethno-racial, and gendered patterns, reverberates into a continuum of violence and its normalization. This is the historical and sociocultural context to the next section, where I provide a state-focused analysis to examine wartime GBV against indigenous and non-indigenous women, including those women linked to subversive groups Sendero Luminoso and MRTA. As I elaborate in the next section, intersecting forms of inequalities converged with state discourses and interventions in shaping the formation of assumptions and understandings that sustained gender-based violence in Peru's internal armed conflict. Finally, it is important to highlight that both colonial legacies and heteropatriarchy are not fixed or static; instead, they vary across time and space, and consequently, influence masculinity in diverse ways (Bueno-Hansen, 2015).

### **2.3 Examining the Peruvian State's relationship with gender-based violence in Peru's internal armed conflict (1980-2000): Colonial legacies, patriarchal systems and intersecting forms of violence and inequalities.**

In the countless testimonies gathered by the CVR about the rapes and tortures perpetrated by the military, the expression "Shitty indian" served to justify the ignominy. The underlying stigmatization, discrimination and racism in everyday life became explicit. We learned once and for all that, despite the mestizaje and cultural hybridisation, we are a fractured country; to put it in other words, we are a diglossic society.

(Tubino, 2015, p. 296)

'The historically unequal power relations between women and men' has led to discrimination, sexual dominance, and aggression towards women's bodies and their ways of life. This is in addition to an intersection of discriminations due to gender, race, ethnicity —including multiple exclusions based on sociocultural, linguistic, and economic factors— that are exacerbated and accentuated in the context of armed conflicts because of the vulnerability of women to violence (Convention of Belém do Pará, Preamble and Art. 9). Further, it is historically known that during wartime or armed conflicts, women are seen as part of the enemy, and, as one of them, they should be subjected to acts of abuse. Under these circumstances, the vulnerability of women to violence —e.g. sexual violence, torture— is bolstered, and as consequence, the



aggressiveness towards them is exalted. Nevertheless, it is important noting that not all forms of sexual violence in wartime or armed conflicts fit in the rape-as-a-weapon-of-war script (Boesten, 2010).

Peru's Truth and Reconciliation Commission [CVR, the acronym in Spanish for "Comisión de la Verdad y Reconciliación"] found that sexual violence during the internal armed conflict constituted a form of gender-based violence specifically affecting women. For this reason, the CVR stated that sexual violence constituted a form of GBV that disproportionately affected women, particularly impoverished rural and indigenous women<sup>12</sup>. Boesten (2010) rightly observes how considering sexual abuses or rape as a weapon can obscure practices of wartime sexual violence, including "gendered violence during and after war that emerge from process of reconciliation, reconstruction and truth seeking" (p. 111). Recognizing different rape regimes provides a possibility of viewing sexual violence, as the continuation of GBV from war into peace, a continuation founded upon the perpetuation of extant hierarchies of gender, race and class. In Boesten's view, "[o]bserving a continuum—a continuity and affinity in the use of violence rather than rupture and exceptionality—forces us to examine the underpinning norms, values and institutional structures that normalize certain violences and exceptionalize others" (p. 113), particularly affecting indigenous women in Peru. In Boesten's view, sexual violence—including rape—"was facilitated by the idea of racial otherness, by the ingrained belief that indigenous women are 'lesser' human beings" (Boesten, 2010, p. 110). This is particularly relevant in a context where indigenous peoples are still one of the most systematically excluded groups by the Peruvian State.

As stated in section 2.2 of this thesis, Quijano's model of 'the coloniality of power' and Lugones' notion of "coloniality of gender" are particularly suitable for critical analysis of colonial legacies and heteropatriarchal systems. These concepts are helpful when analyzing the gender-based violence attributable to the Peruvian State during the internal armed conflict—including the violence committed against indigenous and non-indigenous women with its full support, tolerance or acquiescence. To that end, the following sections address the central research questions of this essay: *How did the legacy of colonialism and the patriarchal order shape the state-nation and its relationship with gender-based violence during Peru's internal armed conflict? More particularly,*

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<sup>12</sup> The CVR's investigation identified that sexual violence affected women differently and, therefore, decided to title one of its chapters "*Sexual violence against women*". This denomination was intended to contribute in the first place to make visible what happened as a violation of human rights. Likewise, this decision implied recognizing that sexual violence constitutes gender-based violence that affects the majority of the population, especially women, both in relation to the number of victims and in terms of specific consequences such as pregnancy (Mantilla, 2006, p. 334).

*how did intersecting forms of inequalities related to heteropatriarchal, colonial, ethnic and racial patterns converge with the State's discourses and interventions in shaping the formation of assumptions and understandings that sustain gender-based violence during Peru's internal armed conflict? What assumptions and understandings of gender, sexuality, ethnicity and race were embodied in the State's discourses and interventions during Peru's internal armed conflict?*

Drawing largely on primary or official documents and secondary literature, the forthcoming State-centred analysis illustrates how intersectional forms of violence was, and is still, sustained by structural inequalities and cultural ideologies associated with heteropatriarchal, ethno-racial and colonial patterns that affect indigenous' and non-indigenous women's lives differently. At the same time, I examine Peru's internal armed conflict to specifically analyze the Peruvian State patriarchal violence against indigenous women, poor rural women and women suspected of collaborating with or belonging to subversive groups. I also consider the Peruvian State's complicity in shaping the assumptions and understandings of gender, race and sexuality during the internal armed struggle.

In addressing the above-mentioned concerns, this section mainly uses data gathered by the CVR in its final report issued in August 27, 2003. As explained, the CVR had the mandate to clarify the truth, the process, and the facts imputable to all the actors of the internal warfare covering the period of May 1990 to November 2000. Finally, I consider how the Peruvian State's interventions and discourses could have themselves perpetuated such violence.

### **2.3.1 Background**

"We have learned that three out of every four victims were peasants whose native tongue was Quechua. As we Peruvians know, these are the people in our society who have been for centuries ignored by the government and urban society, the powerful and privileged in our nation. The intense violence in the Andes was fueled by a profound contempt for the poor and for dark-skinned Peruvians that is shared by members of both the Communist Party of Peru—Shining Path and the police and military. It was, in this sense, part of the pattern of the dehumanization of the marginalized that has for so long been woven into the fabric of daily life in this country. Much has been written about racism and discrimination in Peru. Little have government officials or any of us done to fight this plague. Our report shows the country and the world that it is impossible to live with hatred, that this is a sickness carrying unspeakable costs. From today, the names of the dead and disappeared will be here, in these pages, to remind us of this". (Lerner, 2005, pp. 402–403)

Peru suffered an internal armed conflict<sup>13</sup> between subversive groups and the State represented by the military, particularly the *fuerzas del orden* [the army and police forces] for the period between May 1980 and November 2000. The underlying cause of the emergence of this conflict was Sendero Luminoso's [Peruvian Communist Party-Shining Path]<sup>14</sup> decision to engage in an armed struggle against the Peruvian State in 1980, through the systematic and widespread use of methods of violence and terror without respecting human rights and basic warfare standards at the same time as targeting all kinds of social groups (Comisión de la Verdad y Reconciliación [CVR], 2003, vol. 1, p. 54).

Given the internal warfare initiated by Sendero Luminoso [Peruvian Communist Party-Shining Path] and the Peruvian State's failure to stop said armed struggle, in the early 1990s, the then government of Alberto Fujimori resolved to escalate by granting the armed forces the leadership in the counter-subversive struggle, and thus promoted the militarization of conflict. The military response worsened the magnitude of the conflict due to the Peruvian State's inadequate preventive measures against the military's violations of citizen's fundamental rights. Likewise, in addition to the absence of an independent civilian body or authority to handle the investigation of counter-subversive response, there was lack of protection for victims of those human rights violations, and of efforts to stop reprisals and address the impunity of committing these acts (CVR 2003, vol. 1, pp. 54-55).

Conflict intensification triggered systematic and massive human rights violations such as enforced disappearances, extrajudicial executions, and sexual violence during the period of violence. There was also the institutionalization of torture in the counter-subversive struggle against individuals suspected of collaborating with or belonging to subversive groups such as Sendero Luminoso [Peruvian Communist Party-Shining Path] and Tupac Amaru Revolutionary Movement (MRTA). As Boesten (2014) assertively presents, "[t]he extremely violent methods of Shining Path were answered with an aimless counterinsurgency steeped in racism toward the

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<sup>13</sup> In referring to the term 'internal armed conflict', Silva Santisteban (2017) highlights its controversial nature by stating the following: the nomenclature 'internal armed conflict' is already controversial, albeit is officially used by the CVR. The police and soldiers who fought subversion during those years called this period 'terrorist times', yet the victims and affected, 'the years of political violence' (p. 59).

<sup>14</sup> The name Sendero Luminoso emerged to build Communism along the path of José Carlos Mariátegui. However, according to this organization, there were three major stages in the development of Marxism, each in the direction of a 'sword': Marx, Lenin and Mao. Sendero Luminoso thus regarded Abimael Guzman as 'the greatest Marxist-Leninist' that would be 'the fourth sword of Marxism'. In this sense, Guzman's thesis is synthesized as 'Gonzalo thought' that will then constitute the development of Marxism-Leninism-Maoism. The name self-assigned by this organization in the phase of the so-called 'internal war' was 'PCP-MLMPG' (Degregori, 2010, p. 163).

Andean population, as the military received little political guidance in how to combat Shining Path” (p. 2).

Following this period of violence after the restoration of democratic institutions in the country when Alberto Fujimori’s dictatorship was overthrown<sup>15</sup>, the Peruvian State implemented the CVR on June 4, 2001.<sup>16</sup> The CVR had the mandate to clarify the truth, process and facts imputable to all the state and non-state actors of the internal armed conflict from May 1980 to November 2000. In accordance with its overall mandate, the CVR had the duty to investigate murders, abductions, enforced disappearances, tortures, other serious injuries, violations of collective rights of Andean and native communities, and other crimes, as well as other grave human rights violations.<sup>17</sup> With a view to consolidating peace consistent with the views of the Peruvian population, the CVR issued its final report in Lima, August 27, 2003.

In the following pages, I reflect upon the wartime gender-based violence perpetrated by the army and the police in Peru’s internal armed conflict. The focus then shifts to the Peruvian State patriarchal violence against indigenous women, impoverished rural women, and women suspected of collaborating with or belonging to subversive groups during wartime, where I analyze how gender-based violence should be relocated in a broader ‘structural inequality’ embedded in complex forces of coloniality, heteropatriarchy, ethno-racialization, militarization<sup>18</sup>, and poverty.

### **2.3.2 Context of sexual violence in Peru’s internal armed conflict**

During the internal warfare, the CVR found that sexual violence constituted a form of GBV particularly affecting women. Specifically, it concluded that the violence rampant in Peru during this period affected women’s and men’s lives differently. With such a view, the different social relations and gender roles occupied by men and women conditioned their actions in the conflict and produced different effects for both. “Women, by the mere fact of their gender, were victims

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<sup>15</sup> The restoration of the Constitutional Rule of Law and the full enjoyment of human rights were recovered after the fall of Alberto Fujimori’s dictatorship in 2000.

<sup>16</sup> It was approved by Supreme Decree 065-2001-PCM, which was amended by Supreme Decree No. 101-2001-PCM, both issued by the President of the Republic.

<sup>17</sup> This *numerus apertus* allowed the CVR to investigate the acts of rape and sexual violence committed in Peru’s internal armed conflict.

<sup>18</sup> In speaking about the ways in which militarization affects people’s everyday lives and relationships, Theidon’s (2012) piece offers an insightful analysis to address gendered and racialized sexual violence deployed by the *fuerzas de orden* (agents of order) during Peru’s internal armed conflict. According to her analysis, “[w]hen we speak of militarization, we need to think beyond the stationing of soldiers in the bases. Militarization also implies changes in what it means to be a man or a woman: the hypermasculinity of the warrior is based upon erasing those characteristics considered “feminine.” This hypermasculinity is constructed by scorning the feminine, and one aspect of that scorn is feminizing other men by inflicting physical and symbolic violence” (p. 136).

of a specific group of crimes and attacks against their dignity and their human rights that differ from those inflicted upon men” (CVR 2003, vol. 8, 2.1, p. 45). In this regard, the CVR’s findings made visible the gender-differentiated impacts of violence by establishing their particularities for reasons of gender, race, class, cultural belonging, and rurality.

Here, I refer now to the CVR’s argument by which sexual assaults during the internal armed conflict constituted a form of GBV that disproportionately affected women, particularly impoverished rural women and indigenous women (see Table 1). Strictly speaking, while men were victims of forced disappearances and extrajudicial executions, in addition, women were raped and subjected to various forms of sexual violence. Even though sexual violence constituted an exercise of power in which the perpetrators generally controlled the situation, there were other acts of sexual violence without direct relation to the internal armed conflict (Mantilla, 2009, p. 138) — e.g. ‘rape as consumption’ and ‘invisible sexual violence’ (Boesten, 2010).

Both state agents and members of subversive organizations (SL and MRTA) are considered perpetrators of acts of sexual violence during wartime. There were, however, substantial differences, since around 83% of sexual crimes were attributable to the State and approximately 11% corresponded to subversive groups (CVR 2003, vol. 6, pp. 276-277). In analyzing ‘rape regimes’ at the interface of the civil war in Peru, Boesten (2010) points out that, “[w]hereas the sexual violence of the latter [the state-sponsored armed and police forces, or the *fuerzas del orden*] could be called a magnification of existing institutionalized and normative violence against women, the violence of Sendero Luminoso was aimed at countering these existing patterns” (p. 115). However, the use of sexual violence by both state agents and subversive organizations produced and reproduced structures of violence and inequalities against indigenous and non-indigenous women. Likewise, the persecution and execution of homosexuals and transvestites by subversive groups are also linked to the reproduction of hierarchies and inequalities, more particularly, the affirmation of hetero-normativity (Boesten, 2014).

