



Research Article

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Gender Violence: Public Policies and Fundamental Rights

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Abstract

The objective of this study was the study of research carried out on gender violence in Latin America, within the framework of public policies and fundamental rights. As an applied method, the descriptive analysis of scientific articles found in national and international journals indexed in the Scopus database was used, in the period of 2018 - 2023. Regarding the results, 2227 investigations were located, being selected for effects. of the work 38 studies, which were selected applying criteria of duplicity, exclusion and relevance. As a final reflection, this problem is rooted in cultural practices and social structures that perpetuate gender inequality. Although laws and policies can act as a brake on violence, a profound cultural change is required to eradicate the attitudes and structures that sustain it. It is essential to promote awareness, education and the transformation of cultural values to build an equitable society free of any form of violence.

Keywords: Domestic violence, human rights, women's rights, gender violence

1. Introduction

Gender-based violence is a problem of enormous dimensions that reflects power inequalities within the binary gender system. It is usually perpetrated by those who have more physical, cultural or social power against those who lack power. This dangerous and unjust dynamic between masculinity and violence is externalized through physical, verbal or psychological aggression, which affects an alarming proportion of the population (Tsapalas et al., 2021). However, in the past, violence against women was widely accepted due to a perception of women as inferior beings, whose main function was to fulfill obligations, obey and serve men; thus, violence was seen as a form of education, which served to discipline women who challenged men's authority (Vigano & Fernandes, 2019a).

Throughout history, violence perpetrated by men against women has been relegated by society to the background. For a long time, in public and/or private spaces, women have endured various types of violence, without receiving the necessary attention and responses (Hatje et al., 2022a). In response to this scourge, the United Nations incorporated "*gender equality and women's empowerment*" into its 17 Sustainable Development Goals, emphasizing "*ending all forms of violence against women*" as a specific goal (Ávila & Lopes, 2021a).

Globally, figures from the United Nations Development Program (UNDP, 2021) reveal an alarming reality, where "*one in three women has experienced physical or sexual violence by an intimate partner*" (Reina-Barreto et al., 2021a; Costa et al., 2022). This situation has a significant impact on women's physical and mental health, as well as on their quality of life. These consequences extend to their children and the people closest to them (Terrazas & Blitchtein, 2022).

In Latin America, it is a problem of significant proportions and with serious social implications. For this reason, different governments have signed international agreements and have enacted laws, codes and regulations in their domestic legislation, with the aim of protecting and ensuring the human rights of women; however, the problem still persists (Ramírez et al., 2020a; Hatje et al., 2022b). According to the World Health Organization (UN, 2013), 95 % of the cases addressed by justices of the peace are related to situations of domestic violence (Seijo, 2021a). For example, approximately 30 % of women in Colombia, Mexico, Costa Rica, Nicaragua, El Salvador and Honduras have been victims of violence by their partners (Camargo et al., 2022a).

In the case of our country, the National Institute of Statistics and Informatics (INEI, 2018) through the results of the demographic and family health survey, has evidenced that 63.2 % of women have been victims of violence at some time by their husband or intimate partner. This prevalence is even higher if we analyze, in the first place, the urban areas where a result of 63.3 % was obtained, while if we evaluate those women who do not have secondary school, the figure rises to 69.4 % (Ramírez et al., 2020b). This problem harms the "*right to equality before the law and not to be discriminated*", which are protected by our Magna Carta.

Considering the problematic reality described above, it was proposed as an objective to study research on gender violence in Latin America, within the framework of public policies and fundamental rights. Theoretically, it is justified by the contribution of new knowledge on the analyzed problem. Also, in a social way, due to the fact that gender violence is a scourge that is increasing despite the policies adopted by the different governments; therefore, its investigation is relevant.

