

PERU

Gender assessment of the justice sector

The World Bank conducted a targeted gender assessment in 2001–02 as part of the preparation of Peru's *Justice Services Improvement Project*.¹

In 2001, the Peruvian Government was in transition and the country's justice sector was perceived as weak and in need of reform. Poor access to justice had long been recognised as a problem in Peru, reflecting factors such as inefficient institutions, costly services, and disconnect between service supply and demand. While preparing the *Justice Services Improvement Project*, it became clear to the World Bank team that many of these weaknesses hurt women much more than men. Because Peruvian women are, in general, far less educated than men, they are less informed about the law and their legal rights. Their economic dependence on their male partners also discourages them from resorting to the courts, even in cases of domestic violence. Women's family responsibilities mean that the family court system—ruling on such issues as child custody, marriage dissolution and alimony—is especially important for them; but the family court system was dysfunctional, with long trials and uninformed judicial decisions.² Given these preliminary findings, the World Bank team decided to conduct a gender assessment as part of the project's preparation, with a focus on identifying access issues and obstacles.

The World Bank's gender assessment relied upon analyses of access to justice issues by both governmental and non-governmental organisations. These were supplemented by a World Bank-supported statistical analysis of court users in 1,250 cases filed in the judicial district of Lima.³ The definition of the justice sector and its institutions was crucial to determining the scope of the gender assessment. Although the judiciary played an important role in providing statistics and other research, the study was not limited to a review of one agency's gender responsiveness but extended to the system as a whole.

The assessment revealed that:

- Men were more likely to use justice services, whether in specialised courts or courts run by community-based “peace judges.”
- Women and men have different justice needs and tend to use justice services on the basis of their societal roles.
 - Men tended to be the active litigants in commercial, contractual, and credit-related cases.
 - When it came to family court litigation, women were generally the plaintiffs in cases involving child support, domestic violence and dissolution of marriage, while men were usually the defendants in juvenile crime and child custody cases. 83 per cent of child support cases and 80 per cent of domestic violence cases were filed by women.
- Given the differentiated use of justice services by men and women, the institutional weaknesses of family courts exacerbated gender inequalities in the sector; that is, the burden of the family courts' shortcomings fell largely on women.
- In seeking legal redress in domestic violence cases, women confronted a number of obstacles—including mistreatment by the authorities, ignorance of applicable laws, lack of access to legal counsel, and biased behaviour by police officers, prosecutors and judges who refused to consider domestic violence a serious crime.

¹ For more information, see: World Bank, *Engendering Justice: a Gender Assessment's Impact on Project Design* (PremNotes on the Public Sector and Gender 98, The World Bank, Washington D.C., May 2005), <http://www1.worldbank.org/prem/PREMNotes/premnote98.pdf> (accessed March 16, 2009). For information on the project more broadly, see: World Bank, “Justice Services Improvement: Peru,” World Bank, <http://web.worldbank.org/external/projects/main?enableDHL=TRUE&menuPK=2805043&pagePK=64283627&piPK=64624210&theSitePK=2748750&Projectid=P073438> (accessed March 9, 2009).

² World Bank, “Reducing Violence Against Women: Justice Sector Perspective” (Working Paper prepared for the Gender and Development Group PREM, World Bank, Washington D.C., June 2005).

³ González Mantilla, G.J.C. Serván, L. López, and H. Burgos, *El sistema judicial en el Perú: un enfoque analítico a partir de sus usos y usuarios*, (Lima: Informe de Consultoría para el Banco Mundial, 2002).

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The findings of the gender assessment resulted in changes to the design of the *Justice Services Improvement Project*, including the addition of an access to justice component. This component proposed mechanisms to make Peru's justice system more accessible and equitable, with a focus on gender disparities in service delivery at both formal and informal levels. These mechanisms included:

- Training of community-based “peace justices” and community leaders in mediation techniques and the handling of family conflicts, including discussions of gender-related issues; and
- Technical assistance in the design and implementation of an inventory and referral system to strengthen the operational capabilities of the family court system to deal more effectively with domestic violence, dissolution of marriage and child support cases.

More broadly, the World Bank project team committed to the involvement of gender specialists in various activities throughout implementation of the *Justice Services Improvement Project*.

► Gender assessments are discussed in the *Security Sector Reform and Gender Tool* page 14, and in the *Security Sector Reform Assessment, Monitoring & Evaluation and Gender Tool*, pages 4–9.

► The integration of gender into justice reform is discussed in the *Justice Reform and Gender Tool*. Gender assessment of the justice sector is discussed on page 6.