To emphasize the embedded layers of violence, Theidon’s (2012) book offers insightful reflections upon gendered and ethno-racialized sexual violence deployed by the *fuerzas del orden*. Drawing on her fieldwork in Accomarca, Ayacucho —the region with the greatest number of cases of sexual violence reported— Theidon crucially suggests that the numerous identities at work in the testimonies of sexual violence are located within a hierarchy of power and privilege. According to Theidon, “the systematic use of sexual violence was a practice deployed by the *fuerzas del orden* (agents of order). In short, where there were soldiers, there were rapes. Also generalizable was

gang rape. They operated with impunity” (p. 131). Indeed, the gendered and ethno-racialized violence practiced on a daily basis produced hierarchies of ethnic and racial stratification. In particular, “raping was a means of establishing hierarchies between armed groups and the population, and within the armed forces themselves [...] the soldiers raped according to rank, beginning with the officers and finishing up with the recruits” (pp. 135-136).

Theidon’s (2012) account enables us to situate sexual violence within power hierarchies of race and gender, with particular emphasis on how acts of sexualized violence conferred ethno-racial and gendered identities inscribed on women’s bodies. Similarly, Espinoza (2014) brings light into how soldiers’ participation in raping —although the majority of soldiers were indigenous or of indigenous descent— can be considered “an attempt to ‘whiten’ themselves by transferring ethnic humiliation to their victims” (p. 66). This clearly explains Theidon’s assertion that “there is no way to discuss the internal armed conflict without addressing the issue of ethnic discrimination and racism” (p. 134).

In what follows, I focus on the use of sexual violence at the hands of the *fuerzas del orden* [the army and the police], as they were not only the major perpetrators of these crimes, but it was also considered an institutional response to fight subversion and terrorism (CVR, 2003; Theidon, 2012; Boesten, 2014; Bueno-Hansen, 2015). Furthermore, I examine how the mass violence against Quechua-speaking peoples during Peru’s internal armed conflict, particularly the pervasive use of sexual violence deployed by the *fuerzas del orden* [the army and the police] affecting indigenous women’s daily lives, ties back to the legacy of colonialism and the historical, structural and institutionalized racism.

### **2.3.3 Gender-based sexual violence in wartime: colonial legacies with a focus on gender, race and sexuality**

The *Final Report* of the CVR concluded that acts of sexual violence at the hands of the *fuerzas del orden* constituted a widespread and tolerated practice; in some cases, openly permitted by immediate superiors. The report asserted that sexual violence took place during the military incursions and inside certain establishments of the army and police forces. Lastly, the CVR reported that 75% of women victims corresponded to the Andean Quechua-speaking *campesinas* (the Quechua indigenous peoples), of whom 43% had completed only primary school and another 40% were single persons (CVR 2003, vol. 6, p. 358). Table 1 below shows the strong correlation between conflict-related gender-based sexual violence and regions with high indigenous

populations, particularly Quechua peoples, precisely because these regions had the greatest number of cases. Additionally, the table outlines (i) the current percentage of poverty incidence and (ii) the indigenous identifying population (Quechua peoples) in these regions, showing the strong racialized dimension of violence.

**Table 1. Poverty Incidence, Quechua population, and Sexual Violence by Region**

Region	Poverty incidence	Quechua population			Gender-based sexual violence 1980-2000 Internal Armed Conflict
	2001-2010 Estimation	1993 Census	2017 Census		Percentage of cases by region
		Quechua-speaking population	Quechua-speaking population	Quechua identifying population	
Ayacucho	56%	71%	64%	81%	38%
Apurímac	63%	77%	71%	84%	15%
San Martín	31%	2%	1%	5%	13%
Junín	33%	11%	14%	35%	10%
Huancavelica	66%	67%	65%	81%	9%
Huánuco	59%	31%	28%	43%	6%
Puno	56%	43%	43%	57%	2%
Cusco	50%	63%	55%	75%	2%
<b>Others</b>	n/a	n/a	n/a	n/a	5%

Source: Compiled by author based on 1993 and 2017 Census; CR - MINJUSDH, 2018; and INEI, 2011.

Here it is worth looking at Bueno-Hansen's (2015) argument by which racialized and gendered violence in the case of Peru's armed conflict and its ongoing impunity is rooted in the legacy of colonialism (p. 7). Specifically, Pascha Bueno-Hansen's work reflects on Peru's colonial encounters with Spain to demonstrate how this legacy has shaped patterns of domination that resulted in the formation of an ethnicized underclass and the contemporary violence perpetrated against them. "Such a critical reflection on the legacy of colonialism historicizes the formation of the nation-state and elucidates how it is implicated in embedded layers of racialized and gender-based violence" (p. 8). Of particular interest to this thesis project is analyzing Peru's internal armed conflict by considering the nation's history and 'historical truth', as a way of understanding the context in which the gender-based violence took place (pp. 153-154). As Bueno-Hansen emphasizes, paraphrasing the CVR's conclusions, "the generalized disregard of this tragedy links back to the historical devaluation of Andean and Amazonian populations since the beginning of

the republic” (p. 7). That is why the majority of the 69,280 victims affected by the violence were Andean Quechua speakers and Amazonian indigenous groups; that is, 75% of these victims, deaths and disappearances, were Quechua-speaking peoples from the Andean region or had an indigenous origin (*ibid.*). Given the extent of this targeted violence, it is crucial to critically analyze how the legacy of colonialism in Peru has shaped not just the formation of the nation-state that marginalizes and discriminates against indigenous peoples in multiple ways but also the state-sponsored ethno-racialized gender-based violence against indigenous women.

To highlight how extreme this violence was, Rojas-Perez’s (2013) analysis exposes how mass death among Quechua-speaking people was unnoticed and not memorialized without anyone in the broader and hegemonic society even noticing its occurrence. Quoting the CVR, Rojas-Perez states: “more disquieting than these figures themselves was the fact that this experience of mass death among Quechua-speaking people was not only unaccounted for but also unnoticed by mainstream Peruvian society—to the point that there was not even memory of it” (p. 150). This is the historical and sociocultural context of Boesten’s (2014) assertion of the institutional response to the use of sexual violence during internal armed conflict. Although SL’s focus on class was not translated into conflicts between ethnic groups, class being intertwined with perceptions of race in Peru led to a strong racist dimension of violence against Quechua-speaking peoples at the hands of the *fuerzas del orden* [the army and the police] (p. 3).

It is important to emphasize that Peru’s context of structural violence against indigenous peoples have historically been characterized by the discourse of the ‘Indian Problem’<sup>19</sup>, which aligns with the culturally hegemonic idea that indigenous communities—their culture, cosmovision and bodies—constitute a backwardness that is in opposition to ‘Peruvian progress’ along neoliberal economic visions. Within this discourse, the ‘Indian Problem’ is conceived as a burden for a European defined and homogenous nation—from ‘a Eurocentric perspective’—(Quijano, 2000) by the indigenous persons’ “refus[al] to assimilate” (Stavig, 2017). Thus, this historical hegemonic formulation translated its old practices of ‘the racial classification superiority/inferiority’ (Quijano, 2000) onto the Peruvian State’s practices and discourses in Peru’s internal armed conflict.

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<sup>19</sup> This term was coined by Jose Carlos Mariategui, a Peruvian political philosopher, in his work titled “Siete Ensayos de interpretación de la realidad peruana” (1925). One of his popular phrases was: “Pesimismo de la realidad, optimismo del ideal” [Pessimism of the Reality, Optimism of the Ideal]. See more at: <https://mronline.org/2011/10/26/mariategui261011-html/> (2011)



Central to this premise is Foucault's (1976) notion of 'insurrection of knowledges', which refers to all kind of subjugated knowledges that, on the one hand, have been buried or masked in functional consistencies or systemic organizations and, on the other, disqualified as insufficiently elaborated knowledges and hierarchically inferior knowledges that are below the required level of erudition. The notion of 'subjugated knowledge' crucially suggests that mechanisms of power and repression shaped the assumptions and understandings around patriarchal, colonial, and ethno-racial patterns in the course of the armed struggle. More specifically, Foucault's notion reveals how mass violence among Quechua-speaking people during Peru's internal armed conflict links back to the historical exclusion and devaluation of Quechua culture as a 'subjugated knowledge' by mainstream hegemonic Peruvian society. As Tubino (2015) lucidly points out, the clearest example for the stigmatization and disqualification of the indigenous knowledge is the exclusion of Quechua language within the Peruvian academy (p. 307). This situation clearly explains the indifference of Peruvian authorities and mainstream Peruvian society towards mass death among Quechua-speaking peoples. According to Rojas-Perez (2013), "given that along with human bodies the campaign of state terror [was] devastat[ing] [...], the notion of sacred [for the Quechua mothers] suggest[s] that at stake here is a fundamental problem of the (re)constitution of those fundamental agreements in a human form of life that allow for the possibility of a life together in society" (p. 165). Thus Rojas-Perez's assertion is particularly helpful for locating the mass death among Quechua-speaking people within the nation's memory and historical truth beyond 'historical, social, and spatial dynamics of coloniality' (Bueno-Hansen, 2015).

Indeed, it is precisely the colonial legacies and their underlying ethno-racialization process that explains the devastating impacts of violence, particularly on Quechua-speaking peoples' everyday lives and relationships. Bueno-Hansen's argument about rurality in Peru's internal armed conflict offers an insightful analysis to understand this premise. In examining how colonial legacies are implicated in embedded layers of racialized and gendered violence, she brings attention to the spatial configuration rooted in exclusions based on rurality, language, and ethnicity, including class and race. According to Bueno-Hansen's (2015) argument,

"[g]iven the centralized spatial configuration of Peru, rurality is also an important factor. The coastal capital city of Lima holds the majority of the administrative decision-making power and Spanish-speaking, literate, educated, and wealthy population, while the rural areas get characterized as needing progress and development, given the concentration of poverty, illiteracy, and Quechua-speaking" (p. 13).

The intersectional forms of violence provides insight into the ways in which racial and gender identities are at the core of coloniality (Bueno-Hansen, 2015). What is, therefore, at the heart of the pervasive use of GBV against indigenous women is, in fact, the very notion of complex systems of coloniality, racism, and heteropatriarchy alongside processes of racialization, indianization, and sexualization. Again, Theidon's (2012) concept of 'racing rape' is particularly important for analyzing the legacy of colonialism, with a focus on gender, race, sexuality and violence in Peru's internal armed conflict. Essentially, Theidon reveals how the state-sponsored sexual violence predominantly used ethnic and racial insults, suggesting that gender, racial, and military hierarchies converged during the internal armed struggle. In her analysis, Theidon illustrates how sexual violence —specifically rape— was used to produce gender and racial hierarchies, what she calls 'racing rape': "[l]ighter-skinned women were reserved for the officials; the *cholas* [brown-skinned women] and "Indians" were turned over to the troops" (p. 134). As we can see here, raping produced a racially distribution of women drawn from darker-skinned social strata. As I reference in the previous section (Espinoza, 2014), Theidon rightly observes how raping, accompanied by ethnic and racial insults, was how these soldiers —especially young men— 'whitened' themselves and transmitted racial humiliation to their victims. The predominantly mestizo/indigenous soldier population, in Espinoza's and Theidon's analysis, participated in a project of whitening themselves, where the soldier is able to whiten themselves by oppressing darker-skinned indigenous women through sexual violence, and consequently accumulating a colonially whitened power that enables this subject to whiten themselves and transfer some of their racial humiliation to their victims. In a context where 'women are more Indian', "raping [indigenous women] certainly made them so" (p. 135). Thus, the internal armed struggle not just exacerbated pre-existing systemic inequalities embedded in the interlacing colonial and ethno-racial relations —the racial classification superiority/inferiority— (Quijano, 2000) along with heteropatriarchal roots, but also reinforced and produced processes of differentiation along lines of race, ethnicity, and gender that were eventually inscribed on the 'Indianized' woman's body through everyday violence.

Given how the internal warfare exacerbated the relationship between coloniality, patriarchy, racism, and poverty, all of which are historical, structural and institutionalized within social, racial, gender and class stratified frameworks, it is not surprising that the majority of women victims of sexual violence were Quechua-speaking women [indigenous peoples] (75% of cases), of rural origin (83%), *campesinas* [female peasant] (36%) (CVR 2003, vol. 6, 1.5, p. 277).

Indigenous women thus continue to be among the most systematically excluded groups by the Peruvian State in the contemporary moment.

In the following pages, I examine the pervasive use of sexual violence committed by the army and the police (the *fuerzas del orden*) against indigenous and non-indigenous women suspected of collaborating with or belonging to subversive groups (SL and MRTA).

#### **2.3.4 Overall context of sexual violence within the 1989-1992 counter-subversive struggle**

In the 1990s, Peru experienced a neocolonial transformation of the State's political economy, guided by a neoliberal economic and authoritarian model under its President-Dictator Alberto Fujimori (1990-2000). At the beginning of 1992, SL and MRTA significantly increased their counter-offensive actions against the government in Lima by intimidating the civilian population in order to propagate their armed struggle, through selective assassinations and continuous attacks against public institutions and private properties (CVR, 2003, vol. 6, p. 376).

On April 5<sup>th</sup>, 1992, Fujimori led a “self-inflicted coup” —known as the *autogolpe*— by which he violated the constitutional order and approved de facto a new constitution<sup>20</sup>. With a new constitution and majority power in the new Congress, Fujimori was able to concentrate power in his government and implement his policies without the usual legal restrictions and constitutional obstacles: rule of law, judicial system, legal framework and regulation. These authoritarian measures included defeating any opposition that criticize the economic policies of liberalization, violating human rights and perpetuating its power (Torres, 2005).

