



RESEARCH ARTICLE

ROADS TRAVELED BY FEMALE VICTIMS OF GENDER-BASED VIOLENCE.  
A STUDY CASE IN MUNICIPALITY OF TULUÁ - VALLE, COLOMBIA

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ABSTRACT

This document deals with the results of a research project on actions undertaken by women victims of gender violence in the modality of violence of couple and the institutional responses from health and justice sector, their demands or requirements. It describes the main obstacles to the accessibility of services and it's likely part of the implementation of the law 1258 of 2008 of prevention, promotion, care and punishment of violence against women in Colombia. The study was conducted in the municipality of Tuluá - Valle del Cauca - Colombia, between the years 2014 - 2015, under the qualitative approach. The results show, once again, that violence against women is a serious violation to their rights and despite the legislative progress and public policy, in Colombia and in particular in Tuluá, they remain large obstacles for women to make effective the right to a life free of violence; victims of gender-based violence there are weaknesses in the implementation of the frameworks responsible for the care and restoration of rights of victims, violating the fundamental right of access to justice, judicial authorities which constitutes further discrimination faced by women.

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INTRODUCTION

Gender-based violence is present in different areas of family and social life of women's lives, it takes multiple forms with varying degrees of intensity and, as all violence, is a violation to human rights, which even today remains hidden and unaccountable. According to Amnesty International (2004), it is probably the most normal violation of rights, affecting the greatest number of people in the world; with no frontiers: suffered by adult and elderly women, without any distinction of class, of all kind of societies, regardless of their political and economic systems, both in times of war and peace. Research carried out by sociology, anthropology, history, among others, to find the causes of gender-based violence give account of their complexity, where "relational, situational, and personal macro-structural factors interact to form a system of domination" (Sagot, 2008b, p. 3), where the power, considered generic heritage of males (Amoros, 1994), determines a

position of subordination and vulnerability of women that translates into asymmetric relationships not only power, but rights and freedoms between the two genders, and generates situations of violence against women, such as extreme manifestation of domination against women and discrimination in the fields of public and private life. One of the forms of violence against women increased presence in all societies is that one which occurs in the private sector, also referred to as domestic violence, understanding that the domestic does not refer only to the physical space of the House or home, but as Corsi states it. (Corsi) (1994), extends to the delimited interactions in private contexts; Therefore, it ensues in the relations of courtship, with or without cohabitation relationships and ties with former partners. Thus, partner violence is exerted by men in exercise of its power of domination, oppression and control as husbands, partners, boyfriends, or, ex-partners - regardless of the legality of the link - and can take various forms: physical, psico-emotionals, sexual assaults and heritage. According to Torres (4)(2001), can be considered a conjugal relationship to violent or abuse, exists between the couple when their form of interaction is framed in a context of imbalance of power attributable to

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gender relations. Partner violence involves conduct by action or omission causing physical, psychological, economic or sexual damage. WHO (Motta Cristina, 2011) (World Health Organization - 2013) who estimates that partner violence is the most common type of violence against women, and affects 30% of them around the world, a cause of major damage to the physical and emotional health of women and it is a serious violation to human rights and the most serious risk to their lives. Now well, thanks to the historical struggles of feminist movements by making visible discrimination, inequalities and violence that women are living in the world, Some States and in particular those of Latin America, over the past three decades, have been assuming the commitment to recognize and protect human rights of women, including the right to live free from violence; they have especially advanced in the definition of actions or behaviors that constitute domestic violence as a crime, the procedures to investigate and punish the aggressors and the implementation of policies to victims and eradicate the scourge of violence against women. In this context, Colombia has ratified various international treaties and has made important legislative, jurisprudential and advances on public policy in favor of the gender equity and guarantees for the right to life, to physical, psychological and sexual integrity of women.

Through the 051 law of 1981, the Colombian State had ratified and incorporated into its legislation the Convention on "Elimination of all forms of discrimination against women". Then, through the law 248 of 1995 approved the Inter-American Convention to prevent, sanction and eradicate violence against women, signed in the city of Belem Do Para, where the State recognizes that violence against women is a violation of the human rights of women, and in this sense is committed to act with due diligence to prevent, investigate and punish it. With the law 742 of 2002 approved the Statute of Rome which included offences relating to gender-based violence. However the normative advances, figures show that violence in the space domestic, especially partner violence continues to affect Colombian women disproportionately. According to what was reported by the National Institute of Legal Medicine and forensic sciences - INMLCF, (2015) during 2015 is registered.