2. Methodology

This research considered articles published in journals indexed in the Scopus database, which were obtained in May 2023. The search strategy was based on the topics analyzed in the scientific literature framed in gender violence. In this sense, 2227 articles were obtained from the Scopus database, for which the search criteria used are shown in the following table:

Table 1. Search criteria by subject of original articles in Scopus database

Temática	Search criteria	Database	Number of articles
Gender and violence	"TITLE (gender AND violence) AND (LIMIT - TO (OA, "all")) AND (LIMIT - TO (PUBYEAR, 2023) OR LIMIT - TO (PUBYEAR, 2022) OR LIMIT - TO (PUBYEAR, 2021) OR LIMIT - TO (PUBYEAR, 2020) OR LIMIT - TO (PUBYEAR, 2019) OR LIMIT - TO (PUBYEAR, 2018))"	Scopus	2000
Gender violence	"TITLE (violence AND gender) AND (LIMIT - TO (OA, "all")) AND (LIMIT - TO (PUBYEAR, 2023) OR LIMIT - TO (PUBYEAR, 2022) OR LIMIT - TO (PUBYEAR, 2021) OR LIMIT - TO (PUBYEAR, 2020) OR LIMIT - TO (PUBYEAR, 2019) OR LIMIT - TO (PUBYEAR, 2018))"	Scopus	227

Finally, 38 articles were selected based on the relevance of the articles analyzed and their relation to the objective. The Prisma flowchart that served as a selection strategy is shown below:

Figure 1 summarizes the process followed in the present study: first, the Scopus database was visited, obtaining a total of 2027 articles, of which 200 were removed for duplicity, leaving a total of 2027 articles. Next, 1927 articles were excluded by applying exclusion criteria, such as: open access, year of publication and structure; finally, 62 articles were discarded for relevance and relation to the objective.