During the so-called *autogolpe*, Alberto Fujimori's Government enacted a series of decrees that tightened and substantially modified the State's anti-terrorist legislation, as a way of strengthening the counterinsurgency war. This led to a violation of the guarantees of due process, dramatic extensions of military prerogatives in emergency zones, and counter-subversive activity, among other authoritarian measures (CVR, 2003, vol. 3, p. 85). Thus, the State's self-attribution of these powers constituted a ‘manifest’ violation of due process guarantees and favored the commission of human rights violations, such as acts of torture and other cruel, inhuman or degrading treatment or punishment. In sum, the enactment of anti-terrorist legislation consolidated

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<sup>20</sup> The government of Alberto Fujimori promulgated the “Decreto Ley No. 25418”, on April 6, 1992, in which it temporarily instituted the so-called “Government of Emergency and National Reconstruction”. This government dissolved the Congress and the Court of Constitutional Guarantees, intervened the Public Ministry and the Judicial Power, and dismissed several judges of the Supreme Court of Justice.

and solidified a strict and repressive legal system, not only exempt from any fiscal and judicial control, but also ideal for military and police operations (p. 86).

Having accumulated said powers through the *autogolpe*, the State then worked to expand its counter-subversive repression. During the 1989-1992 era of counter-subversive repression, sexual violence became a method of torture to obtain information or self-incriminating confessions as intimidating or reprisal instruments against indigenous and non-indigenous women linked to subversion. In some cases, many women died from torture (CVR, 2003, vol. 6). In the words of the CVR, “sexual violation as a form of torture was a regular practice during the interrogations by law enforcement bodies. These events took place in the context of sexual violence, which was a widespread practice in Peru’s internal armed conflict” (p. 379). Frequently, the *fuerzas del orden* perpetrated acts of sexual violence inside different state institutions such as barracks, police stations, and prisons, having incarcerated these indigenous and non-indigenous women linked to SL and MRTA through detention, interrogation, and imprisonment. Thus, these women deprived of liberty were victims of forced nudity, rape, sexual humiliation and sexual assaults, including sexist and racial insults such as threats and mocking of their gendered and racial physical characteristics (CVR, 2003, vol. 8).

The multiple testimonies contained in the *Final Report* demonstrate extreme abuses of power by forces of law and order. In all cases, the *fuerzas del orden* took advantage of their special position as guarantors while dramatically strengthened repressive powers against those indigenous and non-indigenous women linked to SL and MRTA —given their particular situation of vulnerability while under the custody of the State. Despite being obligated to protect effectively the human rights of these women under their custody who were more vulnerable to such extreme violence. Nevertheless, recorded cases demonstrate that the State used sexual violence in a systematic, generalized and repeated manner in contravention of its duties and obligations. However, it is crucial to recognize that “[s]exual violence should never be ‘ordinary’ to the victims and survivors of such acts, and should always be understood as a struggle for domination and a perpetuation of inequalities” (Boesten, 2010, p. 115).

In addition to the CVR’s findings, international pronouncements also accounted for the establishment of sexual violence as a method of intimidation, punishment or humiliation by military and police agents against subversive or suspicious women during the Peruvian State’s counteroffensive project. The Special Rapporteur on Torture, S. Rodley (1994), presented his report to the United Nations Commission on Human Rights, stating that Peruvian “women were

frequently the victims in connection with the campaign by security forces against insurgent groups” (Rodley, 1994, para. 31). According to this statement, “rape would seem to be used as a weapon to punish, intimidate and humiliate” (Rodley, 1994, para. 31). He also reported the following:

Rape and other forms of sexual abuse were apparently sometimes combined with other methods of torture, such as electric shocks, during police interrogations. In territories under a state of emergency, on the other hand, rape was perpetrated within the framework of the armed conflict, in rural areas, without prior detention, and seemed to be used as a form of intimidation or punishment against civilian groups suspected of collaboration with insurgent groups (Rodley, 1994, para. 31).

In a report on violence against women in Peru’s internal armed conflict, the non-governmental organization Human Rights Watch (1992) outlined that rape was a common practice. The report noted: “rape by the security forces threatens all women equally, but that four elements characterize women who are at great risk of actual attack: race, social class, occupation and the explosive mix of gender and armed insurgence particular to the Shining Path and its female cadre” (p. 16). These elements combined to “put certain women —poor, brown-skinned (or *cholo* in the Peruvian racial argot), young and belonging to certain “suspect” groups, like students or teachers’ unions— at greater risk” (*ibid.*).

What interests me is how the enactment of the anti-terrorist legislation in the early 1990s granted discretionary powers to the army and police forces, causing poor control by prosecuting and judicial officials. The failure of the judicial system further facilitated the perpetration of acts of torture, and other cruel, inhuman, and degrading treatments or punishment, all of which further created favorable conditions for the violation of personal integrity, autonomy, and liberty, and the control of victim’s bodies and sexuality in a ubiquitous manner. The CVR cases reported again proved that sexual violence as a form of torture and other mistreatments or cruel, inhuman or degrading treatment or punishment, were practices institutionalized and accepted as the standard to fight subversion. It is important to emphasise that an estimated 40% of SL militants were women (Theidon, 2012).

The scenario of sexual violence as a method of torture was also bolstered by both state-crafted and popular depictions of the *senderista* [SL’s women], which caused a shift in the gendered perception of women linked to subversion and a particular cruelty and severity in the actions taken by the army and police forces. These archetypes of the *senderista* are described by

the US-American journalist Kirk (1993) “as being merciless and asexual automaton”. Here, what came into play was “the widespread idea that only local women joined SL. For newspapers, there were only two kinds of SL’s women: the asexual automaton, as cold as a metal of war weapon; or the Goddess of Lust, a blood-thirsty nymphomaniac” (p. 17). In fact, as Kirk highlights, some training manuals of the law enforcement bodies defined the character traits of female cadres. According to Kirk (1993), one official police training manual dated 1990 mentions the following:

They are more determined and dangerous than men, and have absolutist behaviors. They are regarded as being capable of undertaking any mission, and possess the dichotomy of weakness and hardness. They are lenient, extraordinarily severe [they] exploit and manipulate their fellow people, they are impulsive and daring (p. 18).

In so many words, women’s participation in subversive groups and their role within these organizations triggered a more brutal and aggressive behaviour by the *fuerzas del orden*. As Silva Santisteban (2008) remarks, women’s militant behaviour was socially constructed as follows:

A stereotype of the *senderista* as a hard and cruel woman, who gives the coup de grâce or who leads the commandos of annihilation in cold blood. According to this stereotype, this behavior of the *senderista* is also based on a mixture of ideological information and social resentment, along with the traditional exclusion of women: the *senderista* must show that they are as equal as men, and therefore, they undertake with boldness the most difficult tasks. Within the construction of this stereotype, the militarization on women is put into play as a way of assuming a male behavior supposedly closer to equality (p. 82).

In effect, these archetypes, stereotypes, and assumptions about indigenous and non-indigenous women linked to SL and MRTA—with a focus primarily on their gender, race, and sexuality—actively facilitated and encouraged a more cruel and violent treatment by the *fuerzas del orden*. According to the official narrative, women were part of the subversive enemy; and, as one of them, they should be subjected to acts of abuse and cruelty. In this view, female cadres were believed to be activists more blood thirsty than men, and for that reason, these women were denied all possibility of receiving human treatment. Thus, the *fuerzas del orden* retaliated against these women with resentment and hatred created by the context of the internal struggle. Furthermore, these women were *terrucas* [literally terrorist, a Peruvian slang or pejorative term used to refer to female SL cadre/terrorist] as well as mothers, sisters or daughters of *terrucos*, and consequently, were subjected to violence and barbarity by state agents (CVR, 2003, vol. 8). Theidon’s fieldwork

(2012) clearly illustrates this extreme violence when reproducing what soldiers said while raping these women: “*Terruca de mierda* (terrorist of shit), *ahora aguanta India* (now take it, Indian), *carajo, terruca de mierda* (damn it, terrorist of shit), and *India de mierda* (Indian of shit). The soldiers were marking the women with physical and verbal assaults” (p. 132).

Given this extreme violence, it is evident that the counter-subversive struggle exacerbated the vulnerability of indigenous and non-indigenous women —especially those linked to subversion— to such violence and suffering at the same time as it triggered stronger male aggressiveness by the state actors. This included the absolute control of women’s sexuality, and the subjugation of their bodies while under State custody. It is precisely the resentment and hatred of these women, fomented ideologically in the various ways discussed above for both State and civilian actors, and implemented through acts of gender-based sexual violence as a form of torture, that helps us understand how devastating the violence, brutality and cruelty were on the part of the state perpetrators.

As I hope to have illustrated here, central to the pervasive use of gender-based sexual violence deployed by the *fuerzas del orden* is the State’s complicity in shaping the formation of assumptions, archetypes, and stereotypes of indigenous and non-indigenous women suspected of collaborating with or belonging to SL and MRTA during the counter-subversive struggle. Put another way, the gendered context of counter-subversive struggle —as well as the ethno-racialized sexual GBV against Quechua-speaking women during the internal armed conflict— produced and reinforced hierarchies of gender, ethnic and racial stratification through actions, interventions and discourses of State actors. As Theidon (2012) lucidly points out with regard to the gendered context of the internal struggle, “[t]he women’s bodies were made to bear witness to the power and barbarism of the *fuerzas de orden*” (133, emphasis mine). Once again, such understanding of gender-based sexual violence should be situated in a broader context of ‘structural inequality’ in which patriarchal, colonial and ethno-racial structures of power interlocked to facilitate everyday violence.

In the following section, I explore the conditions and factors that led to the overthrow of Fujimori’s regime in late 2000, as well as the pressures, demands, and actors that led to the creation of the CVR shortly afterwards. Of particular interest to this inquiry is Peru’s recent history during early 1992 to late 2000, marked by significant decline in subversive activity, as well as the rise of authoritarianism and corruption. These events provide historical and sociocultural context to the following chapter’s state-centred analysis of the parallels between wartime and peacetime gender-

based violence. I will locate these parallels in relation to the operation of patriarchal, colonial, heterosexist and ethno-racial systems that have shaped anti-violence responses within Fujimori's rule (1990-2000) until the present.

## **2.4 Downfall of Alberto Fujimori's dictatorship and the emergence of the CVR**

In November 2000, the President-Dictator Alberto Fujimori abruptly fled the country under accusations of electoral fraud, human rights violations, and most significantly, after a release of a video, broadcast on national television, that showed Fujimori's intelligence chief, and the head of the National Intelligence Service (SIN), Vladimiro Montesinos bribing a congressperson. Part of a dossier of videos called *vladivideos*, this disclosure exposed the dense network of corruption deeply embedded in State and all sectors of society, including the military, the political establishment, corporate sector, among others (Boesten, 2014). After the dramatic collapse of Fujimori's regime and his subsequent exile in Japan, Valentin Paniagua became President of the Transitional Government (November 2000—July 2001) to re-establish the rule of law and restore democracy, including free and fair elections. This transitional government also approved the establishment of the Comisión de la Verdad y Reconciliación (CVR) [Truth and Reconciliation Commission] that would investigate the “time of fear” and provide “a rapid and thoughtful response to thousands of victims of countless crimes” (CVR, Perata, & Reátegui, 2014, p. 1) during the twenty-year period of internal armed conflict (1980-2000). As Boesten (2014) rightly observes, “in terms of what is widely known as “transitional justice,” this interim government took all the right steps to deal with a past of mass human rights violations and democratize the country's political organization” (p. 69).

Peruvian anthropologist and former CVR's Commissioner, Degregori's (2012) essay offers insightful reflections on the downfall of Fujimori's authoritarian regime and the conditions that laid the foundation for Peru's CVR. Although there is an explicit link between the CVR emergence and the collapse of Fujimori's dictatorship, Degregori provides an in-depth examination of the unique factors contributing to CVR creation. His analysis traces what the CVR called ‘the state counteroffensive without subversion’<sup>21</sup> under Fujimori's lead in the early 1990s. Put differently,

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<sup>21</sup> For the CVR, the state counteroffensive without subversion refers to the period during which the subversive groups collapsed, soon after the capture of Abimael Guzman, the founder and head of Sendero Luminoso, in mid-1992. Despite the downfall of subversive organizations in political and military terms, Fujimori's regime maintained “the anti-subversive strategy even though subversion had been reduced drastically. The final actions of the internal conflict, which ended successfully for the government, were hyped-up in the media for political gain. The threat of “terrorism” was also used to manipulate the population through fear. Anti-subversive operations, therefore, were not aimed at



Degregori's account dates back to 1992, when Fujimori instituted the *autogolpe* and extended an internal war that could have ended that year (Boesten, 2014).

In April 1992, after twelve years of the bloodiest internal armed conflict in the republic's history and in the midst of a dramatic economic and social crisis, Fujimori instituted the *autogolpe* with the support of mainstream public opinion. Doing away with liberties and fundamental rights in favour of order and security (Degregori, 2012, p. 173), Fujimori temporally dissolved the Parliament, instituted a forced reorganization of the Judiciary and the Fiscalía de la Nación-Ministerio Público [Attorney General's Office], and approved de facto a new constitution. A few months later and after a successful police operation —what the press called "the capture of the century"— Abimael Guzmán, SL founder and head, was apprehended, and in the following months, many of the organization's militants were also captured. Meanwhile, the State arrested MRTA national leadership (Tupac Amaru Revolutionary Movement), marking the defeat of the subversive organizations in political and military terms at a national scale (Degregori, 2012, pp. 173-174).