47.248 cases of partner violence, being women the most affected population by this type of violence (86,66%); in 47.27% of the cases, the alleged assailant is fellow permanent and 29.33% their former teammate. (Forensis 2015, p. 294). According to the same report, the Valle del Cauca Department reported 3.487 cases of partner violence, of which 3.094 had as victims' women. Moreover, research conducted in the municipality of Tuluá show high prevalence of partner violence and a low range of complaince, due to lack of credibility in the institutions of Justice. The numbers of affected women who decide to seek help and denounce aggressors, demonstrate that there is still a big gap between the legal and political discourse and the implementation of laws and regulations, effective actions of comprehensive care and restoration of rights of victims. Practices that are called to exert proper guardianship of human rights, unfortunately, many of the public bodies kept in open contradiction with a real recognition of the dignity of women, especially in the field of the administration of Justice and health. To continue to deepen in this problem that affects women and provide elements that contribute to improve intervention and public offering of these services at the territorial level, this research

was held with the following questions: which actions and strategies do the women victims of partner violence use to seek for help?. How do local authorities respond to women victims of partner violence, to restore their rights?. To answer these questions, it was used as a framework of interpretation the notion of critical path established by the World Health Organization and the Pan American Health Organization, understood as: the road and the actions that women victims of violence continue to seek help and get out of their situation; Accordingly, they consider that it is a process that is built on the decisions, the actions carried out by the women concerned and the social and institutional responses were found in its search for solutions (OPS, 2000). Deepen the knowledge of this route is a strategy recommended by these health organizations to know the factors that drive women to seek help as those that inhibit them; the obstacles found to make such decision, their frustrations and resignations, in order to give more and better support to programs and actions that are implemented to prevent and eradicate violence against women.

## METHODOLOGY

This research was carried out under the qualitative method that have as a purpose to interpret and understand the sense and meaning that actors or investigated subjects give to the social facts, and to the studied reality, understanding that this is a socio-cultural, historical, and intersubjective construction between individuals who share it (Sandoval. 1997, p. 33). Among the features of these studies are: 1) the narrative of the facts rescued from the voices and feelings of the subjects involved, 2) Employ intentional samples, selected according to criteria previously established by the researcher, 3) use techniques that allow an approach with more natural and more interaction between subjects and researcher, as the interview in depth, focus groups, participant observation. From this perspective, the case study was used as approach to research, which is particularly suitable for certain types of problems, where research and theory are found in their preliminary or exploratory phases and problems of social reality where the participants experiences are important and the context of the situation is critical (7) (Yin (, R.1981). Based on exploratory study and regarding the exploratory objectives designed to ensure quality and reliability to the study, it was worked the typology of multiple cases as well.

Accordingly there were analyzed 6 cases of women victims of partner violence, selected under the following criteria:

- Women older than 15 years, victims of violence by their partner or ex-partner, which, at the time of the interview, had initiated a complaint process before the House of Justice of the municipality of Tuluá, minimum 6 months earlier.
- be willing to narrate their experiences by their own free will and allow it to be recorded during the interview.

Information of women victims was taken through an interview in depth oriented to collect data on violence in the family context, the actions undertaken to seek help; their perceptions about the care given by the service providers and the assessment of the responses found. Semi-structured interviews to three operators of Justice involved in the judicial process and three health providers were also conducted.

The research conducted by Damaris Barragan (2011) through the application of survey of households in 6 socio-economic strata in Tulua, showed that 70% of women has been assaulted by their partner or ex-partner, being the psychological violence at its higher prevalence with 70%, followed by violence heritage with 43%, with 40% physical violence and violence sexual 23%. In 1998, the Pan American Health Organization proposed the research protocol for the critical route that follow women affected by domestic violence. The usefulness of the Protocol lies in that it allows you to diagnose the situation of violence experienced and perceived by the victims, know the efficiency, effectiveness, coordination and consistency of the governmental and non-governmental services that cater to victims of violence; identify the needs of prevention and care, and improve services.

## RESULTS AND DISCUSSION

### Juridical Context

As the Inter-American system as a Universal system of protection of human rights, have had particular concern to address the phenomenon of violence against women, which has been defined as "any act or conduct, based on gender, which causes death, injury or physical, sexual or psychological suffering to women, both in the public and private" (Convention Belem do Pará ( art.1). It is the State duty to act with due diligence to combat and eradicate all constituent acts of violence against women (2009, Corte IDH.) Case Gonzalez and others). International protection systems have been emphatic that this obligation extends to the prevention, investigation and punishment of acts of violence against women, both of those events attributable to State agents as to those who have been committed by private individuals. In the same way, the Inter-American Court has detailed implying the obligation to act with due diligence to acts of violence against women, measures of legal, political, administrative and cultural nature that promote the protection of human rights and ensure that any violations thereof are effectively considered and treated as a wrongful act (...) likely to lead to sanctions for who commits them, as well as the obligation to indemnify the victims (...)

The proper fulfilment of this obligation implies that the State not only adopt a legal framework to address violence against women, but they also must:

To strengthen the institutional capacity of judicial, as the public prosecutor's Office, police, courts and courts and the services of forensic medicine, in terms of financial and human resources, to combat the pattern of impunity for cases of violence against women, through effective criminal investigations that have a proper judicial follow-up, thus guaranteeing an adequate sanction and repair"( Comisión Interamericana de Derechos Humanos Comisión IDH, 2009) (Comission HDI 2007). According to this, the Colombian State has issued different legal regulations, the most important being the 1257 Act of 2008; There pledged to "guarantee the right of women to a life free of violence, both in public and in private, access to the administrative and judicial procedures for their protection and care, and the adoption of public policies needed for its realization" (art.1); to achieve this you must, among other actions. To formulate, implement, and update strategies, plans and programs for the prevention and eradication of all forms of violence against women; run training programs for public servants who ensure proper

