

Chacruna Handbook on Sexual Abuse Law

Perú

1. General Situation

a. National Priority

Preventing, treating, and providing recourse for sexual violence is a national priority in Peru. The Peruvian government designs and implements policies involving violence against women through national action plans such as The Programa Nacional Contra la Violencia Familiar y Sexual (PNCVFS) and a dedicated ministry, the Ministerio de la Mujer y Poblaciones Vulnerables (MIMP). The program and ministry operate toll-free hotlines for victims: Line 100, a 24/7 toll-free hotline for victims of sexual abuse and domestic violence; Chat 100, a text-based urgent care service; and emergency shelters, such as the Centros Emergencia Mujer.

The Peruvian Congress has created committees addressing issues on violence against women and influencing the legislative process, such as the Commission of Women and Human Development. These committees have led to the adoption of decades of national plans for the advancement of women's rights: The National Plan to Combat Violence against Women (2002–2007); the National Plan for Equal Opportunity for Men and Women (2006–2010); and the National Plan Against Gender-Based Violence (2016–2021).

Since before turn of the millennium, the Peruvian legislature has been drafting and enacting new laws to protect victims and punish perpetrators of sexual violence. Peru's Law 26260, passed in 1993, established a national policy vis-à-vis domestic violence: Law 27115 requires criminal prosecution of offenses against sexual freedom; Law 27942 prohibits sexual harassment; Law 30364, adopted in 2015, focuses on the protection of victims. A more complete breakdown of these laws is below.

b. A Difficult Reality

Despite the progress on the legal front, substantial dissonance persists between the law and reality. On the ground level, the scale of violence is staggering: Peru has one of the highest rates of violence against women in the region; violence perpetuated by the [continued existence of traditional machismo](#). Looking solely at violence between sexual partners, about half of all Peruvian women between the ages of 15 and 49 have experienced some form of violence from their partners. Prominent cases of sexual abuse continue to highlight deficiencies in the Peruvian justice system.

For example, in a high-profile case brought by a 2017 Miss Peru contestant against her personal trainer, a DNA test of the contestant's underwear took more than two years to complete. "Most people here don't even try to pursue their own cases," she said, calling attention to pervasive underreporting. According to the MIMP, [only 4 out of 10 cases of gender-based violence are actually reported](#). Frustration at the impunity toward sexual violence in Peru has been echoed in large-scale public protests. In the 2016 Ni Una Menos rally, thousands of women took to the streets of Lima after a rape victim was [counter-prosecuted](#) at the request of her convicted accuser's attorneys.

Victims in cases from remote rainforest regions, such as those described in [this Chacruna article](#), may feel frustrated by a lack of access to help or confusion about the experience due to the effects of psychedelic plants, and wait to seek treatment until returning to their home countries. Once home, they may find obtaining justice remotely—filing and managing a case in the Peruvian Amazon from abroad—to be difficult. That said, our contacts on the ground in the Amazonian city of Pucallpa reported that the local CEMs (Centro Emergencia Mujer, see below) are very helpful and willing to provide services to victims, whereas police stations are not as helpful and can be difficult to approach. The CEM in Pucallpa works with three different attorneys to help victims bring cases. The names of contacts to speak with at CEMs in both Pucallpa and Iquitos are below.

Part of what will improve victims' access to justice, even from abroad, is better evidence. When victims of sexual abuse or harassment visit a local CEM and give written police reports, an evidentiary record is made. These records are indispensable to the prosecution of perpetrators. Thus, one of the first steps a victim—or even someone acting on behalf of a victim—can take towards justice is to contact a local CEM.

c. The Centro Emergencia Mujer (CEM)

One of the first steps you can take towards obtaining recourse if you or someone you know becomes the victim of sexual abuse in Peru is contacting a local emergency center, which will create a record indispensable to prosecution of the crime.

Peru has more than 339 dedicated Centro Emergencia Mujer (CEM) emergency centers for women, where victims of sexual abuse can access free, specialized services. In 1993, there were only 13 CEMs in Peru. Today, there are CEMs in almost every district, many located within police stations; 24 CEMs are in urban Lima, 134 in the mountainous Sierra, and 35 are in the Selva. At least 10 CEMs are open 24 hours a day, 7 days a week.

CEMs handled more than 100,000 cases in 2016, a third of which resulted in preventive actions to stop sexual violence from occurring. Generally speaking, CEMs provide their clients with three free services: a psychologist, a social worker (who can accompany clients during hospital visits), and a lawyer (who can accompany clients while filing a report at a police station, for example).

In 2018, the Defensoria del Pueblo, a state-sponsored advocacy organization fighting for oppressed peoples within Peru, [did a country-wide survey of Peru's women's emergency centers](#). Of the respondents, the majority of victims treated at CEMs (55%) said that the attention received was, “good” and 34% went further, saying that it was “very good.”

The Peruvian Ministry of Justice provides free legal services to victims through Centros de Asistencia Legal Gratuita ([ALEGRA](#)), which are located in every region, and programmatic assistance from professionals in the areas of law, psychology, and social work via CEMs. That said, [NGOs have expressed concerns](#) about the quality of the program, particularly in rural areas.

Contact information for CEMs is located at the bottom of this article.

2. Specific Law

a. National Priority

Law 30364, passed in 2015, is the keystone law on sexual and gender-based violence in Peru, and focuses on the protection of victims. The MIMP's guide to Law 30364 is [available here](#). The key points of law 30364 include:

- Complaints can be made by either the victim or someone else acting on their behalf
- Complaints can be brought to police stations or the Attorney General
- The victim is not required to provide proof of the crime in order to file a complaint
- The victim has a right to receive a copy of the report of the complaint and the authorities are required to provide it
- The victim can receive a copy of the report from abroad by giving limited power of attorney to someone in Peru
- A 2019 revision to the law mandated that CEMs be opened in every district in Peru

Additional applicable laws in Peru to be aware of are:

[Law 27942](#) prohibits sexual harassment by people in positions of authority, the elements of which are: (a) submission to a sexual act is required for the victim to change her or his situation in education, work, or similar circumstance, and (b) the victim's rejection of consent to the sexual act results in decisions to negatively affect the victim's situation in education, work, or otherwise.