Degregori (2012) further illustrates how Fujimori's government took advantage of this favorable political context.

[T]he principal spokespeople for the [Fujimori] regime insistently spread a message supported by important opinion leaders and amplified by most of the media, which became the received wisdom: human rights violations committed by state agents during the conflict had been the necessary cost that the country had to pay for ending the subversive violence unleashed by Shining Path in 1980 and by MRTA four years later (p. 174).

Amid this extreme crisis, Peruvian mainstream society thus accepted the idea of an effective and necessary *mano dura* [iron fist], even above the rule of law and the fundamental rights of citizens. Working and succeeding in their trivialization of violence, Alberto Fujimori and Vladimiro Montesinos were at the center of the pacification narrative despite the fact that the majority of the population was not willing to risk their own welfare and safety in defense of ethical and legal principles (CVR, 2003, vol. 3).

This discursive situation thus facilitated impunity supported by Fujimori's intervention and control of the three fundamental pillars of democracy: The Judiciary, the Fiscalía de la Nación-

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arresting subversive leaders and decisively ending the actions of the PCP-SL and the MRTA. At best, they were propaganda tools used by the regime; at worst, they were a way of distracting public attention from the excesses and crimes that were being reported with increasing frequency" (CVR et al., 2014, p. 53).

Ministerio Público [the Attorney General's Office in Peru], and the Congress of Republic. Shortly after Fujimori's overwhelming re-election to a second term in 1995, the government passed an amnesty law that favored full impunity, under the pretext of promoting a national reconciliation. As a result, many accused perpetrators of human rights violations were released, and for the first time in many years, students took to the streets in protest against these measures (*ibid.*). Meanwhile, human rights organizations and the opposition press began to acquire greater support from different social groups in challenging the official narrative that favored impunity. Degregori (2012) thus observes,

The 1996 "law of authentic interpretation" that opened the door to a second reelection for Fujimori. In the following years, as the regime concentrated on its own perpetuation and the economic crisis deepened, demands for employment and wages, and against centralization, grew. Finally, especially after the first vladivideo appeared in September 2000, rejection of the regime's corruption spread (p. 175).

Between 1997 and 1999, Fujimori's government faced great challenges at the international level. In February 1999, the United States Department of State's Human Rights Report on Peru was very critical. This was mainly due to the success of different human rights organizations and members of the opposition, who appealed to international bodies for the solution of cases that the government was not willing to investigate. They were critical of the Government's unwillingness to sanction the dismissal of three magistrates of the Constitutional Court and investigate the massacres in La Cantuta University and Barrios Altos (CVR, 2003, vol. 3). According to the CVR, "[t]he Fujimori Government not only refused to assume any responsibility, but attempted to discredit and harass the people who had located and reported the common grave" (CVR et al., 2014, p. 53).

In early 2000, while Fujimori still enjoyed great popularity and substantial support from local organizations —along with control over Peru's mass media, especially television channels, and restrictions of freedom of speech— the growing social unrest against the authoritarian regime became palpable among several sectors of the population such as popular and middle-sectors as well as human rights organizations (*ibid.*). The rejection of human rights violations during Fujimori's regime also came to occupy a fundamental place of what Degregori (2012) calls the 'package of anti-authoritarian demands' against *fujimorismo* (p. 175). Here, social partners and civil society played a decisive role in the collapse of Fujimori's regime. As Degregori points out, "[a]fter the fraudulent elections [in 2000], the CNDDHH [the National Coordinating Committee

for Human Rights] participated as one of the four representatives of civil society in [a regional] sponsored dialogue that to a great extent informed the transition” during the Paniagua Government (176). Soon after reaching office through a controversial third term that was questioned by the Organization of American States (OAS), with more *vladivideos* being uncovered, the Fujimori regime dramatically collapsed in late 2000.

These exposed conditions of corruption within the Fujimori regime thus laid the foundation for establishing Peru’s CVR, in conjunction with the strong influence of former truth and reconciliation commissions and transitional justice processes across the globe. Implemented in late 2001 by the Paniagua Transitional Government, its mandate was to clarify the truth, process, and responsibilities of state institutions and non-state actors during the domestic armed conflict between 1980 and 2000. This mandate asked the CVR to investigate crimes and human rights violations, provide an understanding of the underlying causes of violence, contribute to justice, and propose recommendations for reparations and institutional reforms (CVR et al., 2014). In late August 2003, and after twenty-six months of exhaustive work, the CVR’s Chairperson Salomon Lerner officially delivered the *Final Report* to then-President Alejandro Toledo and presented the Commission's central findings in a public ceremony.

Following the CVR’s conclusions, Salomon Lerner publicly announced that more than 69,000 Peruvians died or disappeared during the twenty years of internal armed conflict between the Peruvian *fuerzas del orden* and the subversive organizations SL and MRTA. In the view of the CVR,

These calculations may seem unlikely to be a considerable sector of Peruvian society, nevertheless, the country needs to accept the truth that the Peru that is rural, Andean, Quechua, Asháninka, peasant, poor and with little formal education bled for years without the rest of nation paying attention to the true dimension of the tragedy of this ‘foreign land within Peru’ (2014, p. 18).

Indeed, Lerner (2005) explicitly linked the devastating violence in the Andes and other rural areas to patterns of discrimination and racism that has for so long been implicated in embedded layers of everyday lives and relationships in the country (pp. 402-403). As Lerner points out, “three out of every four victims were peasants whose native tongue was Quechua [...] The intense violence in the Andes was fueled by a profound contempt for the poor and for dark-skinned Peruvians that is shared by members of both the Communist Party of Peru-Shining Path and the police and military” (p. 402). Further, Lerner (2003) highlighted that the CVR reported a double

scandal. “To a large degree, it is the scandal of murders, disappearances and torture. It is also a scandal about the ineptitude, slackness and indifference of those who could have stopped this humanitarian catastrophe and didn't” (p. 26).

Even more disturbingly, the absolute exclusion made possible “for tens of thousands of citizens to disappear without anyone in the integrated society —the society of the non-excluded— even noticing” (p. 25). The *Final Report* stressed the importance of the ethnic and racial component in Peru’s political violence. The CVR’s recognition of ethnic discrimination and racism is noteworthy because it precedes and surpasses the conflict, shaping the perceptions and daily behaviours of the different actors directly and indirectly involved in this extreme violence. In Rojas-Perez’s (2013) words —paraphrasing the CVR’s *Final Report*— “the reality that the internal war did not affect the entire fabric of Peruvian society but ravaged those groups discriminated against on the grounds of class, culture, and ethnic cleavages is in itself an expression of the absolute exclusion that historically has shaped the contours of modern Peruvian society” (p. 151). Again, the CVR played a vital role in making public the truth and the underlying causes of mass violence among Quechua-speaking peoples between 1980 and 2000. Drawing on the analysis of the CVR’s President, the *Final Report* offered deeper understandings of the inner motivations, subject-formation, and dynamics leading to and emerging from violence. As a result, the hierarchies of racial, ethnic, social, and economic stratification within Peruvian society disproportionately affected Quechua-speaking peoples under the cynicism of mainstream public opinion (CVR et al., 2014), and with the complicity of the State institutions. In the words of the CVR, “the racism-tinged contempt for peasants [...] permeated state institutions, including the armed forces” (CVR et al., 2014, p. 256).

The Peruvian State has recognized its accountability for perpetuating structural inequalities and cultural ideologies during Peru’s internal armed conflict —in which patriarchal, colonial, ethnic and racial relations interlocked to facilitate gender-based violence. In the following chapter, I will explore the importance of addressing gender-based violence and its underlying causes in a more meaningful, transformative and substantive manner, and consequently, how such redress can positively impact the lives of systematically excluded women who face intersecting forms of discrimination.

## Chapter 3

### Examining anti-violence responses in war (1980–2000) and peace (2000–mid-2019)

This chapter aims to examine the state's discursive inclusion of gender-based violence in policy, legislation, and practices between 1980 and mid-2019. At the same time, the following sections intend to analyze how patriarchal, colonial, heterosexist and ethno-racial systems have shaped both anti-violence action and the lack of anti-violence action; particularly in culturally diverse spaces. In doing so, the next sections work to answer the following research questions: *How do intersecting forms of inequalities related to heteropatriarchal, colonial, ethnic and racial patterns converge with the State's discourses and interventions in shaping the formation of assumptions and understandings that sustain gender-based violence? More importantly, what are the effects of the Peruvian State's policies, legislation and practices on gender-based violence in Peru today, particularly under the National Plan against Violence toward Women (2009-2015) of the Ministry of Women and Vulnerable Population? What assumptions and understandings of gender, sexuality, and race are embodied in the State's discourses and interventions?*

In what follows, I outline the legislation, policies, plans, strategies, and interventions established to address violence against women between 1980 and mid-2019. To examine interventions to protect women's rights, I reflect upon the possibilities, limitations, and constraints of working towards prevention, punishment, and eradication of GBV and its underlying causes. Further, I situate the policy review within its historical and political context, where I analyze the two periods as wartime violence (1980-2000) and as peacetime violence (2000-2018). Such discussion intends to emphasize the State's responsibility and responsiveness to gendered and racialized violence in a more meaningful, transformative and substantive manner. I conclude this chapter by examining the case of the 'National Plan against Violence toward Women (2009-2015)' under the Ministerio de la Mujer y Poblaciones Vulnerables (MIMP) [Ministry of Women and Vulnerable Populations]. Both, the case study and the policy frameworks under discussion, provide insights into how official national policies, legislation, strategies, discourses, and interventions have shaped the fight against gender-based violence in practical terms.

### 3.2 Anti-violence responses in Peru's internal armed conflict: 1980s – 2000s

The restoration of democratic institutions began in the early 1980s, after twelve years of military rule (1968-1980). For the first time, representatives of new social sectors and political

groups participated in the 1979 Constituent Assembly, which approved a new Constitution. A regulatory framework was then established that would lead to essential changes in the constitutional statutory body of the country. The following changes in the 1993 Constitution modified once more the current constitutional regulatory framework (Blondet & Montero, 1994, p. 15). It is critical to note however that at this time, Peru was continuing to face a brutal internal armed conflict between the Peruvian *fuerzas del orden* [the army and the police] and the subversive organizations SL and MRTA. In the years that followed, the violence unleashed by the subversive groups and their open confrontation with the armed forces spread nationwide, affecting the civilian population, particularly Quechua *campesinos* [peasants] communities.

This shockingly violent conflict led to the weakening of the State —along with a dramatic social crisis— that provided a window of opportunity for many faith-based institutions and NGOs under the auspices of several international cooperation agencies to support local grass-roots women's organizations. These include *comedores populares* [soup kitchens], *comités de vaso de leche* [glass of milk's committees], *clubes de madres* [mother's club], favoring the strengthening of feminist groups and organizations (Blondet & Montero, 1994, p. 17). As a result, feminist organizations and grass-roots women's organizations were at the forefront of efforts, initiatives, and debates to put violence against women on the national agenda. They raised public awareness of VAW, not just as a violation of women's physical integrity and human dignity but as an expression of female subordination, highly challenging the role of women in gender relations. Given this context, the Peruvian government started to design and implement national policies against VAW through an all-female formed police unit in mid-1988 for women who have suffered domestic violence. This institutional mechanism set up for the first time in Lima appeared to be a great success; not only did reports of violence increase but more police units and other services against domestic violence opened across the country (Blodent & Montero, 1994; Boesten 2006; Barrig 2008).

Following the 1989-1992 period of state-sponsored violence against women in the name of counteroffensive and counter-insurgency (Boesten, 2010) and a few years after reaching office, the Fujimori government (1990-2000) passed the first law 'against family violence', Law No. 26260, a pioneering action in addressing VAW, when compared with other Latin American countries (McKinley, 2006; Boesten, 2012). However, the law situated the vulnerability of women to violence only within the family sphere without recognizing the multiple forms of violence that

occur, whether in the public or the private sphere.<sup>22</sup> This Law against family violence, issued in 1993, has to be analyzed in light of the pacification policy, implemented after thirteen years of a domestic conflict that plunged the country into a general political and economic crisis. As Boesten (2006) rightly observes, “[this] implementation coincided with an increase in male violence towards women in areas that had been particularly affected by the political violence” (p. 356).

Discussions about Law No. 26260 began since the late 1980s under the initiative of women parliamentarians and feminist institutions, who together prepared a draft law against family violence (Blondet & Montero, 1994). Peruvian historian Blondet (2002) pointed out that Congresswomen also played a fundamental role in the approval of Law 26260. Firstly, because if they had not presented the bill with the support of feminist organizations, the issue could not have been discussed. Secondly, they initiated a political debate that had substantial implications at the national level. As a result, all Congresswomen voted for the adoption of this bill, overcoming ideological divisions. This political debate —directly linked to the ‘issues of women interests’— was also fertile ground for shaping an essentialist discourse full of stereotypes such as ‘women are more inclined to agree and set aside political or ideological differences’ (p. 48). As Blondet (2002) highlights, these discourses enthusiastically spread nationwide, even saying that such approval was possible because ‘they were women’, because ‘women do not fight’, because ‘they resolve their differences and disputes directly by talking’ and because ‘they have different ways of doing politics’. Following these statements are essentialist views that, ‘women, unlike men, are essentially peaceful and consensual’. Fundamentally, *las fujimoristas* [female followers of Fujimori] spread these official discourses and presented themselves as champions of democracy, as female vanguards and as promoters of national unity (p. 48).

