

# Sexual violence against women: psycho-juridical approach\*

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## Abstract

In December 1982, the Peruvian government declared emergency zones in the country, giving control to the armed forces who applied operational plans aimed at eliminating guerrilla violence. The report of the Truth and Reconciliation Commission<sup>1</sup> concludes there is evidence that sexual violence was a generalized practice quietly tolerated by the security forces, and in some cases, openly permitted by immediate superiors. The violence took place during military operations, but also inside certain army and police facilities. This practice may have taken place in a systematic way, linked with the repression of guerrilla violence, in certain provinces of the regions of Ayacucho, Huanavelica and Apurímac. The same report argues that “one of the most affected groups in a context of armed conflict is women, who suffer not only the general effects of this type of situation, but also numerous violations of their rights by the mere fact that they are women.”

*Key words:* Sexual violence, social consequences, psycho-juridical view, impunity

## Evaluation

As a result of the trials of cases of women who were sexually abused, an organization of the National Human Rights Coordinating Body (CNDDHH) requested that we carry out psychological evaluations. Five victims had been evaluated previously by psychologists of the Institute of Legal Medicine and only one case of Post Traumatic Stress Disorder had been diagnosed. In other cases, it was concluded that they did not have psychological disorders. This was determined after an assessment made during a 15-minute interview in which the women felt mistreated by the psychologist and that their stories were being questioned.

Taking this background into account, we considered it necessary to conduct a new psychological evaluation that would not signify a secondary trauma to the affected women. Therefore, before the interview, a coordinated intervention was planned along with lawyers and an educator. This resulted in what we may call a psychological, legal and educational intervention, with different tasks being assigned to each professional.

The first meeting of the team in the locality, prior to the encounter with the women, made it possible for us as psychotherapists to obtain information about the trial and about the circumstances of the summons made by the lawyers.

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Later, a workshop was held with the five women, giving them the time necessary to express their doubts and questions about what it meant to face the trial. In this way, they could later explain the legal process to their families and better understand the scope of the process and the difficulties they might face. At the same time, the psychotherapists explained our role and the reason for the evaluation. This involved explaining the psychological damage caused by the violence they had experienced. In this way, the team was able to focus on the common goal: obtaining justice, relieving the psychological consequences caused by the traumatic situation and fighting impunity.

This approach made it possible for everyone to meet and get to know each other and share their experiences throughout the two days of the workshop. By the end, most of the women succeeded in feeling a part of the group.

### **The need to coordinate the effort**

Lawyers had to be taken into consideration as well: although they had an awareness of the subject matter, there were some gaps due to the lack of information on the psychological consequences of a rape. That is why it was necessary to inform them that one of the difficulties victims have in making the accusations is that on remembering the facts, they relive the traumatic scenes, which can produce a new trauma if the memories are not channeled towards the search for a meaning, in this case, justice. Understanding the complexity of this subject gave the professionals more elements with which to conduct the interviews.

At the same time, as psychotherapists we tried to keep in mind the customs of the communities to which the victims belonged. It was important for us as a team to reflect on how the harm suffered on an individual

level represented harm to the social group, how that community was also damaged psychologically and at the same time rejected the women who had been raped.

The women's difficulties in talking about the torture and horror of these events are due to the fact that the psyche is unable to create a representation of what occurred. They related that after the rape they could not talk about the experience. When we have tools to help us understand this human behaviour then we can understand that certain responses are not necessarily a rejection of the judicial process, but the fear of reliving past experiences that have left a mark of constant pain.

As psychotherapists we seek to generate a recounting of the events that makes it possible to make sense of the events. We do not limit ourselves to giving an account of the symptoms in the here and now. By relating what occurred, we seek to place the trauma in the life history of the person and her community, so that the trauma does not remain locked inside and without representation.

As part of this effort, a social acknowledgement of the events is necessary, so that they do not remain in the private domain. For this reason, in these cases the acknowledgement of the other, that is, the society and the community, is necessary.