prevention, protection and care for women victims of violence, with special emphasis on the operators of Justice, health personnel and the authorities of the police (art. 9, literal 1 and 2); and because of the principle of coordination "all entities that have within their functions attention to women victims of violence should exercise actions coordinated and articulated in order to provide a comprehensive care" (art. 6). Likewise, departmental and municipal, Governments ordered the issue of violence against women on the agenda of the Social policy councils, and municipal and departmental development plans include a chapter of prevention and care for women victims of violence. In article 8th of this law were the rights of women victims of violence, such as: receiving comprehensive care, medical, psychological, psychiatric and forensic assistance, specialized and comprehensive for them and their children; receive legal advice and legal technical assistance with free, immediate and specialized character from the moment in which the fact constitutive of violence gets in the authority. The right to the truth, justice, reparation and guarantees of non-repetition against the constituent acts of violence. Right to decide voluntarily if it can be confronted with the offender in any of the places of care and administrative or judicial procedures among others. This includes the right to demonstrate to the Office of the Attorney-General directly, in writing or through a legal representative, its intention not to reconcile.

### Regarding some measures to be taken with the victims, the 2008 - 1257 law establishes three types:

Protective measures, seek to put an end to violence, abuse or aggression, or avoid that this occurs when he is imminent. They are issued by the Commissioner of family and lack of this Municipal Civil or Municipal promiscuous judge (art. 17).

Measures of attention: are provided to women who are at special risk, for having denounced the aggressor. By Decree number 2734 December 2012, the Government regulated this type of measures defined as temporary services room, food, and transport needed by women victims of violence with physical and/or psychological impairment, their sons and daughters, when these services are inherent to the treatment recommended by the health professionals, according to the summary of the history and the national police valued the special risk situation and recommend that the victim must be relocated.

Measures of stabilization: seek to provide educational and economic alternatives to women victims, to break the vicious circle of violence and dependency against their attackers; in this regard, the competent authorities may: "request the victim preferential access to education technical or higher courses, including subsidies for food, tuition, lodging, transportation programs; instruct parents re-entry into the education system, when the victim is a minor". Also the Government has enacted tax incentives for private companies that link proven women occupationally, and proceeds by a maximum term of three years, from the date that starts the employment relationship (Decree 2733 December 2012)

In addition to these measures in the 2008, Bill 1257 and its regulatory decrees, in March 2013 the national Government issued 161 CONPES document containing national public policy of gender equity and the Plan of action indicative 2013-2016, which includes the comprehensive Plan to guarantee

women a life free of violence. There is some special emphasis on the need to strengthen the spaces, mechanisms, systems and tools of inter-institutional coordination and follow-up, "strengthening the institutional capacities of the sectors linked to the prevention and treatment of violence and qualification of its officials on these topics; strengthen the institutions responsible for care in health and in justice to women victims of violence", among others. Likewise, defined responsibilities to the institutions of Justice, in terms of: "draw up guidelines for the research and care of cases of complaint about sexual violence, domestic violence, homicide, food absence and injuries by acid. Ensure the specialized care and the restoration of the rights of children and adolescents victims of sexual violence through comprehensive care centers for victims of Sexual abuse - CAIVAS"

### **Via Crucis of the victims.**

The study of the critical path was realized from the story of the experiences of 6 female victims of partner violence. Their ages ranged from 27 to 48 years old, all have had relationships for more than 7 years, one still lives with her abusive partner, five were separated, of these, three have new couple and two remain without a partner; all went to instances of Justice to ask for help and report the facts; None has received psychological treatment or psychosocial counselling. The level of schooling for most is incomplete high school, one attended only primary; their incomes are low, Half of them are homemakers, therefore they are economically dependent on the current companion and family supports, two receive income from the informal activities carried out (sale of tickets, Sale of arepas (a Colombian typical food prepared with corn), and fried food (such as potatoes, bananas, etc.)) and one is a mall employee.

The stories of this group of women show similarities in regards to the experiences of violence who have lived. The most talked about stories of aggression that usually began in childhood, by the families of origin, as an expression of the authoritarian way in which educated them: familiar shock, humiliation, verbal abuse by their parents, as well as overwork, were made on a daily basis their mothers and they lived in their childhood; so some women describe it. ... practically I didn't childhood, or games or anything like that because I had to help my mom in domestic trades,... my dad is often angry and be sulked, mom hitting or yelling very ugly, also punished us strong (interview 6).