Fujimori thus mobilized a feminist and internationally-recognizable rhetoric of women’s emancipation, specifically through birth control and women representation in politics, to appear modern, democratic, and liberatory after an *autogolpe* in 1992 that made Peru an actual dictatorship (Boesten, 2006, 2014). Boesten (2010) convincingly argues, “[t]hese gender politics were largely the result of the cynical and strategic use of a feminist discourse by the Fujimori government that partly served as a smokescreen covering less progressive and democratic practices” (p. 315). This statement echoes Boesten’s (2014) assertion that policies aimed at

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<sup>22</sup> The *Convention of Belém do Pará*’s definition of ‘violence against women’, contained at Article 1, refers to “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.”

combating VAW should be examined in line with the political context of the 1990s (134), wherein “increasing authoritarianism and gender politics went hand in hand” (p. 198).

[T]he Fujimori government responded to political violence and economic crisis [sic.] with increasing authoritarianism [...] In apparent contrast to this increasingly authoritarian and “masculine” government, Fujimori started using a highly gendered political strategy, speaking to feminist demands for greater women’s participation in politics, a ministry for women’s affairs, better reproductive healthcare and access to birth control (culminating in a forced sterilization program), a (clientelist) food distribution program directed at Peru’s “self-sacrificing mothers,” and, indeed, interventions to tackle violence against women (p. 134).

Building upon the 1993 *Vienna UN Conference on Human Rights*, 1994 *Cairo UN Conference on Population and Development*, 1995 *Beijing Fourth UN Conference on Women*, Fujimori worked to develop a pro-feminist discourse in order to improve women’s rights, to create a Ministerio de Promoción de la Mujer y Desarrollo Social (PROMUDEH) [Ministry for the Promotion Women and Human Development] to formalize grassroots women’s organizations, to establish a quota of 25% compulsory inclusion of women on political party lists, and to appoint many women in critical public posts (Blondet, 2002; Boesten, 2010). While “these measures could be interpreted as a genuine concern for the improvement of women’s place in society” (Boesten 2006, p. 258), Fujimori used these policies to satisfy “the demands of national and international feminist movement[s], associating himself with international discourses concerning women’s rights, population, and development, and using the image of women as honest, trustworthy, loyal and maternal, [...] in order to distract attention from his increasingly corrupt, authoritarian and violent regime” (Boesten, 2010, pp. 358-359).

Feminist scholar Barrig (2008) illustrates the ambivalences and contradictions of Fujimori’s pro-feminist agenda, initially supported —implicitly though not officially— by feminist organizations. The 1994 *UN Conference on Population and Development* was regarded as a success by health activists, with very few exceptions. Open recognition of inequalities between men and women, women’s reproductive rights, abortion as a public health issue, civil society intervention in national population policies, were achievements of feminist activists participating in Peru’s official delegation and the NGOs Forum. Likewise, they lobbied to reach feminist agreements between the Global North and the Global South (Barrig, 2008, p. 221). The following account of Peruvian feminist demands regarding sexual and reproductive health may explain what happened at the 1995 *Beijing Fourth UN Conference on Women*. Here, President Alberto Fujimori —the only male president that spoke at the Conference— assured that he was not a traditional



president but one of blue jeans and sneakers, one who was even against the opinion of his advisors, when speaking in a forum of 'women' (p. 222). Even more disturbingly, Fujimori recognized the importance of women's right to make their own decisions over their bodies and the need to provide reproductive health-care services for women of all classes through national family planning programs. However, by 1998, the family planning program had to be stopped after numerous accusations of forced sterilizations across the country, directed principally against indigenous and impoverished rural women (Boesten, 2003).

Thus, state intervention aimed at combating VAW, particularly in the domestic setting, involved legislation, programs, and policies. These interventions began with the first all-female formed police unit in mid-1988, followed by the implementation of a policy framework on VAW during Fujimori's rule (1990-2000) amid an internal armed conflict (1980-200), authoritarianism, and corruption (1992-2000). However, as many scholars have argued (Barrig, 2008; Blondet, 2002; Boesten, 2006, 2010), the policy framework under discussion was full of contradictions. These contradictions reflect the opportunism of Fujimori's "women-friendly" politics in its authoritarian agenda (Boesten, 2003, 2014). As Boesten (2014) points out, "Fujimori's 'women-friendly' politics were [also] embedded in a patriarchal strategy of control over an already disenfranchised population" (p. 134).

### **3.2.1 Fujimori's authoritarianism: Contradictions, ambiguities, and opportunisms**

The ten-year Fujimori regime, strongly marked by authoritarianism and corruption, was curiously prolific in its dissemination of discourses favourable to the narrative of women's emancipation. These measures included the creation of the Ministry of Women (the first one in the region); improvements on the status of divorce and rape (such as the inclusion of rape as a criminal offense "against sexual freedom" in the Penal Code in 1991), legislation to combat violence against women (pioneering in the region), and the provision of family planning services in public health centers (including the so-called voluntary surgical contraception, AQV, which ended in forced sterilizations). These measures may have encouraged feminist organizations to have increasingly 'state-focus' strategies, where the ability to influence 'amicably' would seem to be more fruitful than demand politically (Barrig 2008, pp. 215-216).

Central to this politics was Fujimori's interest in "sending the message to the world that he was guiding Peru into 'modernity'" (Boesten, 2006, p. 377), as part of his strategy of transforming the State into a neoliberal economy and authoritarian model. Torres's (2005) analysis offers

insights into the ways the state reorganized itself under Fujimori's rule, after an *autogolpe* in 1992 that disrupted the constitutional order and approved de facto a new constitution. "The state under Fujimori actively and forcefully assisted the transformation of its functions, by re-shaping its regulative goals and by ceasing to function as a traditional planning body for economic growth and development" (p. 201). This process coincided with the Peruvian State's reintegration into the international financial system after the economic crisis in the late-1980s (pp. 203-204). Thus, Fujimori's gendered policy framework partly served to reinforce an image of modernity. However, as I elaborate in this section, Fujimori's policies paid little attention to transforming patterns of inequality/inequity deep-rooted in institutional and social structures, which strongly link to GBV (Boesten, 2006, p. 377). In effect, implemented strategies to combat domestic violence are thus associated with global efforts towards 'modernization', alongside the promotion of mainstream discourses of women's rights and gender and development.

As outlined above, in 1993, the Fujimori regime passed the Law to *Protect Family Violence*, Law No. 26260, and subjected to amendments accordingly. Rather than providing a broader and comprehensive definition of violence against women—with particular reference to patterns of inequality—Law No. 26260 exclusively fell under the category of 'family violence' in the private sphere (Boesten, 2014, p. 136). By definition, this narrow understanding of VAW restricted the scope of action of the police, attorney general office, and judiciary, and as a result, limited access to justice for those women who did not fit in the 'family violence' script. This assertion echoes Boesten's (2006) critique of the implementation of such legislation.

Problems arose from the fact that the terms used in the 1993 law were too vague and poorly defined. In practice, the law failed to provide sufficient judicial guidelines or intervention mechanisms for judges and the police to be able to protect women. The law was even less specific on how to prevent violence. In addition, the roles and responsibilities of the different legal institutions and social services needed to be negotiated, and penalties established. To add to the confusion, the judicial system is often slow and victims have to be patient in seeing their cases go to court. The protection of victims is also a major problem as plans for refugee houses are poorly implemented and imprisonment of perpetrators is rare (p. 361).

Drawing on Boesten's account, in addition to issues related to definition and protection, there were problems associated with the application of the law, particularly in rural areas. According to the Defensoría del Pueblo [Ombudsperson's Office of Peru], male judges often over-protected and prioritized the sake of the family, marriage and the children when dealing with cases of VAW (Boesten, 2006). This 'family-based' approach—rooted in heteropatriarchal, colonial

and ethno-racial relations— needs analysis in light of an authoritarian and ‘masculine’ government that paradoxically led a pro-feminist agenda. As Boesten points out, "[e]xisting patterns of gendered authoritarianism and inequality are important components of the persistence of domestic violence" (p. 377), where government authoritarianism converges with certain behaviours of authorities that reinforce assumptions and perceptions of gender, class, race, and ethnicity. For instance, the importance of family unity at the expenses of women's rights was "occasional and restricted to certain families perceived to be of a lower class, economically poor and ethnically belonging to the 'lower' strata. Such a focus glosses over the relationship between an authoritarian, racist and sexist culture and the violence with which authority is often enforced" (p. 376).

In sum, the policies and legislation established during Fujimori's government not only lacked a transformative strategy to address the underlying causes of GBV, but also failed in terms of an adequate implementation (e.g. poorly defined, enforced and under-resourced). This is certainly important to the discussion about the relationship between authoritarianism and violence. Essentially, this suggests that gendered authoritarianism through State decisions and discourses interlocked with government authoritarianism to reproduce everyday structures of violence and inequalities. As Boesten (2006) lucidly points out, "the policies [...] that were subsequently implemented [...] in some cases contributed to reproducing the sexist and racist hierarchies that are at the root of much of the violence in Peruvian society" (p. 357). In practice, anti-violence responses were mostly ineffective in challenging the structural inequalities associated with heteropatriarchal, ethno-racial and colonial patterns that affect women's everyday lives differently.

### **3.3 Anti-violence responses in peacetime: 2000s – mid-2019**

In the 2000s, legislative initiatives specifically aimed at preventing violence against women began to gain importance.<sup>23</sup> This legislation called ‘second-generation’ considered not only violence within the family or domestic unit or any other interpersonal relationship, but also different forms of violence according to the *Convention of Belém do Pará* (articles 1 and 2). The second generation legislation included various forms of violence perpetrated or condoned by the State or its agents, including the duty to apply due diligence to prevent, investigate and impose penalties for violence against women (Comisión Económica para América Latina y el Caribe [CEPAL], 2014). In 2001, for example, after the collapse of Fujimori's regime and his subsequent

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<sup>23</sup> Initiated with México and Venezuela in 2007. Then, Colombia and Guatemala (2008), Costa Rica (2007), Argentina (2009), El Salvador (2011), Nicaragua (2012), Bolivia (2013) and Uruguay (2018). See: <https://oig.cepal.org/es/laws/1/country/uruguay-22>

retreat to Japan —the ex-President was then found guilty of murder, kidnapping, and embezzlement in 2009— the transition government amended the *Law against Family Violence, Law No. 26260*. Because of pressures from feminist organizations who were preoccupied with the implications of obligating women to conciliate with their perpetrators in cases of domestic violence, this change aimed to withdraw the compulsory process of conciliation<sup>24</sup> (Boesten, 2006; Mckinley, 2006). However, the special commission set up in 2009 to study the *Law No. 26260 and its possible modification* did not extend its purview of violence against women beyond bounds of the private sphere.

In the years that followed, there were very significant improvements to fight violence against women in policy and legislation. For instance, the *Law on Equal Opportunities for Women and Men, Law No. 28983*, defined the Executive guidelines concerning policies, plans and programs aimed at the prevention, attention, and eradication of all forms of violence, especially against women. These initiatives thus worked to ensure equal opportunities for women and men, banned practices, conceptions and discourses that justify the inferiority or the superiority of either sexes, as well as all types of discrimination. These include *National Plans on Violence Against Women 2002-2007* and *2009-2015*, and the most recent *National Plan Against Gender-based Violence 2016-2021*, as well as the *Plan for Gender Equality 2012-2017* (MIMP, 2012) and the 2019 recent *National Policy for Gender Equality* (MIMP, 2019). These frameworks highlighted the importance of implementing public policies, improving access to quality services, and transforming social and cultural patterns that legitimize, tolerate and exacerbate VAW (*Convention of Belém do Pará*). These ‘third-generation’ strategies established the need to implement public policies with a ‘gender perspective’ in the struggle for gender equality and ending VAW through specific targets and expected outcomes in the short-, medium- and long-term (Defensoría del Pueblo, 2013).

Since late 2012, many congresspersons, with the support of feminist and human rights organizations, presented different bills to establish a VAW legal framework. Despite progress made since the *Law No. 20260* in 1993, significant obstacles remained to ensure due diligence and provide special protection measures within a reasonable time for women subjected to any form of violence, including taking effective mechanisms to compensate for the harm these women suffered. Further, these organizations sought to overcome the scope of action of police officers,

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<sup>24</sup> The *Law to Eliminate Reconciliation in Family Violence Processes, Law No. 29990*, modified the Conciliation Law, *Law No. 26872*, published on January 26, 2013.

prosecutors, and judges, restricted exclusively to family violence in the domestic or private sphere, allowing a broader and more comprehensive approach to this issue.

In late 2015, the Congress passed *Law No. 30364, Law to Prevent, Punish and Eradicate Violence against Women and Family Group Members*. This law, in-effect today, seeks to prevent, eradicate and sanction all forms of VAW based on gender and against the members of the family group produced in public or private sphere, taking particular account women's vulnerability to violence, including girls, boys, adolescents, seniors, and people with disabilities. There are two qualitative signs of progress in this law. Firstly, its reconceptualization of GBV to account for the vulnerability of its subjects (gender, human rights, interculturality, intersectionality, integrality, generational), and its different forms, manifestations, perpetrators, and scenarios (public or private). Secondly, its incorporation of comprehensive protection measures and the creation of the National System for Prevention, Punishment, and Eradication of Violence against Women and Members of the Family Group. Lastly, its conceptualization, complies with *Convention of Belém do Pará*. However, as I discuss in the following sections, progress in policy framework and legislation are not sufficient, because it requires improvements at the implementation level, for example, through a holistic response from the institutions involved in the fight against VAW. More specifically, in terms of justice operators (police, legal medicine, prosecutors, courts, public defenders) and social protection operators (Centros de Emergencia Mujer, health services and programs, Defensoría del Pueblo, among others).