[Article 170 of the Penal Code](#) codifies rape, giving a punishment of 14 to 20 years imprisonment for: "Anyone who violently, physically or psychologically seriously threatens or takes advantage of an environment of coercion or any other environment that prevents a person from giving their free consent, forces the person to have sexual intercourse by vaginal, anal or oral route, or performs any another analogous act with the introduction of an object or part of the body by one of the first two routes, will be imprisoned not less than than fourteen nor more than twenty years." Article 170 gives enhanced punishment of up to 26 years of imprisonment for people who abuse positions of authority or power, specifically naming spiritual leaders as an example.

[Article 171 of the Penal Code](#) focuses specifically on rape of a person who is unconscious or does not have the ability to resist—due to the influence of drugs, for example—and gives an enhanced punishment of 20 to 26 years' imprisonment for perpetrators.

[Law 30838](#), which provides for a punishment of life imprisonment for the rape of minors under 14 years of age.

[Law 30314](#), which prevents and punishes sexual assault in public places, the elements of which are: (a) an act of a sexual nature or connotation, such as sexual words or gestures, improper body touching on public transport, or exhibiting genitalia in public places; and (b) rejection of the act by the victim.

3. Resources

Here is the contact information for CEMs in the two major Amazonian cities of Peru, Pucallpa and Iquitos, verified by our contacts on the ground. A full directory of all CEMs in Peru, as of late 2018, is [available at this link](#).

1. CEM in Pucallpa

- a. Hours: Open Mon–Fri, 8am–4:15pm
- b. Address: Prolongación Jirón Tacna, Jirón Libertad 292, Pucallpa 25001, Perú (both streets are provided as it is located on a street corner)
- c. +51 61 573247,
- d. Personal contact: Nadialis Jara Ramirez (Promotor):
 - i. Tel: +51 96 6741580
 - ii. Email: jararamirez@gmail.com

2. CEM in Iquitos

- a. Address: Av. Mariscal Cáceres Cuadra 17, Primer Piso
- b. Tel: +51 65 233105
- c. Personal contact: Manuel Padilla (Promotor):
 - i. Tel: +51 961 992486

Here is contact information—unverified—for the CEMs in Tarapoto and Puerto Maldonado in Madre de Dios, two other Amazonian cities:

3. Tarapoto

- a. Address: Jiron Shapaja 6ta cuadra – Barrio Huayco de la urb. Santa Ines
- b. Tel: 042-532492 RPC 994 800 910
- c. Contact person: Yesenia Yolanda Oropesa Astopilco

4. Madre de Dios—Puerto Maldonado

- a. Address: Avenida 2 de Mayo No. 710, Puerto Maldonado
- b. Tel: RPC 994834124
- c. Contact person: Aguayo Figueroa Ruben Dario

Here is the contact information for police stations in the two major Amazonian cities of Peru, Pucallpa and Iquitos.

1. Police Station in Pucallpa

- a. Address: Jirón Independencia 360, Pucallpa 25001
- b. Tel: +51 966 832 614

2. Police Station in Iquitos

- a. Address: Morona # 120, Iquitos 16006
- b. Tel: +51 65 231131

Here is a list of organizations for victims of sexual and gender-based violence in Peru:

1. Flora Tristán Perú

Flora Tristán is a feminist non-profit organization created in 1979 that aims to improve the situation of women in Peru. They publish resources, advocate for legislative change, and provide training and education.

- a. Address: Centro de la Mujer Peruana Flora Tristán – Parque Hernán Velarde No 42 Lima 1, Lima-Perú.
- b. Tel: +51 (01) 4331457
- c. Email: postmast@flora.org.pe

2. Centro de Promoción de los Derechos Sexuales y Reproductivos

[Promsex](#) is a sexual and reproductive rights nonprofit working to provide legal, psychological, and material services for survivors. This includes treatment for sexually transmitted diseases and mental health counseling working on improving the legal rights of victims.

- a. Address: Av. José Pardo 601 oficina 604, Miraflores, Lima – Perú
- b. Tel: +51 (01) 4478668
- c. Online contact/reporting form available

3. Defensoria del Pueblo

- a. Address: Jr. Ucayali 394 – 398 Lima 1 – Perú
- b. Tel:
 - i. +51 (01) 3110300
 - ii. 0800-15170 (toll-free)
- c. Email: consulta@fedensoria.gob.pe
- d. Resource publication: https://www.defensoria.gob.pe/wp-content/uploads/2019/01/Modelo-ordenanza_acoso-sexual-en-espacios-publicos.pdf

4. Centros de Asistencia Legal Gratuita (ALEGRA)

- a. Ucayali region (closest to Pucallpa): Coronel Portillo: Jr. Teniente Carlos López N° 121 -123 – Calleria. Tel: 061-577035
- b. Loreto Region (closest to Iquitos): Belén: Calle Miraflores S/N – PP.JJ 9 de Octubre – Distrito Belén Dentro Municipalidad Distrital de Belén. Tel: 065-235908
- b. Full directory of free legal assistance centers available at [this link](#).

Check the Ayahuasca Community Guide for the Awareness of Sexual Abuse:

<https://chacrana.net/community/ayahuasca-community-guide-for-the-awareness-of-sexual-abuse/>