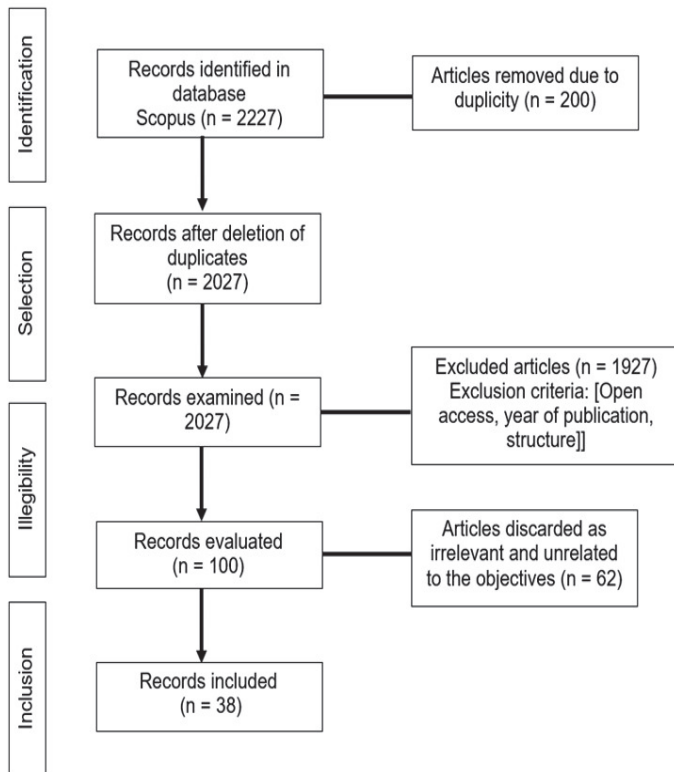


Figure 1. Prisma Flowchart

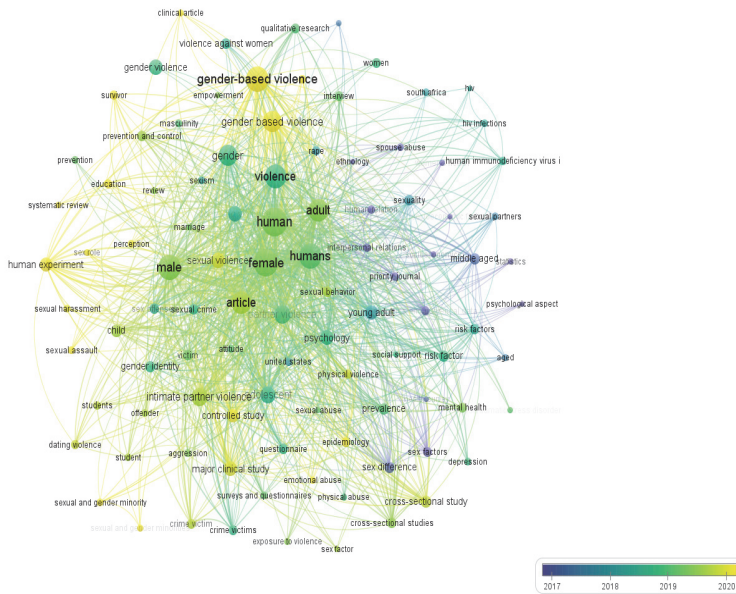


Figure 2. Density and Dispersion of Search Categories, Extracted from the Scopus Metadata Fuente: Aplicación VOSviewer.

3. Results

Based on the documents analyzed and selected in chapter 2, the following topics were raised:

3.1 Reflections on gender violence

The World Health Organization (WHO) has stated that violence is the deliberate application of physical force or power with the intention of threatening or causing physical or psychological harm and even, in the worst-case scenario, death (Flores et al., 2022a). Seijo et al. (2021b) defines it as a form of pressure that encompasses physical, psychological and social aspects, which are directed directly toward other human beings, and generate an alteration in their individual and collective development.

For its part, gender-based violence is conceived as aggressions or violent acts that occur in interactions between individuals, which is usually present in daily life, particularly affecting women (Biroli, 2018, cited in Farias et al., 2022). Including any form of violence that is linked to the exercise of force or power based on unequal relations between males and females, as well as inequalities linked to gender (Espinosa-Bejarano, 2020; as cited in Palomino, 2022a).

Various investigations have employed the general stress theory advocated by Agnew (2006, cited in Di Marco et al., 2022) to elucidate the violence suffered by women. According to this theory, stress is linked to the commission of criminal acts, as negative experiences generate tensions and aversive emotions that can drive people to resort to crime as a form of relief. Among the main sources of stress are failure to achieve goals, deprivation of valued elements, and exposure to adverse stimuli, such as being a victim of abuse, which can generate desires for revenge. These circumstances in a romantic relationship can be the trigger for violence against women.

Another important theory is family dynamics, which maintains that violence arises as a consequence of problems derived from deficient interaction within the family and inadequate

patterns of conflict resolution in both couple and family relationships. On the other hand, social and cultural theories argue that there are cultural values that support male control over women (Seijo et al., 2021c).

Thus, gender-based violence is a social problem in which there is evidence of hate and contempt for women, as well as for those individuals who do not conform to established gender stereotypes. Aggressors consider that a person's sex or sexual identity is enough to belittle them morally, socially and intellectually (Ramírez et al., 2020c). This is why we face a complex and multifaceted phenomenon that unfortunately tends to be overlooked, affecting women of different ages, environments and cultural levels (Rueda, 2020a; Flores et al., 2022b).

In this regard, the "Belem do Para" Convention in its preamble clearly established that violence occurs because historically there has been an unequal relationship between men and women, a fact that explains the differential nature of violence experienced by women due to their gender (Villarreal, 2022).

Another important point about this type of violence is that different studies have revealed that, in both public and private settings, it is usually perpetrated mostly by men with whom women have or have had some type of sentimental relationship, such as intimate partners, boyfriends, husbands or ex-partners (Tasqueto et al., 2022a; Reina-Barreto et al., 2021b). The different forms of violence to which they may be exposed are: physical, sexual, psychological, patrimonial and moral violence (Vacacela & Mideros, 2022a; Conceição & Moura, 2022).

In this context, the domestic environment continues to be the place of greatest risk for violated women. Although the family should be the first space of protection for women, it is undermined by asymmetrical relationships (Torregrosa, 2018). Consequently, violence directed against women is positioned as one of the great challenges on the road to overcoming gender inequalities (Marins et al., 202).