Since the early years are women have lived with authoritarianism and submissiveness, prevailing punishment and abuse on the stimulus and the reward. These conceptions and practices of socialization in the family, encourage women to be dependent, submissive and tolerant toward violence, while men taught them to be aggressive and dominant; Thus "family in their socializing function molded from dichotomous way the roles of men and women and perpetual gender violence" (Matud *et al.*, 2003). According to what was reported by half of the informants, the aggression of the spouse or partner started with cohabitation, marriage or the onset of sexual intercourse. "We got married recently started everything... He was believed to be the owner of me". The assailants seem to imbue a sense of ownership over women associated with control of their sexuality. Other women expressed assaults by their partners, started early, since the courtship; "being boyfriends I was pushed by my arm because I wore a short skirt cinched to the body, try to hit me in the

face because I told him that I was wearing as I wanted to,... was very jealous"(interview 1). Generally, episodes of violence by their partners began early, either in courtship or in the first months of coexistence: cries, ill-treatment, humiliation, threats and blows with the hand, with objects, choking attempts; i.e. go on climbing. Some recount that illusion lasted them just a few months, until the first violent explosion, when they discovered the nature of the companion and the type of tax relationship established by this. Perez Serrano (1994: 81) says that "the aim of the case study is to understand the meaning of an experience". Knowledge of the particular, idiosyncratic, not forgetting their context. Why is a particularistic, descriptive and heuristic method that uses inductive reasoning and the dense description of the studied fact?

According to Taylor, S.J. and Bogdan, (10) r. (1992). The interview in depth is a technique not directive, open and not standardized which follows the model of a conversation among equals. Is carried out through various meetings face to face between the researcher (a) and involved subjects directed toward the understanding of the perspectives that informants have in their lives, experiences or situations, as they express in their own words. In this type of interview the investigator produces a guide to more or less general themes that guide the conversation with the study subjects; the order and the form of the questions raises the interviewer of the shape that you want and deems appropriate (13) Piergiorgio Corbetta (2003), p. 350.

### **Breaking the silence**

The critical path begins with the action of 'breaking the silence' in relation to a situation of violence. I.e., affected women begin their journey when they decide to disclose the situation a person beyond their immediate domestic or family area, as a first attempt to seek solutions. "With this concept is the assumption that there are a number of factors that promote or inhibit a woman to seek help" (PAHO, 2000). According to Sagot (2002), the factors that lead a woman to break the silence and take certain course of action out of the vivid violence related to the complexity of the dynamics of the violent relationship; that complex dynamic is generating feelings and reasoning that culminate in decisions to find alternatives to the situation that exists. Factors such as economic resources, presence or absence of networks of support, access or not to care institutions to women victims of violence, skills and personal capabilities, are decisive in the process to break the silence and become more or less tortuous. The same author, makes a distinction between external and internal factors that lead women to start a course of action to get out of the cycle of violence. The internal factors include: feelings, social representations and reasoning of the women; while external factors relate to the influences that receive women of their external environment, such as props, material resources, existence and quality of services, increased violence or effects of violence on other people in the family. Both factors are connected and operate in favor or against initiate the process to get out of a violent relationship; all are interrelated between itself and act on the subjectivity of women to strengthen or weaken them in its decision to initiate and continue a path of seeking help and solutions; in this sense, "subjectivity ends up being the dimension in which the sense of the process of critical path is built and which explains how the same element can be turned into drive or inhibiting factor" (PAHO, 2000).

In the cases studied the process of decision making for assistance and report the facts is cataloged as long and tortuous, since women endured for years, humiliation, ill-treatment and hits; given that violence against women is part of the socialization of gender patterns, the majority of women live it for a long time in silence and resignation; In addition to dare to "talk" implies, on many occasions, risks for women, including the increase in violence or lose their assets. In that sense, after a first step, often follows a decline or the search for other ways. Depending on the age of the interviewee and the years of relationship, we found cases ranging from five to more than 20 years living with violence. From the classification proposed by PAHO and welcomed for this study, on the factors that promote or inhibit women to find solutions to partner violence, as reported by the women investigated that analysis is made.

The internal factors that inhibit women to take the decision to start the critical path are associated with three fundamental aspects:

cultural patterns instilled through the process of socialization with respect to gender roles which assigned to man the power or right to control and correction of the behavior of women; Therefore, violence against is assumed as a defense mechanism but rather inescapable; one of the women interviewed expressed in the following way: "if I would have known that with marriage there came problems, abuse of the husband". In this same sense, women still playing the idea of "spouse self-sacrificing, submissive" that must be sacrificed to maintain family unity, situation that is reinforced, in many cases, by some family members who requested "not to think on it, but in their children. So the women told him:

When commenting to my sister or my cousin life so violently that I lived with my husband, they told me that that was part of the marriage, which did not make her case, that all the men were violent (interview 5). I made time wanted to separate me, but as have instilled a love for the children, then one thinks that they are the most important thing, that they needed to sacrifice and endure which needs to not pass (culminating on 3). Assuming the violence against her as a destination leads to live with resignation and do little to get out of it or at least postpone the decision to act.

Under the premise of deep roots in the culture "because I love you I have the right to hit you" women accept the physical abuse, frequent claims, the enclosure, jealousy, control and surveillance of their lives, with some complacency, because they consider that these are manifestations of the immense love for your partner, without being aware of the exercise of domination and control over their lives and increasingly ascend in the scale of the subjection and loss of autonomy as subjects of rights. ) the fear of the backlash of the offender; this factor is referenced by the majority of the women interviewed. They feel afraid before the kind of threats that receive the aggressor and its potential to hurt them. When told that it was going to go to the House of Justice, he threatened with remove me, or steal my young child and lose to the Eastern Plains, he also told me to kill me or kill my younger brother (interview 1) but he didn't. He is a man capable of anything, very aggressive, honestly I was afraid because when we discussed and he named him that he was going to leave, put on like crazy and said that I was looking for where out to kill me and kill him... once, after humiliating me and treat me badly, I told him that

he was going to denounce, then tried to drown me with the pillow (interview 4).