### **3.3.1 Emergence of the Centros de Emergencia Mujer (CEMs) [Women's Emergency Centers]**

In 2001, the transitional national government led by Valentin Paniagua created the Programa Nacional contra la Violencia Familiar y Sexual (PNCVFS) [National Program to Combat Family and Sexual Violence], under the Ministerio de la Mujer y Desarrollo Social (MIMDES) [Ministry of Women and Social Development], intending to design, implement and execute actions, policies, and measures at the national level for prevention, care and support to people who have suffered family or sexual violence. "Design and implementation fell under the Ministerio de la Mujer y Poblaciones Vulnerables (MIMP) [Ministry for Women and Vulnerable Population], formerly MIMDES and a ministry that has changed its focus (and name) at least three times since its first establishment in 1996" (Boesten, 2014, p. 232). Although the change to the MIMP implied the possibility of strengthening its leading role in gender equality and combating

violence against women, there were limitations to its governing role which limited MIMP's scope of action vis-à-vis other State organs in practical terms. Since its creation in 1996, the former MIMDES has had an unwieldy journey as the governing body for equality policies. This has thus required strengthening its capacity in more than one opportunity to be able to more effectively exercise its leading role (Programa de Cooperación Hispano Peruano, 2011).

Existing within the PNCVFS was the Centros de Emergencia Mujer (CEMs) [Women's Emergency Centers]<sup>25</sup> created in mid-1999 for the protection of women and family members affected by domestic violence, especially women in extreme poverty. However, by 2006, for instance, "[o]f the eight CEMs established in Lima, none was located in a middle-upper class neighbourhood. The government's not unreasonable argument for targeting lower-income social groups was not that there was more violence among the poor, but that less affluent sectors of the population have fewer means to find solutions for their problems" (Boesten, 2006, p. 360). In 2008, the Program regained its autonomy after a two-year restriction period (2007-2008) followed by modifications in the MIMDES's structure, questioned by feminist and women's organizations, as well as by the Defensoría del Pueblo. With this decision, tackling VAW returned to the public agenda, with accordingly allocated human and financial resources (Ministerio de la Mujer y Desarrollo Social [MIMDES], 2010, p. 46).

An important factor affecting the policy framework's adequate implementation, particularly in terms of the CEMs, was "the contemporary development paradigm that combines a neoliberal discourse of economic efficiency with ideas of democratic governance" (Boesten, 2014, p. 140). Specifically, the social policy inspired by these paradigms resulted in precarious working conditions and the failed transference of CEMs in May 2011 (Boesten, 2014). In the process of decentralization<sup>26</sup> the government passed the *Supreme Decree No. 044-2011-PCM* to transfer the Centros de Emergencia Mujer to the provincial municipalities within a period of 45 days.<sup>27</sup> Despite the contradicting opinion of women's organizations, including the Defensoría del Pueblo, in addition to the risks involved in transferring these services in a short period, the measure was adopted, jeopardizing not only quality standards but also the very existence of such services.

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<sup>25</sup> The Ministry of Promotion of Women and of Human Development (PROMUDEH) created the Women's Emergency Centers (CEMs) through *Ministerial Resolution No. 216-99-PROMUDEH*. CEMs are free comprehensive services for the care and support of people affected by family violence. It also undertakes actions linked not only against violence but for equal opportunities between men and women, encourages promotional actions around VAW with other public sectors, and trains and articulates community leaders for preventive activities against violence.

<sup>26</sup> The process of decentralization initiated in 2002.

<sup>27</sup> *Supreme Decree No. 044-2011-PCM*, May 17, 2011.

Furthermore, the government authorized the transfer of budgeted funding in favour of provincial municipalities, destined to finance the management of the transferred service such as CEMs. A few months later, the Ministry of Women detected that municipalities did not provide the necessary conditions for adequate operations in terms of quality and efficiency, and thus decided to modify the measure. In January 2012, the *Emergency Decree No. 003-2012-MIMP* suspended the services and activities carried out nationwide during the transfer process, and commissioned the PNCVFS to design a strategy aimed at prevention, care and support for people who face family and sexual violence. When the government revoked the measure, 60 CEMs had been transferred to 52 provincial municipal governments.<sup>28</sup>

While regional governments have already received the specific competencies and powers on equal opportunities between women and men and the fight against violence, MIMP still serves as the leading body on the issue of VAW<sup>29</sup>, preserving its ability to dictate national policies upon which regional policies will be developed, in addition to offering collaboration and technical assistance. However, the decentralization process and its later project of exercising newly assigned powers and providing adequate training and technical assistance to staff has presented many difficulties.<sup>30</sup> There has also been an overall insufficient fund allocation to regional and municipal governments for implementing this matter, resulting in limited technical capabilities of human resources (Defensoría del Pueblo, 2013). According to the Defensoría del Pueblo (2013), these difficulties associated with weaknesses in (i) the transference of sector-specific competencies to regional and local governments, (ii) providing training and technical assistance, and (iii) allocating the resources related to the transference of functions (p. 163). These have had severe implications in combating violence against women in practical terms. Here, it is worth noting that regional and local governments continue to refer to problems of insufficient training and technical assistance from the MIMP, limiting the ability to fulfill goals and commitments (*ibid.*). As a result, the policy framework to address VAW has been often poorly enforced and under-resourced locally and regionally. Some of the subnational governments “do not prioritize [VAW] and fail to provide the basic conditions for the services to operate” (Boesten, 2014, p. 139). Others consider that equal opportunities or the fight against VAW are not a priority, especially when formulating budgets.

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<sup>28</sup> *Supreme Decree No. 010-2011-MIMDES* of July 7, 2011.

<sup>29</sup> According to the *Law for the Organization and Functions*, *Legislative Decree N° 1098*, the MIMP has a governing role on VAW as a national authority and a technical body. It is also responsible for dictating the rules and establishing the procedures related to its scope of action.

<sup>30</sup> See *Legislative Decree No. 1098*, *Legislative Decree that approves the Law on Organization and Functions of the Ministry of Women and Vulnerable Populations*, published on January 20, 2012.

As Boesten (2014) highlights in describing these issues, “municipalities may oppose the approach taken by CEMs and insist on more conservative interpretations of family and [VAW]. This [is] embedded not only in the structures of policy implementation, but also in the discursive ambiguity embedded in the law against family violence and the [VAW] National Plan” (p. 139).

While in recent years CEMs have become the visibilized representatives of the Ministry of Women and Vulnerable Populations nationwide and have grown exponentially, various studies (e.g., Defensoría del Pueblo, 2013; Boesten, 2014) have shown that government initiatives present a series of issues. These problems concern VAW conceptualization and law enforcement, internal organization and management, external *articulación* [coalition] of the services of social protection, health and justice system, and lack of resources. In some CEMs, precarious installations, lack of equipment, and poor working conditions are still significant problems (Boesten, 2014). In rural areas, employees often encounter many difficulties including short-term labour contracts (Boesten, 2014) alongside the pressures of high demand that limits the ability to effectively monitor cases of violence.

In the following sections, I examine a case study of the *National Plan against Violence toward Women (2009-2015)* under the Ministry of Women and Vulnerable Populations. Drawing largely on primary official documents and secondary literature, I focus on the implementation of this policy, reflecting upon its vision and successes, as well as limitations and constraints related to the project of prevention, punishment, and eradication of gender-based violence and its underlying causes, focusing specifically on culturally diverse settings. Further, I analyze not only the effects and effectiveness of the interventions that seek to protect women’s rights, but also how heteropatriarchal, colonial, and ethno-racial systems have shaped the fight against gender-based violence at the national level.

### **3.3.2 Case study: National Plan of VAW 2009-2015 under the Ministry of Women and Vulnerable Population**

The following discussion of policy implementation intends to emphasize the State’s responsibility to work towards the substantial transformation of the present-day and deep-rooted structural inequalities/inequities, all of which are strongly linked to gendered and racialized violence.



### 3.2.1.1 Background

In 2002, the Peruvian State, for the first time, instituted a public policy explicitly addressing VAW, in its approval of the *National Plan against Violence toward Women* (National Plan, covering 2002-2007). In order to tackle this problem, the National Plan included a clear description of the problem of VAW nationwide with analysis of the gaps in law enforcement and prevention, recognizing the excessive attention paid to the effects of VAW rather than addressing its underlying causes.

Among the central problems that this policy identified was the lack of political action that aimed at "modify[ing] social and cultural patterns of conduct of men and women" (OAS, 1994), which influenced the decisions of justice operators and other state actors with little awareness of violence against women<sup>31</sup>, particularly in culturally diverse contexts. Specifically, the National Plan identified gaps in the design and implementation of policies, strategies and actions aimed at combating VAW, through the provision of culturally appropriate and respectful services. As the Defensoría del Pueblo (2013) highlighted when referring to these gaps, the lack of an intercultural approach prevented the design and implementation of culturally appropriate policies that respond to the specific and distinct needs of indigenous peoples, including non-indigenous peoples in rural areas (p. 59). Furthermore, the policy recognized how state efforts centred only on a few forms of violence —e.g. physical violence and family violence— rather than providing adequate attention and protection to tackle all forms of VAW.

Based on this framing of the problem, the National Plan presented strategies of intervention with objectives, lines of action, and targeted goals. However, despite these significant efforts, there was little practical impact of state anti-violence responses after the culmination of the National Plan in 2007 (Defensoría del Pueblo, 2013, p. 64). In the *Second Report on Compliance with the Law on Equal Opportunities between Women and Men*, the Defensoría del Pueblo (2009) referred to the insufficient efforts deployed by the sectors responsible for managing and implementing the National Plan. These sectors include the Ministries of the Interior, Health, Justice & Human Rights and Education in arguing that the allocation of funds toward fulfilling the National Plan was key to its limited impact (Defensoría del Pueblo, 2013).

Notwithstanding these difficulties, the National Plan had a significant role in creating a coalition of diverse bodies and other public authorities (e.g. Judiciary and Legislative) working

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<sup>31</sup> Regarding access to justice, there was insufficient work in raising awareness and training public officials aimed at building capacity on the issue of discrimination and gender-based violence. See: *Supreme Decree No. 017-2011 PROMUDEH*.

alongside different levels of government (national, regional and local) to fight violence against women. More importantly, it mapped out the route to the following National Plan 2009–2015.<sup>32</sup> It is worth noting that after this first national plan culminated in December 2007, there were no official figures that gave an account of the progress made in the last five years (from 2002 to 2007), nor was there a draft for the new National Plan made readily available (Defensoría del Pueblo, 2013, p. 65). Given this context, the Agencia Española de Cooperación Internacional para el Desarrollo (AECID) [Spanish Agency for International Development Cooperation] provided financial support for both the baseline and the evaluation of the National Plan 2002-2007, findings which would shape the new Plan 2009-2015 (Programa de Cooperación Hispano Peruano, 2011).

In early 2008, the design of the second National Plan for VAW was officially established, followed by a formulation process that lasted a year until its approval in May 2009, through *Supreme Decree No. N° 003-2009-MIMDES*. Just like the previous 2002-2007 Plan, the 2009-2015 VAW Plan considered the Ministerio de la Mujer y Poblaciones Vulnerables (MIMP) [Ministry of Women and Vulnerable Populations] as the leading body in all objectives and activities, providing technical support and held responsible for the plan's proper functioning, as well as monitoring its implementation by the sectors or institutions responsible.<sup>33</sup> Additionally, the responsibility for fulfilling the specific goals, as well as managing and implementing the activities set up in the plan, laid with the sectors directly competent to carry out such activities (Ministries of the Interior, Health, Justice & Human Rights and Education, among others). It is worth remarking that the implementation of the *National Plan against Violence against Women 2009-2015* expressly provided the Peruvian State —as a unitary and decentralized state— with specific actions to be taken by the central, regional and local governments (Defensoría del Pueblo, 2013, p. 79).

In what follows, I analyze the 2009-2015 National Plan and its implementation, thinking through its vision and successes as well as limitations and constraints, in a continuing effort to unpack the complexity of adequately addressing GBV and its underlying causes. I also examine the National Plan's specific goals and activities related to the provision of comprehensive reparations to victims of conflict-related sexual violence, as well as the regional plans for culturally specific spaces. The state-centred analysis will serve as a basis for analyzing how anti-violence

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<sup>32</sup> According to the Peruvian State's progress, since the Beijing Declaration, Peru had four strategic milestones during 2006-2010. Firstly, *Law No. 28983 on Equal Opportunities between Women and Men* (2007). Secondly, *Supreme Decree No. 027-2007-PCM*, which establishes the National Compulsory Compliance Policies for the National Government entities which involve different sectors and institutions of the State. Thirdly, the *II National Plan for Equal Opportunities between Women and Men 2006-2010*, and lastly, the *II National Plan against Violence Towards Women 2009-2015*, which opened opportunities for progresses in the following five-year period (MIMP 2014, 22).

<sup>33</sup> See: Ministerio de la Mujer y Desarrollo Social [MIMDES] (2009).

responses and strategies have addressed broader structural inequalities/inequities, and structural and historical forms of discrimination, while also working to address prevention in practical terms.

### **3.2.1.2 Policy Implementation: Vision and successes**

For many feminist NGOs, the Defensoría del Pueblo, and the MIMP itself, the 2009-2015 National Plan against Violence toward Women was at the time the most important public policy for the prevention, punishment and eradication of VAW (Boesten, 2012; Defensoría del Pueblo, 2013). Given the fact that the 2009-2015 National Plan represented a definite improvement on the previous National Plan, this section addresses its vision and successes in the following key areas: public engagement in its planning process, policy narrative, and implementation.