According to the United Nations (UN), there is an interconnection between gender violence and environmental degradation, so these problems must be addressed comprehensively. Strategies to overcome gender violence must include measures to protect the environment with equal rights to the use of natural resources; On the other hand, environmental protection initiatives must also consider the impact on women and girls, including them in decision-making. It is time to break down silos and build coexistence among all people, regardless of their gender, in a healthy environment free of violence. On the other hand, a report by UN Women and UN DESA on progress in gender equality in the 17 Sustainable Development Goals (SDGs) predicts that the provisions established by the 2030 Agenda for Sustainable Development will not be met, with the risk that approximately 340 million women and girls will continue to live in extreme poverty in 2030, due to the vulnerability caused by climate change.

4. Factors and Repercussions

Low educational level, poverty, social factors, and lack of family and legal support are factors that increase stress and limit the resources available for women to escape situations of violence (Avila & Lopes, 2021b). Other risk factors identified in the literature include having low schooling, lacking their own income, and being in a controlling partner relationship with frequent fights (Moroskoski et al., 2021a). Education also plays a critical role, since as women's educational level decreases, their exposure to violence increases (Camargo et al., 2022b).

However, it is important to note that, in households with higher overall educational attainment, a reversal of this effect is observed (Machado et al., 2021), although employed women with higher education than their partners have been found to have a higher risk of violence (Durán, 2019; Vacacela & Mideros, 2022b). These findings underscore the need for specific public policies to address the needs of women in situations of violence and to promote educational and employment equity as preventive and protective measures.

Gender-based violence has diverse repercussions on the quality of life and health of those who

suffer it, permeating their daily lives with suffering, fear, illness, and physical and psychological damage. Among the most frequent physical injuries are pain, injuries, marks on the body, bruises and abrasions (Tasqueto et al., 2022b).

In addition to the above, we cannot forget femicide, considered the final manifestation of the multiple forms of violence, showing that women have suffered other forms of violence prior to their murder (Nascimento & Ramalho, 2020). These extreme forms of gender violence reinforce the need to address and prevent it in all its manifestations, providing protection and support to women at risk, as well as promoting awareness and education to eradicate the attitudes and social structures that perpetuate this violence.

5. Regulatory Frameworks

In Latin America, legislative measures and reforms, as well as initiatives and programs have been implemented at both the public and private levels, with the aim of examining, supervising and developing actions and strategies to prevent and eliminate this type of violence. Despite these efforts, institutional reports from the different countries in the region indicate that the problem continues to exist (Seijo et al., 2021d).

Thus, we have the case of Argentina that approved Law No. 26,485, which seeks to guarantee the rights of violated women and establish immediate and preventive judicial protection measures when their rights have been threatened or violated. In this regard, Torres and Paz (2022) state that this law allows the judge in charge to order urgent preventive measures, with the aim of protecting women who experience domestic violence. Some of these measures include the restriction of approach and communication, the exclusion of the aggressor from the home and the safe return of the victim to the home, among others. These measures are also contemplated in provincial legislation, and various actors from the judiciary, executive and security forces participate in their access and monitoring.

In Brazil, Law No. 11,340/2006 was approved with the purpose of achieving a transformation in the way in which police and judicial services address gender violence. This law highlights the importance of implementing public policies focused on gender issues, especially through the creation of Special Women's Police Stations and Special Courts for Domestic and Family Violence against Women. These specialized approaches have been recognized for their fundamental role in responding to gender violence (Placha & Serpa, 2018)..

However, Nothaft and Lisboa (2021) point out that the services implemented present challenges that include the absence of continuity in public management, resistance on the part of the operators of the legal system to refer perpetrators of violence, financial and human resources. insufficient for its development, maintenance and evaluation, lack of integration with the network for confronting and caring for domestic and family violence, and a superficial incorporation of gender perspectives.

For its part, the Mexican government in 2007 implemented the "*General Law of Women's Access to a Life Free of Violence*", which contemplates institutional violence as acts or omissions of discrimination, obstruction, delays or impediments of the full exercise of women's rights, exercises by public officials (Torres, 2021).