The threats by the aggressor frightened and undermine the ability of decision of women and many times even of people close, that at some point could provide support to those affected, creating a regime of terror that extends beyond the four walls of your home. One interviewee described it as well "she was looking for fight my brother, treating him badly, why no one from my family got to defend myself" (interview 4).

The lack of financial resources and lack of information are also inhibiting factors. Economic insecurity plays a role in the decisions and actions of many women to stop. In fact, half of the informants lacks economic autonomy, because do not work outside the home, what constitutes an obstacle when trying to break the chain of attacks. By not having income to feed their families or alternative housing, cannot leave their home and their husbands; they know that hardly get legal or institutional backing to ensure the sustenance of their sons and daughters, so the contribution of the aggression " he feed the children, it was my greatest fear to separate from him;... without good work was suffering" (interview 5). Two of the women interviewed were on the verge of being expelled from their homes with their children, by the aggressors, which constitutes a multiple violence, which combines physical, emotional and financial aggression, and relies on the unequal distribution of property between men and women. Housing as the starting point to organize and reorganize the life, is one of the most precious resources for women, therefore losing their housing space places them in a condition of extreme precariousness to the home, limited-that is, it is essential. "Staying homeless, or that.

Some women also recognize that ignorance of their rights, services, procedures and formalities, makes it more difficult to decide to go to the justice authorities and initiate a criminal action. With regard to external inhibitory factors, the spotlight has to do with inadequate institutional response, due to the excess of formalities, slowness of the processes, the imaginary and negative attitudes of officers of Justice and health services. "More than one year ago I denounced it because it struck me very ugly, me insults each of which I am in the street, they have not done anything, he makes a mockery of Justice", is the testimony of one interviewee (3). After several attempts, many women develop mistrust in institutions, which discourages them to continue the process with the judicial authorities. Those affected feel that laws are dead letter, that the police not "for them balls", officials blame them prosecutors and judges do not condemn the aggressors, and they impose them ridiculous penalties. An informant discusses her to file a complaint: "employee of the Commissioner received me very reluctantly complaint, scolded me because it was the third time he denounced, made me feel worse, and gave me to understand that I was to be blamed because he was still living with me" (interview 4).

However, the factors that drive women to seek solutions to their problems of domestic violence, also can be: internal or external. In the cases studied, the internal factor that encouraged women to break the silence and initiate the critical path, were feelings of saturation and indifference by the women. In general, women tolerated for a long time different forms of violence, which is undermining their emotional health, reaching in many cases present symptoms of anxiety,

sleep disorders and headaches. One of the women interviewed stated that it was about her sadness that several times he thought suicide.

.. After crying all night because he humbled me very ugly... I compared with other girlfriends and told me that he acknowledge that he would not remain with me because I was very fat and ugly, I was filled with value and said no more, I'm going to give it a twist to my life (interview 1). Both wheel the jar until it is finally broken, hold you both... pushing, kicking, slapping, vulgarity and abuse my children, many years waiting for that change, which let the alcohol and the lack of respect, up to one day after a scandal and threatening me to set fire to the House and kill us all, I said no more, again denounced him at the police station family and I went to where my mom (interview 5). Others interviewed, suffering of abuse, humiliation and deprivation were love, emotional detachment from the aggressors and the need to find exits as seeking employment to gain in economic autonomy and to spread. One interviewee narrated it in this way: "... I couldn't stand it, I realized that didn't want it, answered reluctantly, did not want to continue living that life,... put a sale of fried food and arepas to wean me" (interview 4).

External factors relate to the influences that women of their external environment; It can be said that all respondents shows that personal processes and their reasoning were reinforced by the support of close people (relatives, friends), the increase in violence or effects of this on children and others in the family. It increases the escalation of violence are new forms of aggression: sexual violence, infidelity, possibility of losing goods or other expressions of the patrimonial violence, as the negation of the offender to pay family expenses; all this motivates women to start a help search path. Many times, these forms of violence become extreme manifestations or are built into spirals, to the point that some women have felt in danger of death, a fact that drives them to initiate a critical path. In this respect an informant stated:

each time was worse it insulted it mistreated the eldest daughter, insisted on selling the House, and I expect in any street to make me scandals and threat of death,... my mother and the neighbors I always motivated so he denounced it (interview 5). As you see, family networks and the social bond, that women have is very important in all cases, as they usually return to their families of origin or receive economic and emotional support which replaced, in many cases the institutional action.