The experience we learned through this investigation is that lawyers and psychotherapists who are committed to human rights and fighting impunity relate to the affected people in different ways: we suffer the impact of the terrifying stories we hear. However, we can share the psychotherapist's skills of listening, the management of emotions and an understanding of the defense mechanisms developed by torture. Lawyers can share their knowledge of the legal processes related with the external reality, which is necessary for the emotional support of those affected.

Two cases which focus on consequences and challenges posed for the psycho-judicial and educational approach are presented below:

### **Traumatic episodes**

#### *First case*

In 1987 Jacinta was 14 years old. During a family reunion approximately 30 soldiers showed up and took her and other people to a place where she heard screams and moans of pain. They asked her if she was a terrorist and made her take off her clothes. Since she refused to undress they hit her with a gun. The captain entered and started raping her, then the other soldiers followed; she does not remember exactly how many they were, she thinks there were around 6 soldiers. As she left the room they made fun of her; she had been a virgin and she was bleeding and in pain. They threatened her saying that she had to get married in a month.

She comments: "After they abused me, I don't remember what I did, I went to my house crying and I couldn't tell my mother. Other people later told her, so then my mother and father asked me ... and then I told my mother."

She feared that she was pregnant and agreed to accept the young man who had proposed to be her boyfriend, and she went to live with him shortly afterwards.

#### *Second case*

Inés was 50 years old. She was married and had six children. In 1988 her father had been arrested. She went to the military base to ask about him. A military officer told her she was a terrorist, which she denied.

She comments: "I told them I needed to see my father, 'Oh, the old man. Are you going to give something in return?' I responded 'yes' and he said: 'Get up against the wall ... how tall are you?', and he turned me against

the wall and got close to me ... he told me 'take off your pants.' I spat at him and he hit me, he took out a knife, I said 'I prefer to be dead' and I told him they would look for me and he insulted me with swear words. He grabbed me and kissed me in a horrible way. It made me want to throw up and he knocked me against the wall ... and I had to receive (being raped) in silence" "...then others came and since then I am sick ... and I never told anyone anything."

She was pregnant as a consequence of the rape, and had a baby that was different from her other children. She comments: "A husband knows when he can get you pregnant and when he can't. My period didn't come and I said nothing until I told him and he was surprised because he had calculated the days. Weeping and in pain, I told him what happened and since then I have lived a terrible hell. Having been abused, my husband, who was drinking all the time, insulted me saying I was a whore."

### **Consequences**

The sexual violence against women in the Andean regions of Peru signified a traumatic intrusion in their personal life, family life and community relations. Women in Andean society are responsible for the care and education of their children and participate in earning a livelihood for the family by working in the countryside. In community life, it is men who make the decisions and actively participate in public meetings, have access to education and learn Spanish while women have a subordinate role and lack access to further development.

The traumatic events experienced by the women in the Andes aggravated this prior situation of being marginalized and excluded at the community level; nevertheless within the family, in their role as daughters, mothers or spouses, they maintained bal-

ance and stability sustained by the customs and the culture of their communities. In the cases analyzed, the horrific acts perpetrated against them interrupted this balance, leaving psychological consequences that have destroyed the development of their lives.

At the individual level, we have noted a state of depression, apathy and (in one of the cases) personal and professional abandonment, fear of unknown people, feelings of guilt for having been raped, fear in the presence of strangers. As a result they become mute in their native language (Quechua) as well as in Spanish.

We have noted a depressed attitude. Some are confused in relating the events while others remember the scene very clearly. They all are burdened with a lot of sadness and weep when relating what happened. The comments were that after the rape episode they felt different. For example, one said that she didn't "feel like cooking and I have remained pensive, sometimes I would tremble and run out of the house, I was afraid of being raped again in front of my husband."

We found that due to the memories of the rape, some of them started to drink in order to forget, which affects even their maternal and cognitive functions.

Regarding the family situation, these consequences led to neglect in exercising their role as a mother. One of the women, on being forced by threats to take a spouse, and due to her ignorance of contraceptive methods, had a lot of children who also suffer because of her fragility and state of emotional imbalance. She often feels violent and loses control, making her feel that she doesn't recognize herself when she reacts violently against her children.