In the case of our country, Law No. 30364 was approved, "Law to prevent, punish and eradicate violence against women and members of the family group; "which aimed to prevent, eradicate and punish any form of violence against women and family members, both in the public and private spheres." Focusing especially on protecting those who are in vulnerable situations. In addition, comprehensive measures, mechanisms and policies were established to "prevent, care for and protect victims, as well as to repair damage." Likewise, it seeks to pursue, punish and reeducate aggressors in order to ensure a life free of violence for women and the family group, guaranteeing the full exercise of their rights (Ministry of Women and Vulnerable Populations, 2016).

However, despite the implementation of laws and regulations, this problem persists; In this scenario, it is important to note that cultural transformations are not achieved solely with the

approval of laws. Although it is true that laws can initially act as a brake on violence, they will not serve to eradicate practices rooted in society, such as patriarchy, which continue to perpetuate gender violence (Palomino, 2022b; Freidenberg & Gilas, 2022). Therefore, it is crucial that laws are applied appropriately to achieve effective change in the prevention and eradication of this problem (Evans et al., 2020).

An important mention deserves the study carried out by da Silva and Pereira (2021) in Brazil, which revealed that the professionals consulted expressed limited knowledge regarding public policies on violence against women. They mostly focused on mentioning the Maria da Penha Law and, more generally, the protection measures available. In addition, they highlighted the existing services and programs at the municipal level, such as the Specialized Reference Center in Social Assistance (CREAS), health centers, shelters and police stations. These devices were the most mentioned in their narratives.

To top it off, legislative reforms and public policies have been implemented in Latin America to address this problem. These measures have sought to strengthen the protection of victims, increase penalties and promote greater social awareness about this problem. However, challenges persist in the effective implementation of these laws, such as the lack of continuity in public management, insufficient resources, and resistance on the part of the actors involved. Furthermore, a profound cultural change is required to eradicate gender violence rooted in society. It is essential that laws are applied effectively and that we work together with various sectors to achieve true prevention and eradication of this type of violence in the region.

6. Gender Violence and Human Rights

Human rights ensure that all women have the right to physical, economic and decision-making autonomy over their lives. It is the responsibility of the political powers to guarantee these rights. Government institutions, such as health, civil protection, justice and social assistance, must not only free women from their attackers, but also guarantee that survivors exercise their autonomy and assert their rights (Mañas et al., 2023).

Vigano and Fernandes (2019b) highlight that this scourge affects all social segments and represents a serious violation of human rights. Throughout the centuries and until today, feminist movements have been fundamentally concerned with achieving equal rights. In this sense, Moroskoski et al. (2021b) highlight physical violence directed at women as a public health problem, which is recognized as one of the main manifestations of human rights violations, violating the right to life, health and physical integrity.

Therefore, this fight transcends morality and represents a massive violation of human rights. Therefore, it requires a strong response from the State to address its intolerance. The protection of the State against violence is a fundamental right of women and public policies must be implemented to prevent it. However, this responsibility is not limited only to punishing the aggressors, but also implies facing the underlying causes in an imperative manner (Ávila & Lopes, 2021c).

In this context, it is important to mention the decision of the Inter-American Court of Human Rights condemning the State of Guatemala because, although the crime was committed by private individuals, the country was condemned because this type of violence had become frequent without that the State take preventive measures. Furthermore, the police ignored the parents' reports of the disappearance (Lopes, 2022).

As can be seen, the Inter-American Court of Human Rights demonstrates the responsibility of governments in the prevention and effective response to this type of violence. It is crucial that States assume their role in protecting women's rights and take strong measures to prevent and punish these acts, as well as guarantee access to justice for victims.

Another relevant precedent is the ruling SU-080 of 2020 issued by the Constitutional Court of Colombia, a widely known case of intimate partner violence, where the possibility of granting economic compensation to women victims of violence was established, with the aim of guaranteeing

their right to live free of violence and receive comprehensive reparation. This compensation can be requested even in cases of divorce or cessation of civil effects of a Catholic marriage (Rueda, 2020b).