### **The paths traveled**

The stories of the women interviewed not only realize long experiences of maltreatment, but show how through the years, sometimes decades, many of them have survived, by resorting to the search for support among the people and institutions; contrary to what is often believed, not all live passively violence or accept it as valid. Through the interviews could know from childhood, and at different times of their lives, they claimed in one or another way, support to stop the violence, sometimes went to relatives and close people, other governmental institutions of Justice and police, but the negative responses or re-victimizing found in institutions that came they taught them to speak and do not always ask for support to help them to deal with problems and that big risks, it brings by contrast. Such experiences taught to remain silent

does not necessarily as a result more than the processes of socialization of gender, but because of the lack of adequate social and institutional responses, found that some, after abortive attempts, took years to return to speak to ask for help. Four of the respondents attended insistent way by two and up to four times, the resources known to them: friends, family, communal leaders who motivated them and even accompanied to ask for help in the police station family, Prosecutor, ICBF; but this emphasis contrasts with the lack of found favorable answers, reason by which abandoned the processes, or due to tiredness or lack of good results, or because they did not return to have any information; However, the moments of discouragement not prevented that, before a new experience of violence particularly painful or hoping to find an adequate response this time, again to seek legal aid, or resume any process that was suspended. It should be noted that he has here played important role of information received in the complaint and information about gender-based violence, campaigns carried out by the national, departmental and municipal governments.

As narrated, the trajectories of the women interviewed are similar: experienced situations of physical, psychological, sexual and equity, violence in greater or lesser proportion; However, the assault was that motivated women to undertake prosecutions, not to be the most frequent and painful, but for being the most recognized by the criminal law, as signs that women's body are taken as proof of the fact.

They also have in common that in the majority of cases (except one) it is long and a bit tortuous paths since they have had to pass through various institutions making efforts that seem endless, without answer timely, specific and conducive to their problems. It is important to note that most of the women interviewed, does not have a priority that the aggressor is taken to prison or seek revenge on him. what most want is to end the violence and they can live with peace of mind; Some also considered that he is les must "compensate for the damages caused" especially in cases in which offenders have left responsibilities with their children. For this reason several women, once initiated criminal proceedings, they have doubts and hesitations, and to the promise of the aggressor give a share to the maintenance of the children and not to attack them again ask the judge not to send him to prison; in the words of one of the informants "send him to jail does not solve anything, there becomes more violent and resentful, what I want is that let me quiet, answered by their children and each make your own life" (interview 2).

### **Experiences with services provider's institutions.**

According to the 2008 Bill 1257 and Decree 4799 of 2011, each institution and organization involved in attention and punishment of violence against women must define and establish processes and intra-institutional and cross-sectoral protocols for the protection and restoration of rights of victims. In the municipality of Tuluá, from the year 2013 was defined the path of attention, but little has operationalized, therefore does not comply with the function to serve as a guide to effective and timely attention from institutions providing legal, medical and psychological services. This is recognized in the accounts of women who are unaware of the entities responsible for providing care, services and procedures; nor do officials have clear instances of attention.

## Sector Justice

The administration of Justice has the duty of ensuring effective judicial protection of the rights declared in the Constitution and in international instruments established in the laws or human rights, when they are reclaimed by their owners or those who invoke that quality, regardless of matter, the law or demanded warranty. For this study, instances that according to the law 1257 2008 have responsibilities in the investigation and punishment of cases of violence against women was taken into account. Complaint: All the women participating in the study began the path of attendance in the House of Justice of the municipality, in the Prosecutor's Office - SAU, in the Commissioner's family or both, since they have had to go more than once, well because the proceedings so require it, or because severity of assaults, therefore as one of the informants, expressed "I feel at risk of dying took me to report it to the police station". The women visited the judicial authorities when escalations of violence arose, felt to be at serious risk, or wanted to protect fundamental rights in relation to their daughters and sons (food, housing, health). Attend these institutions means to put an end to secrecy and privacy, make public and notorious the problem not only against the State, but also to the whole of society. They sought help with several events of violence, which indicates the severity of assaults, therefore as one of the informants, expressed "feel at risk of dying took me to report it to the police station". The women visited the judicial authorities when escalations of violence arose, felt to be at serious risk, or wanted to protect fundamental rights in relation to their daughters and sons (food, housing, health). Attend these institutions means to put an end to secrecy and privacy, make public and notorious the problem not only against the State, but also to the whole of society.

A common experience of the women interviewed is the absence of effective protection measures to protect the integrity of the complainants; all they ordered by the national police security measure, but to give the order to the local command, expressed them inability to provide them with permanent protection, two they gave them the telephone number of the police quadrant so you communicate in case of a new attack of the offender; in one case, the Prosecutor ordered the eviction of the offender, because of the danger that was the family's room but only took effect two months later, was as crazy, armed with a knife, gave him kicking at the door and even broke a glass window, shouted to open him that this was his home, that we was going to kill everyone, even if it was for the prison,... the neighbors called the police, they arrested him, they put a fine and forbade him back to the House and approaching any of us (interview 1).

The attitudes of Justice that operators are also obstacles on the critical path they trivialize the problem of violence against women and its possible consequences, do not believe in their narrations and are unaware of the dynamics of violence; in the words of an official of the Court "... that is a pandering, they denounce when they are mad then arranged under blankets and in less than eight days come to desist because they were already happy with her husband, they don't want us to tell them to jail... a month back crying for the same". Moreover, some informants stated that they felt very intimidated by the way as they received the complaint, calling into question the reported and minimizing the danger of vivid situations and the importance of intervention; other times they lay the blame it by

continue living with the aggressor, trying to them "masochistic". Not providing is the protection of the authorities, place some women at greater risk, "the other day that came to the House, after the complaint, mocked, insulted me, broke some dishes, said I was going to get her dirty before the judge, I face the consequences" (interview 2). Situation which is aggravated by slow processes, which last for about 2 years until the judge gives judgement, excessive paperwork and negative outcomes from the criminal process. According to what a prosecutor interviewed said, 90% of the cases exonerates the aggressor, "because the prisons are at the top, there are much overcrowding and women complainants at the last minute request to not send them to prison because they lose the work and they are the breadwinner of the family".