The National Plan 2009-2015, as a policy instrument involving joint action by the State and civil society, presented three broader strategic goals, and eight specific ones with indicators and mechanisms to ensure its adequate implementation. The plan thus centred its work based on the following areas of the three strategic goals:

- (i) the implementation of actions aimed at ensuring the right of women to live a life free of violence (policy design and implementation);
- (ii) the provision of public quality services; and
- (iii) the modification of social and cultural patterns towards equal social relations between women and men in line with human rights (prevention).

Unlike the first National Plan 2002-2007's objectives, the 2009-2015 National Plan followed the principles of integrality, from the inter-State to the intra-State level, and horizontally, from regional and municipal governments to local grassroots organizations; so that it can effectively respond to its three strategic goals. In essence, the long-term strategic goals set out in the 2009-2015 National Plan, involving policy design and implementation as well as national responses and strategies, aimed to ensure societal changes through a multidisciplinary and inter-sectoral approach.

In the spirit of validating and sanctioning the 2009-2015 National Plan nationwide, a first draft version was subject to a wide-ranging consultation process that covered almost the entire year of 2008, delaying its implementation until 2009. This widespread consultation operating at both the inter-State and the intra-State levels (centrally, regionally and locally) was successful in mobilizing civil society at a national level, including the critical participation of grass-roots women's organizations, feminist organizations and NGOs, and international cooperation agencies.

According to various studies (e.g., Defensoría del Pueblo, 2013; Programa de Cooperación Hispano Peruano, 2011), considering that certain women's organizations were not consulted in the previous National Plan, the plan's engagement with women affected by the internal armed conflict and indigenous women was remarkable. Indeed, this public engagement in the planning process of the National Plan 2009-2015 mapped out pathways for the State to conduct collaborative public engagements and connect with a wide range of community members, particularly indigenous communities, persons with disabilities, and impoverished rural women.

The Defensoría del Pueblo's (2013) review of the implementation of the National Plan from 2010 to 2012, offers insights into the improvements and successes of its narrative and its implementation. On the narrative of the 2009-2015 National Plan, this report recognized a series of improvements on the different forms of violence against women, e.g. VAW during the armed conflict, hate crimes against lesbians, and feminicide, in comparison with the previous National Plan (p. 71). As the Defensoría del Pueblo pointed out, these improvements in the 2009-2015 National Plan were major strides forward, considering the previous experience of the 2002-2007 National Plan, wherein the Government was much less successful in its implementation. Additionally, the plan also succeeded in the implementation process, particularly in its transference of sector-specific competencies to regional and local governments<sup>34</sup>, i.e., in its decentralization of the VAW issue to the sharing of responsibilities between the MIMP and subnational governments.<sup>35</sup>

Since the approval of the National Plan in 2009, the role of MIMP as a leading body has strengthened its representativeness and effectiveness before the regional governments. Overall, there has been greater agency allotted to these governments in policies related to the prevention and fight against gender violence, with expectations of a higher level of commitment and intended practical impact (Defensoría del Pueblo, 2013; Programa de Cooperación Hispano Peruano, 2011). However, some specific strategies by the regional governments, particularly those around prevention, care and support for people who face gender-based violence, lacked a well-defined

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<sup>34</sup> The implementation of the National Plan 2009-2015 has juxtaposed to essential processes such as the decentralization under the laws *No. 27783, Law of Basis for Decentralization* and *No. 27867, Organic Law of Regional Governments* (LOGR), both published in 2002. In 2009, the process of decentralization was formally completed, which led to the transfer of sector-specific competencies on equal opportunities to regional and local governments by the Ministry of Women and Vulnerable Populations (MIMP).

<sup>35</sup> In the regions, the LOGR has provided the necessary regulatory framework so that at the national level, it is the Regional Governments who lead the implementation of public policies on gender equality, including the eradication of violence against women. Thus, article 4 of LOGR establishes that "the regional governments aim to promote sustainable regional development, promoting, among other aspects, the full exercise of the rights and equal opportunities of their citizens, following national plans and programs, regional and local development".

policy and the financial resources to exercise the newly assigned powers across the regions (*ibid.*). According to reports by the MIMP to the Defensoría del Pueblo, the comprehensive prevention plans implemented in 88% of the regions, involved approving specific VAW strategies.<sup>36</sup> By 2011, the subnational governments worked to approve five regional plans, seven municipal provincial plans, and four municipal district plans against VAW (Defensoría del Pueblo, 2013; Programa de Cooperación Hispano Peruano, 2011). Four more regional plans were developed in late 2015. The nine regional plans thus corresponded to the regional governments of Ayacucho, Huancavelica, Huánuco, Ica, Junín, Lima, Moquegua, Pasco, and Ucayali.<sup>37</sup> Here, it is critical to note that the regional plans of Huancavelica<sup>38</sup> and Ayacucho<sup>39</sup>, the regions most affected by Peru's internal armed conflict between 1980 and 2000, not only described the situation of women who have experienced conflict-related violence, but included specific activities and actions on that matter.<sup>40</sup> While this inclusion is an important step forward, the region-specific plans failed in implementing these specific activities and actions.

Regarding the Centros de Emergencia Mujer (CEMs), the MIMP focused on expanding care and prevention services, as well as providing adequate training and technical assistance to staff, undertaking its work in high-risk regions through international development cooperation projects. By 2014, it filled 100% of the 25 regions nationwide with 200 CEMs. In terms of local governments, the CEMs reached 85.1% of the 195 provinces, an increase of 15.3% when compared to 2012 (Ministerio de la Mujer y Poblaciones Vulnerables [MIMP], 2014, p. 39). Besides increasing its beneficiary population, these figures suggest that the strategy to address VAW has improved in access to these state services.

To complement the above analysis, the following section reflects upon the limitations and constraints of the National Plan and its implementation. I discuss the National Plan's strategy and its practical impact related to the project of prevention, punishment, and eradication of gender-

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<sup>36</sup> The Plan includes an implementation mechanism called the regional instances of consultation, wherein regional public and private institutions converge with the mission of elaborating the Regional Plan against Violence toward Women while integrating the National Plan 2009-2015's specific goals into the Regional Development Plan.

<sup>37</sup> The Peruvian State is compounded by twenty-five regional governments. See: [https://www.peru.gob.pe/directorio/pep\\_directorio\\_poderes.asp?cod\\_poder=7](https://www.peru.gob.pe/directorio/pep_directorio_poderes.asp?cod_poder=7)

<sup>38</sup> The Regional Government of Huancavelica (Gobierno Regional de Huancavelica, 2012) approved the *Regional Plan against Violence toward Women 2010-2015*, through *Regional Decree N° 199-GOB.REG-HVCA/CR*.

<sup>39</sup> The Regional Government of Ayacucho (Gobierno Regional de Ayacucho, 2012) approved the *Regional Plan against Violence toward Women 2012-2016*, through *Regional Decree N° 029-2010-GRA/CR*.

<sup>40</sup> For example, the Huancavelica Regional Plan of VAW (Gobierno Regional de Huancavelica, 2012) included the following action: "Design and implementation of an integral communal mental health program for women affected by violence such as victims of conflict-related sexual violence and forced sterilizations, ensuring access to sexual and reproductive health care".

based violence and its underlying causes. Here, I focus my attention on the plan's previously discussed strategic goals, specifically those of reparations to victims of sexual violence during Peru's internal armed conflict and of the regional-specific implementation of the plan. As I elaborate in the next section, there is a great need for addressing the deep-rooted and present-day forms of violence and inequalities, that intersect along gender, race, ethnicity, sexuality and class lines, and affect indigenous and non-indigenous women's lives differently.

### **3.2.1.3 Policy Implementation: Limitations and constraints.**

In this section, I discuss in some detail the limitations and constraints to the adequate implementation of the National Plan, centring on the significant impediments that have had implications for fighting violence against women nationally and regionally. Generally perceived as the most relevant policy concerning violence against women, the 2009-2015 National Plan was in force in two presidential periods as well as in two regional and local governments<sup>41</sup>, amid a high turnover of authorities and officials at the three levels of governments —central, regional and local— and within the MIMP itself. After reaching office in 2011, the then government of Ollanta Humala made substantial changes<sup>42</sup>, such as the rotation of authorities in certain ministries (Interior, Health, Education, Justice, Foreign Affairs) and, in particular, of the officials responsible for the adequate implementation of the National Plan. The constant rotation of state officials seemed to create difficulties in the plan implementation process, including processes of decision-making, especially for those who occupy senior positions such as regional social development managers. In fact, as many studies has pointed (e.g., Defensoría del Pueblo, 2013; Movimiento Manuela Ramos, 2011), these Managers<sup>43</sup> served as key political actors for the fulfillment of targets in regional governments and thus could have had a detrimental impact on progress towards achieving the National Plan's strategic goals. The Defensoría del Pueblo (2013) explicitly identified the high turnover of regional social development managers and its consequent impact on the MIMP tasked with providing training and technical assistance to regional staff (p. 80). The above description, therefore, suggests that the constant rotation of state officials has seemingly

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<sup>41</sup> In 2011 and 2014, respectively, the political authorities of the 25 regional governments and also of the municipal governments (provinces and districts) were chosen, which implied the rotation of the regional social development managers.

<sup>42</sup> In January 2012, the Humala government changed the name and focus of the former Ministry of Women and Social Development (MIMDES) to the Ministry for Women and Vulnerable Groups (MIMP), through Legislative Decree No. 1098, promulgated on January 20, 2012.

<sup>43</sup> The Regional Social Development Managers have been in charge of both coordinating the policy and providing the services of care and prevention on violence against women.

limited the State capability—in its three-level of government: centrally, regionally, and locally—for adequately managing and implementing the specific goals and activities of the National Plan.

Upon completion of the 2009-2015 National Plan, the State had taken essential steps in approving numerous policies and strategies to combat VAW, both nationally and regionally. Notwithstanding its successes, the 2009-2015 National Plan suffered severe problems related to the allocation of human and financial resources, affecting its implementation and continued compliance by the responsible sectors or institutions. According to Defensoría del Pueblo (2013), by 2012, excepting the MIMP, other sectors directly responsible for managing and implementing the National Plan (Ministries of the Interior, Health, Justice & Human Rights and Education, among others) suffered significant budgetary deficits, with insufficient budgetary allocations overall. In many cases, the allocation of financial resources on the part of the sectors was lower than 3% of its total budget (p. 211). Another factor affecting the adequate management of the National Plan was budgetary implementation. In most of the sectors supervised, the absence of budgetary implementation guidelines, such as clearly demarcated budget line for fighting VAW prevented adequate implementation of the National Plan's activities (p. 212). Here, the Defensoría del Pueblo (2013) expressed its concern over insufficient allocation of funds by State institutions and the different levels of government involved in the National Plan implementation, which reflected the lack of political action over VAW. More importantly, it insisted that, for all the sectors, VAW was not yet among its priorities, and not essential for the domestic held priorities (p. 98). Similar to the 2002-2007 National Plan, many sectors fitting in the 'family violence' paradigm allocated funds exclusively to tackle family violence in the domestic or private sphere instead of prioritizing all forms of violence against women.

In the case of indigenous women and rural women, while the Regional Plan of Ica<sup>44</sup> did refer to female workers from agribusinesses, there was no reference to the specific GBV forms they face, such as sexual harassment.<sup>45</sup> Calculations have shown that at least 40% of the fifty thousand workers at these agribusiness companies are women employed on a temporary or permanent basis. Furthermore, a high percentage of these workers involve conflict-related internally displaced population from Huancavelica and Ayacucho; thus, their situation is also critical in terms of mental health (Calisaya & Flores, 2006). Similarly, the Regional Plan of

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<sup>44</sup> The Regional Government of Ica (Gobierno Regional de Ica, 2012) approved the *Regional Plan against Violence toward Women 2012-2016*, through *Regional Decree N° 02-2012-GORE-ICA*.

<sup>45</sup> According to many studies (Calisaya & Flores, 2006), companies that have grown under the umbrella of *Law No. 27360* for the promotion of the agricultural sector have infringed fundamental labour rights.

Ucayali<sup>46</sup>, an Amazon region inhabited by more than eighteen indigenous peoples, did not explicitly refer to these communities in either its VAW problem description and in its goals and activities. Nor was there any mention of the issue of sexual violence and the trafficking of indigenous women and girls in the context of development, investment, and extractive projects.<sup>47</sup>

In speaking directly to the issue of comprehensive reparations to victims of sexual violence in Peru's internal armed conflict, I move now to the National Plan's second strategic goal and its activities. Prioritized in this strategic goal is the provision of public quality services, and the plan further sought to include all forms of sexual violence under the Comprehensive Plan of Reparations in *Law No. 28592*, commonly known as PIR Law (Plan Integral de Reparaciones) [Comprehensive Plan of Reparations].<sup>48</sup> However, the PIR Law failed in its definition of victims, referring only to those affected by rape and thus expressly excluded victims of various forms of sexual violence from the scope of its reparations. This was despite the fact that Peru's Comisión de la Verdad y Reconciliación (CVR) [Truth and Reconciliation Commission] accounted for various forms of sexual violence such as sexual slavery, enforced prostitution, forced pregnancy, forced abortion, among others.<sup>49</sup> Notwithstanding this exclusion, the Consejo de Reparaciones [Reparations Council], set up for and in charge of the Registro Único de Víctimas (RUV) [Registry of Victims] during the political violence, has been identifying and registering people who suffered various forms of sexual violence—different than rape. By late 2018, the RUV reported 5264 cases of rape, 1615 cases of various forms of sexual violence (Consejo de Reparaciones (CR) - Ministerio de Justicia y Derechos Humanos (MINJUSDH), 2018). The following table presents the percentage of persons registered in the RUV by region, wherein Ayacucho has the higher numbers of cases (37.1%), followed by Apurímac (15.0%), San Martín (13.4%), Junín (11.2%), Huancavelica (8.9%) and Huánuco (6.0%).