The Court's decision shows important progress in the comprehensive reparation of victims of gender violence. Recognizing women's right to receive financial compensation not only contributes to their recovery and empowerment process, but also sends a clear message that gender violence will not be tolerated under any circumstances. This measure reinforces the importance of addressing not only the immediate consequences of violence, but also its long-term impacts.

It is important to highlight that our Political Constitution enshrines the right to equality before the law in its article 2, numeral 2 and, therefore, prohibits discrimination for "reasons of race, sex, language, religion, economic situation, among others." Furthermore, literal h of section 24 of the same article establishes that "*no person should be subjected to moral, psychological or physical violence, nor be subjected to torture or inhuman or humiliating treatment.*"

Therefore, the protection of fundamental rights and equality before the law are essential pillars of a just and equitable society. It is necessary that these rights be respected and promoted at all levels, both at the constitutional level and in daily practice, to build a society free of discrimination and violence.

7. Towards a Comprehensive Response

Historically, the approach to eradicating this problem has focused mainly on actions undertaken by women themselves. However, to comprehensively address this problem from a preventive perspective, it is crucial to establish a dialogue with men, emphasizing the need to reconstruct a masculinity that is not linked to violence (Ávila & Lopes, 2021d)

In this sense, Rivera et al. (2023) consider that to reduce these cases, work prevention programs must be strengthened and financed aimed at addressing gender, economic and social inequalities and inequities. It would also be necessary to modify the norms and institutions that promote and perpetuate violence against women. Another relevant factor is to carry out re-education processes aimed at male aggressors, so that they can adopt new forms of expression of their masculinity.

Furthermore, the contribution of Mercado-Catriñir et al. (2022), who consider that, to confront it effectively, it is necessary to implement public policies that support approaches based on models that address risk factors and strengthen protective factors at the individual, family, community and sociocultural levels. This implies having tools that allow identifying, evaluating and confirming these variables in a precise and reliable manner. In addition to this, education plays a vital role in creating awareness about the vulnerabilities that women face. Through it, it is possible to develop strategies to quickly identify cases of violence and address the various disorders derived from these violent acts. Furthermore, education can propose alternative forms of prevention to avoid new cases of abuse, discrimination and femicides (Palomino, 2022b).

Finally, any proposal for intervention by the State, institutions or social organizations must address not only gender violence itself, but also the underlying problems that maintain and perpetuate structural inequality. Such as economic dependence and lack of financial autonomy (Reina-Barreto et al., 2021c)

In conclusion, violence against women requires a comprehensive response that addresses not only individual actions, but also the structures and norms that perpetuate inequality. It is essential to involve men in the reconstruction of non-violent masculinity and strengthen prevention programs, education and public policies that promote gender equality and the autonomy of women. Overcoming this problem requires a collective effort and profound transformations in our society.

8. Final Reflections

Gender violence is a complex and multifaceted social problem that harms women of different ages, backgrounds and cultural levels. It is evident in hateful and contemptuous behavior towards women,

as well as towards those individuals who do not conform to established gender stereotypes. It is essential to recognize and address this phenomenon to promote equality and ensure the protection of women.

Gender violence has significant repercussions on the health and quality of life of women, generating physical and psychological suffering. Furthermore, the home environment continues to be the place of greatest risk. It is crucial that specific public policies be implemented to address the needs of these women, promoting educational and labor equity as preventive and protective measures.

Risk factors include low educational level, poverty, social factors, and lack of family and legal support. These factors increase stress and limit the resources available for women to escape violent situations. It is important to address these structural inequalities and promote equal opportunities to prevent gender violence.

The regulatory frameworks and laws implemented are an important advance in the fight against gender violence. However, its effectiveness depends on its effective implementation and overcoming challenges such as the absence of continuity in public management, the resistance of justice operators, and the insufficiency of human and financial resources. A comprehensive approach that includes all social actors is essential to achieve real change in the prevention and eradication of gender violence.

This problem is rooted in cultural practices and social structures that perpetuate gender inequality. Although laws and policies can act as a deterrent to violence, a profound cultural change is required to eradicate the attitudes and structures that sustain it. It is essential to promote awareness, education and the transformation of cultural values to build an equitable society free of any form of violence.

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