According to the Ministry of health and Social protection (2013) the path to comprehensive care for victims of gender violence is understood as the set of articulated actions that respond to regulatory mandates to ensure the protection of victims, their recovery and restitution of rights. It includes the internal actions of each institution addressing the victim in accordance with their competences and the coordination of cross-cutting interventions. Each territorial entity built its route of attention according to the offer of services and availability of institutional, involving all institutions share responsibility in matters of health, protection and justice. The House of Justice is an inter-agency Center for information, guidance, reference and provision of conflict resolution, where to apply and execute justice mechanisms in a formal and alternative way, through entities in the national and local order as the room's attention to the user of the prosecution - SAU, inspection of police, Commissioner of family, legal office, justices of the peace and conciliators in equity.

## Conciliation

Hearings of conciliation for cases of gender-based violence have been very criticized by feminist movements of the continent, since these negotiated outputs "weaken the position of women, who are forced to accept impunity as starting point and subsequently should forget and forgive and, occasionally, even keep the respect by the aggressor" (PAHO 2000). Precisely article 8, literal k of the Bill 1257 of 2008, States that women have the right to decide whether they wish to or not to participate in a conciliation, and the authorities serving the case may not promote the realization of a conciliation without prior consultation with the woman about his interest of advancing this process. The realization of the audience against the will of the woman or as a result of have not adequately informed about their right to decide whether or not confronted with the aggressor, and the right to not reconcile, it may give rise to defects in the judicial or administrative procedure.

In the system Colombian criminal violence against the partner (male or female) Court as domestic violence, it is not accusable and therefore women may not cancel, her ex partner, does not support reconciliation as well as the crime of food absence; However, by virtue of paragraph 3 ° of article 37 of the Act 906 of 2004, concerning the competence of the municipal penal judges, designates that "the own-initiative inquiry does not apply, when the decision is deemed necessary, the effects of the complaint for benefit and reparation of the victims of the unjust". Appealing to this still-existing subsection, criminal judges and prosecutors seek to "solve the conflict" by way of conciliation or mediation to promptly

terminate the criminal proceedings and in his words, "to provide speed and judicial economy". What is serious is that most of the reconciliations are carried out under situations of pressure and intimidation because generally women attacked for long periods suffer alterations in its physical and emotional and psychological health that undermine their capacity for decision and autonomy, which makes that "it does not appear reasonable to expect that women reach agreements good or at least fair with his attackers" (13) (Motta and Saenz (2008, cited in Corporación Humanas, 2011).

In accordance with the 1542 Act of 2012, promoted by the Legal Commission for the equity of the woman of the Congress of the Republic and the Corporación Sisma Mujer, among other women's organizations. In general, the operators of Justice considered that the text of the 2008 Bill 1257. It is a "Decalogue of good intentions" which is intended to deal with violence against women in a comprehensive way, including responses by sector justice, health, education, and society in general, but the State does not provide the conditions and resources required. In fact, several officials from the Commissioner's family, Police Inspectorate, Ombudsman's Office and Prosecutor's Office agree to declare the impossibility to implement that law, since institutions were allocated with more functions, but the human resource was not increased, there is no interdisciplinary teams to provide psychosocial care for victims and aggressors; the number of police officers is insufficient to serve the security of the high number of women victims; the EPS the contributory scheme, both the subsidized evade the legal obligation to provide temporary food and room services for women and their children who are in imminent danger; Neither the municipality, at the time of the study had a foster home.

On this issue, it was found that, given the seriousness of attacks suffered by three of the respondents and their children, that their lives have been at serious risk, the Prosecutor ordered two measures: temporary police protection and the eviction of the offender without achieving an effective compliance. Also in one of the cases, the Commissioner's family ordered the Coomeva EPS (entity that gives health services to some Colombian population) measure of care related to temporary services of room and Board for the victim and her three children, because of the imminent danger in which they were, without finding any answer; After 45 days the Ombudsman launched action against the EPS, which ruled in favor of the victim. At the time of writing this document the tutela (Colombian judiciary mechanism to ask for the rights before the law) ruling was on appeal. Facts such as these victims of violence evident gaps occurring in practice to apply the existing laws, the lack of inter-agency coordination and the major obstacles and difficulties that women live.