Another of the women who became pregnant by force was rejected by her husband when he learned of the rape. When

the baby was born, since the child was physically different from the others, he was rejected, made fun of and scorned by the whole family. The boy grew up in a hostile environment, stopped studying and went to work as a domestic servant at the age of 10, until he disappeared without leaving a trace of his whereabouts. She has looked for him constantly but has been unable to find him, which increases her anguish and pain. Due to their situation of poverty, the older children have not finished school and their development as a family has been disrupted as a consequence of the rape.

We observed how the trauma is transmitted to the children since they see their mother unsatisfied, irritable, depressed, fearful, and liable to lose control of her anger because of the atmosphere of frustration in which she lives.

The women have complained that since the rape they want to forget everything that has happened in their towns, they constantly feel nervous, are very distrustful and no longer feel joy in living. They suffer from pain in the lower part of the stomach, or have urinary or gynecological problems, feel repulsed by sex and associate everything as a direct consequence of the rape.

Torture and rape left the affected women psychologically paralyzed, as if they were experiencing the pain in the present, their memories focused on the past, preventing them from living in the present without these memories. The memories have the power of attracting all their associations as if they were a magnet, making their lives revolve around those thoughts. As Cardenas and others (2005)<sup>2</sup> note: Those affected "have put to sleep the collective registry of everything before the entry of the Shining Path and the armed forces. It is difficult to remember beyond these events their personal and collective history. It is in this way

that the affected women said that after the rape they could not express the traumatic experience of torture and horror.”

### Discussion

These same stories can be heard in other parts of the world. They persist because people who commit them know that these crimes will go unpunished because the women do not easily file complaints about sexual abuse, as they are not always believed. They can even be made to feel guilty. The perpetrators have told their relatives what happened, and the relatives have come to their defense, while the victims have put off taking action.

If we look at the stories presented, the women have felt humiliated, scorned, with fears that paralyze them, and their families are still suffering the consequences of the rapes. Their lives have been destroyed, they feel their identities have been taken away, and even feel guilty for what has happened to them.

According to Puget:<sup>3</sup> “It is likely that in these conditions the population starts incorporating, unconsciously, a way of making possible the impossible,” so they will develop defense mechanisms to face the official statements being made, especially when they are full of messages that are contradictory and distort reality. “These defense mechanisms cover a wide spectrum and manifest themselves especially in what I understand to be the order of social subjectivity and thus the behaviour of the social groups. Sometimes it manifests itself as an attitude of anything goes or as a wall of indifference.”

Apart from this, the survivors of rape live with the fear that their families and communities will condemn them if they are publicly identified as victims of abuse. This issue comes from the fact that women are so vulnerable, especially in zones of conflict, where

they are used as if they were cannon fodder.

The perpetrators want to dominate, leaving the trace of horror in the victim without the possibility that she would be able to represent it somehow, or process the anger, the vulnerability and everything it brings up in the victim. This situation remains fixed in a psychic space that will last an entire life.

Despite the existence of an important number of cases of sexual violence, there is little information about legal processes concerning sexual violence committed by members of the armed forces or police. Neither has there been many effective investigations regarding complaints filed by women who were victims of sexual abuse perpetrated by members of the military men or police.

### Conclusion

Twenty years have passed since these events took place and we can observe that the psychological consequences still persist and they will do so as long as a multidisciplinary approach is lacking. This approach would involve legal, psychological, anthropological and sociological teams working together. One has the impression that the magnitude of the damage, which has gone beyond the private realm, has not been taken into account. Although she may want to hide it, the victim will express her experience through her symptoms which will not be fully addressed by the public health and government officials.

In human rights violations there is an ethical commitment, which corresponds not only to psychotherapists and lawyers but also to society as a whole. We therefore propose the need for better treatment in the management of this problem which affects family and community relationships, so that the trials of the cases of sexual violence against women will be dignifying and healing for them and will not produce a secondary

trauma. It will also make it possible to fight impunity and to prevent the repetition of these patterns of human rights violations against the country's citizens.

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