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<sup>46</sup> The Regional Government of Ucayali (Gobierno Regional de Ucayali, 2010) approved the *Regional Plan against Violence toward Women 2009-2015*, through *Regional Decree N° 004-2010-GRU/CR*.

<sup>47</sup> For a detailed account of the violence against indigenous women and girls in the context of development, investment, and extractive projects, see, for example, IACHR's (2017) report on *Indigenous Women and their Rights in the Americas*.

<sup>48</sup> The Comprehensive Plan of Reparations (PIR) was set up in 2004 to follow the recommendations of Peru's Comisión de la Verdad y Reconciliación (CVR) [Truth and Reconciliation Commission]. Within the PIR was located the Consejo Multisectoral de Alto Nivel (CMAN) [High-Level Multi-sectoral Committee], established to elaborate and supervise the national program of reparations, and the Consejo de Reparaciones [Reparations Council], set up for the register of victims during the internal armed conflict [Registro Único de Víctimas, RUV].

<sup>49</sup> As discussed in Chapter Two, the *fuerzas del orden* often perpetrated acts of sexual violence inside different state institutions such as barracks, police stations, and prisons, where they took indigenous and non-indigenous women linked to Sendero Luminoso and MRTA by reasons of detention, interrogation, and imprisonment. Thus, these women deprived of liberty were victims of forced nudity, rape, sexual humiliation and sexual assaults, including sexist and racial insults such as threats and mocking of their gendered and racial physical characteristics (CVR 2003, vol. 8, 2.1).



**Table 2. Percentage of Persons Registered in the RUV by Region**

Region	Rape	%	Sexual violence	%	Total
Ayacucho	1,951	37.1%	665	41%	2,616
Apurímac	792	15.0%	243	15%	1,035
San Martín	708	13.4%	189	12%	897
Junín	587	11.2%	86	5%	673
Huancavelica	467	8.9%	163	10%	630
Huánuco	318	6.0%	107	7%	425
Puno	124	2.4%	35	2%	159
Cusco	97	1.8%	23	1%	120
Others	220	4.2%	104	6%	324
<b>Total</b>	<b>5,264</b>	<b>100.0%</b>	<b>1615</b>	<b>100%</b>	<b>6,879</b>

Source: Compiled by author based on CR - MINJUSDH, 2018.

Since there is no explicit legal recognition given to the victims of various forms of sexual violence, except for rape, the 1615 cases of persons affected by this conflict-related violence would not be beneficiaries of comprehensive reparations under the PIR Program (see Table 2). To emphasize the magnitude of this problem, the Defensoría del Pueblo's (2013) review of the National Plan situated the lack of formal recognition within the more than thirty-year context of seeking formal justice and legal redress by those affected by various forms of conflict-related sexual violence at the hands of both subversive organizations and state agents (p. 187). This situation is even more disturbingly because this report accounted for the lack of political action from various sectors at the National Government to address immediately and adequately the above-mentioned problem (p. 222). As this report concluded, "the lack of action in these cases not only constitute a violation of the victims' individual human rights to non-discrimination and access to justice, but it also perpetuates the shame and guilt [that sexual violence] imposed on victim-survivors" (*ibid.*). Thus, the issue of comprehensive reparations to these victims-survivors is particularly critical to shed light on the historicized continuum of violence and intersecting forms of inequalities that precede and survive wartime. Indeed, the lack of state action brings deeper insights into the historical and present-day inequalities and discrimination that are result of patriarchal, ethno-racial, gendered and colonial structures of power, all of which have permeated State institutions and shaped the contours of contemporary Peruvian society. As largely explained in the previous chapter, these structures of power —also behind the numerous cases of sexual violence against indigenous women— have seemingly interlocked with either state anti-violence

action or the lack of anti-violence action to reproduce and even perpetuate everyday structures of violence and inequalities.

Overall, despite significant progress made during the 2009-2015 term of the National Plan, the State's responses have lacked a meaningful and transformative strategy to address gender-based violence and its underlying causes nationally and regionally. In a similar vein, the National Plan lacked an intersectional analysis as a foundational approach to its development and implementation. In spite of targeting the poorer classes, the Centros de Emergencia Mujer (Women's Emergency Centers, CEMs) have not paid particular attention to the interlocking identities, those of gender, race, ethnicity, and class, of the people that it aspired to benefit (Boesten, 2006). There is limited improvement in the practical impact aimed to address the structural causes of violence against indigenous women and impoverished rural women and provide comprehensive reparations to victims-survivors of conflict-related sexual violence. As the Defensoría del Pueblo (2013) concluded when discussing the practical impact of national violence plans in relation to the project of prevention, punishment, and eradication of VAW, "the high incidence of violence against women remains [in Peru] and even worsens in some of its various forms. Due to this situation, it can be concluded that the national plans against violence toward women, approved since 2002, have not had the expected impact on the prevention and care of this serious problem" (p. 222). This analysis thus suggests that anti-violence responses under the National Plan's specific goals have had a limited impact on challenging those inequalities associated with structures of power that reproduce and perpetuate GBV.

## **Chapter 4: Conclusion**

### **Moving towards a substantial transformation of the Peruvian State's relationship with intersecting forms violence and inequalities**

Over the past three decades, the Peruvian State's discursive inclusion of violence against women (VAW) has first been centred on legislation and later on public policies. Despite the existence of a broad legal framework that strives to eradicate VAW, there is limited impact towards transforming structural inequalities/inequities that produce and perpetuate hierarchies along the lines of gender, race, ethnicity, sexuality, and class in Peru, all of which strongly linked to gender-based violence. This is particularly relevant in a context where Peru is the seventh most violent country in South America (Institute for Economics & Peace, 2019) and the second country with the highest number of rapes (OAS, 2019). Within the country itself, in Andean regions such as Ayacucho, Apurímac and Huancavelica —regions inhabited mainly by Quechua identifying people— intimate partner violence and family violence asserts itself in a context of post-conflict, with a prevalence that exceeds 80%. As such, a deeper analysis of wartime and peacetime violence then requires observing a historicized continuum of violence that precedes and survives conflict (Boesten, 2010, 2012, 2014), by recognizing the historical and present-day intersecting forms of inequalities and discrimination that are strongly linked to patriarchal, ethno-racial, gendered and colonial patterns and structures of power. In other words, these existing patterns are evident not just in wartime but also in peacetime, echoing a continuum of violence along gender, race, ethnicity and class lines that affect indigenous' and non-indigenous women's lives differently. As Boesten and Fisher (2012) rightly observe, “women who experienced sexual violence during the war often continued to experience it at home” (p. 3). Further, these power structures —also central to the mass violence among Quechua-speaking peoples and human rights violations against them— that precede and surpass wartime, have shaped the contours of contemporary Peruvian society. Central to the parallels and synergies between gender-based violence during and after Peru's internal armed conflict (Boesten, 2014) is placing a critical light on the structural roots of violence and its underlying causes. This will help to rethink anti-violence responses in a more meaningful, transformative and substantive manner, and to positively impact the lives of all women, particularly indigenous women and impoverished rural women that have been systematically excluded and affected by colonial, ethno-racial, gendered, and patriarchal systems.

In Chapter 2, I have stressed the importance of relocating GBV in a broader ‘structural inequality’ —embedded in complex forces of coloniality, heteropatriarchy, racism, and poverty— by summarizing the work of postcolonial and decolonial feminists related to unpack the complexity of gender-based violence and its underlying causes. I have also discussed the legacy of colonialism and the heteropatriarchal order in the Peruvian State’s relationship with gender-based violence. Building upon ‘coloniality of gender’, the modern nation-state embraces a structure of power that systematically produced and continues to produce differentiations based on gender, race, colour, sexuality, and class, while producing, reinforcing and perpetuating power hierarchies along these lines. It is precisely the colonial legacies and their underlying racialization processes that enable us to understand the perverse roots of VAW in war (1980-2000) and peace (2000-present), particularly for impoverished rural women’s and indigenous women’s everyday lives and relationships.

In examining the mass violence among Quechua-speaking peoples during Peru’s internal armed conflict (1980-2000), more specifically the pervasive use of sexual violence deployed by the *fuerzas del orden* [the army and the police], the legacy of colonialism played a critical role here. Inasmuch as it reinforced pre-existing cultural ideologies and social hierarchies of gender, ethnic and racial stratification during the twenty-year internal armed struggle through actions, interventions and discourses of State actors. My analysis of the 1989-1992 counter-subversive struggle works to analyze the extreme sexual violence deployed by the *fuerzas del orden* against those indigenous and non-indigenous women linked to subversive groups such as SL and MRTA —given their particular situation of vulnerability while under the custody of the State. Here, the CVR found that sexual violence as a form of torture and other mistreatments or cruel, inhuman or degrading treatment or punishment were practices institutionalized and accepted as the operational standard to fight subversion. The resentment and hatred of these women, fomented ideologically for state actors, suggests the State’s complicity in shaping the formation of assumptions, archetypes, and stereotypes of these indigenous and non-indigenous women, ascribing hierarchies of gender, ethnic and racial stratification.

As I have illustrated, the counter-subversive struggle —as well as the ethno-racialized and sexual gender-based violence against Quechua-speaking women during the internal armed conflict— produced and reinforced hierarchies of gender, ethnic and racial stratification through State actors’ interventions and discourses. In effect, the intersectional forms of violence sustained by structural inequalities and cultural ideologies of race, class, and gender strongly influenced the

victim-profile of the internal armed conflict, and counterinsurgency forces deployed sexual violence as an instrument to bolster those peacetime inequalities (Boesten, 2014). Further, I discussed how the conditions of authoritarianism and corruption within Fujimori regime laid a strong foundation for the establishment of Peru's CVR. Drawing on the CVR's conclusions, conceptions of racism and superiority over indigenous peoples precede and surpass the conflict, shaping the perceptions and daily behaviours of State and non-State actors directly and indirectly involved in the mass violence among Quechua-speaking peoples. Certainly, the devastating violence in the Andes and other rural areas linked to patterns of discrimination and racism have for so long been implicated in embedded layers of everyday lives and relationships in the country.

In Chapter 3, I have examined the state's discursive inclusion of GBV in policy, legislation, and practices within its historical and political context, where I analyze the two periods as wartime violence (1980-2000) and as peacetime violence (2000-mid-2019). Breaking down the policy frameworks under discussion into different moments, I point toward the parallels and synergies between these two seemingly very distinct contexts of violence and responses to them, highlighting limitations and constraints concerning the same. In speaking to anti-violence responses in Peru's internal armed conflict (1980-200), the Peruvian Government designed and implemented national policies against VAW in mid-1988, after significant efforts were made towards combating violence against women by feminist organizations and grass-roots women's organizations. Following a period of state-sponsored violence against women during the 1990 and 1992 counteroffensive, the Fujimori government (1990-2000) passed the first *Law against Family Violence*, *Law No. 26260*, a pioneering action in the Latin American region to fight VAW. I also illustrated the ambivalences and contradictions of Fujimori's pro-feminist politics under the regime's gendered authoritarian agenda, within which government authoritarianism converged with certain assumptions and perceptions of gender, class, race, and ethnicity. In the 2000s, anti-violence responses began to highlight the importance of implementing public policies, improving access to quality services, and transforming social and cultural patterns that legitimize, tolerate and exacerbate violence against women (*Convention of Belém do Pará*). In the decades that followed, there were very significant improvements to fight VAW in policy and legislation. Among others, the *National Plans on Violence Against Women 2002-2007* and *2009-2015*, and the most recent *National Plan Against Gender-based Violence 2016-2021*. Additionally, the Congress of the Republic passed *Law No. 30364, Law to Prevent, Punish and Eradicate Violence against Women and Family Group Members*, which is in-effect today.

I have then analyzed a case study of the *2009-2015 National Plan against Violence toward Women* and its implementation, reflecting upon its vision and success as well as limitations and constraints, in a continuing effort to unpack the complexity of adequately addressing gender-based violence and its underlying causes. The 2009-2015 National Plan, as a policy instrument involving joint action by the State and civil society, provided a window of opportunity for the three levels of governments—central, regional and local—to take essential steps in approving and implementing numerous policies and strategies to combat violence against women nationwide. However, the National Plan's specific goals have had a limited practical impact aimed at addressing the structural causes of violence against indigenous women and impoverished rural women and providing redress for conflict-related harms. The National Plan lacked an intersectional analysis as a foundational approach to its development and implementation, i.e., it needed to recognize how gender is inextricably linked to other factors of differentiation such as race, ethnicity, class, sexual orientation and gender identity, as well as more abstract analysis of power in relation to these categories.

This research thus has shown a great need for prioritizing and addressing the deep-rooted and present-day forms of sociocultural ideologies and systems of inequality that facilitate violence, and intersect particularly around gender, race, ethnicity, sexuality, and class, and affect indigenous and non-indigenous women's lives differently. It remains critical to emphasize the State's responsibility to work towards the substantial transformation of these inequalities associated with structures of power that have sustained and facilitated GBV in war and peace alongside its historicized continuation, particularly in light of the State's active facilitation of the same. With this thesis, I hope to improve our understandings with a prioritization of power, decoloniality and intersectionality, in a continuing effort to recognize how structures of power and processes of differentiation operate in the production of GBV that disproportionately affect indigenous women and impoverished rural women. In so doing, it is crucial to rethink the State's responses and strategies in culturally diverse settings, as central to effectively addressing the historical and contemporary forms of discrimination and inequalities that sustain GBV, while working to prioritize and address prevention in practical terms.

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