A recurrent situation in the women interviewed is the abandonment of the economic responsibilities of the aggressors with their children, once women denounce them, which means to establish another complaint and the opening of another trial by food absence lasting around six months. In these processes the greater difficulty for women is to get wage tests and sources of income of the father of their sons and daughters, requirement to fix food quotas. To these difficulties, most excess paperwork, lack of speed and little information about the laws and legal proceedings, some women end up giving up and abandoning the processes

From police station I was sent to the legal office, beyond I went three times... the student became bad paper, again, that was going to review the Professor, other that the doctor is in a meeting and not I could attend... two months, then at the police who had to wait to see that the (offender) declaration said... were... Let me have been in these four months... we are living with many needs I don't want to go back there to waste time, he keeps quiet because nothing has happened. (Interview 2). Definitely procedures, language and attitudes of staff attend the victims become real inhibitors and disincentive factors for women who seek help.

### **Health sector**

Generally, the informants see these institutions as the place where heal them their injuries or illnesses, and come to them only when the injuries are severe: wounds, blows to the head, fractures; they do not consider them part of the care system and have few expectations against the support they can get from health institutions. As narrated, the participation of health personnel is limited to an intervention on their injuries, they attend physical pain, "if much prescribed pills tranquilizers, sleeping, when there is a lot of anxiety" (interview 4). Attention to the emotional and psychological problems, none of the studied battered women received psychosocial care, EPS, or at the police station family; this is despite conceived as an integral in the 2008 Bill - 1257 and existing health protocols to the attention of the domestic violence. This is evidence that prima fragmented, mechanistic insight and biological by health personnel, primarily from the medical staff, that does not provide a comprehensive and humane care of patients and, much less, from the perspective of the right to health.

PAHO (2000) reports considered to ignorance and low sensitivity of borrower health services staff, facing the comprehensive care that require the victims of family violence, makes necessary to carry out trainings that involve not only nurses and social workers, but the doctors who have been the most reluctant to get involved in this type of training. Legal medicine is also an instance that presents difficulties for women who decide to break the silence and take its problem of violence to the public sphere; there are women who reported physical violence and initiate processes by personal injury or sexual violence. A detected problem is the delay in care, which makes that injuries decrease or disappear by the time they finally perform examination; "when I went to legal medicine the doctor was busy and told me to come back on Monday, that day I was not treated, and on Tuesday already hits were not" (interviewed on 3). He is also observed that the emphasis of the biological approach is valued more physical examination without addressing the psychological, emotional, or the risks and implications of the abuse, because it emphasizes what is considered as "proof", i.e. immediate and visible injury is little takes into account the testimony of women, their situation, difficulties and effects on their emotional health.

### **Social sector**

to what happens in other municipalities, especially capital, in Tuluá no NGO or private entities that carry out specialized programs of care to battered women, such as: therapeutic support, legal advice, job training, centers of refuge; However there are several women's organizations have important female leadership and working in the care of other problems of displaced women, victims of the armed conflict, head of the

family, community, etc.; they are engaging in the actions of prevention and response to gender-based violence carried out by the municipal administration, participate actively in workshops and seminars on awareness-raising and training on gender and violence issues, campaigns against violence against women, construction of public policy of Tulua gender equity. In these areas women leaders are involved with victims of violence based on gender, not from a formal support services offer, but from their personal relationship with members or neighbors by friendship or companionship, and according to the level of information that handle support by way of advice, listen to them and oriented so that they have recourse to the institutions of Justice and health. In this regard, several of those interviewed referenced to leaders and members of organizations as people who provided emotional support to them and encouraged them to denounce the vivid attacks, also were informed about their rights under the 2008 Bill 1257. Finally, the majority of women interviewed perceived the family of origin and close people (friends) as an important network of emotional support to find exits to your situation of abuse; which becomes relevant by its impact on psychosocial health and self-esteem, to give them security, protection, valuation and recognition (Matud *et al.*, 2003)

### Conclusion

This research allowed evidence that in Colombia, and in particular in the municipality of Tulua, remain major obstacles for women victims of partner violence, access to various judicial resources arranged by international and national standards to receive full attention. Still a long way to go before conditions become completely favorable for women who demand justice: persist serious shortcomings by the undue delay, the presence in borrowing Service staff of stereotypes and prejudices about women, the victimized, the lack of redress for the violation of their rights, the lack of effective protection to safeguard the integrity of the complainants, among others; compromising is them the fundamental right of access to justice, which constitutes further discrimination faced by women victims of gender violence. It is important to note that in the specific life of a woman victim of violence, the (internal and external) factors that drive her to make the decision to seek help are closely interrelated and mutually reinforcing. I.e., external influences, such as existence of support networks, changes in the internal processes of the women (love, decision to seek changes in its life), at the same time, these internal processes do that at some point the women develop better ability to make use of existing external resources.

In general, women who begin a search for help to solve the problem of partner violence flock to nearby people who are part of your social network, such as: friends, sisters, mother, neighbors, it is they who encourage them to start the critical path through the denunciation to the authorities of Justice, of the violent acts. In conclusion, the process followed by the women of Tulua to start the critical path is the result of several factors, which sometimes takes years to articulate and produce a result. However, as the Pan American Health Organization puts it "when women reach a point of saturation with the situation and manage to strengthen, demonstrate that they are able to take many and varied actions to get rid of violence" (PAHO, 2000). Strengthening and own decision to get out of the relationship of aggression, of nearby people and to some extent support interventions of the institutions of Justice, become the determinants of the critical path.

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