Fighting Domestic Violence - Peru

3. Similarities and differences in terminology

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |

# 3.1 Domestic violence

The category of violence against a woman or member of a domestic unit where an interpersonal relationship exists. Includes but is not limited to[8]:

rape

physical or psychological mistreatment[9]

sexual abuse

economic abuse

Recommendation 35 emphasizes that violence is gender-based and focuses on the causes and effects of this social problem. In Peru, domestic violence is also defined as a category of violence against women but does not exclude other members of the domestic unit.

Also, in accordance with Recommendation 35, gender-based violence against women occurs in all spaces and spheres of human interaction, including contemporary forms of violence occurring online and in other digital environments. Unfortunately, current law does not regulate violence against women occurring online and in other digital environments.

Note that due to COVID-19, by means of Legislative Decree No. 1470, measures to guarantee the protection of victims of violence against women were established. However, none of these measures established parameters related to violence online and/or in other digital environments.

It is important to mention that the victim has "rights" that must be supported by the governing body and the law, such as the rights to:

a life free from violence

assistance and protection

legal aid and defense

health promotion, prevention and care

employment protection

education on the issue

# 3.2 Stalking

We did not find a definition for this category.

# 3.3 Harassment

This crime occurs where anyone repeatedly, continuously or regularly, and by any means, monitors, pursues, harasses, besieges or seeks to establish contact or closeness with a person without their consent, so that they alter the normal development of their daily life, even if the conduct is not repeated, continuous or habitual.[10]

# 3.4 Victim

A victim is anyone who has suffered violence, which is defined as "any action or conduct that, on the basis of gender, causes death, physical, sexual, or psychological harm or suffering to women, whether in the public sphere or in private." Additionally, a victim is also considered any member of a domestic unit where an interpersonal relationship is present, who suffers any type of violence as described in the above paragraph. Men and transgender women are also included.[11]

# 3.5 Abuser

A person who takes "any action or conduct that, on the basis of gender, causes death, physical, sexual, or psychological harm or suffering to women, whether in the public sphere or in private."[12]

# 3.6 Civil protection order

Protection measures to neutralize harmful effects of violence and to allow a victim to carry out daily activities in order to ensure physical, psychological and sexual integrity and to safeguard property.[13]

Among the protective measures that may be taken are the following:

removal of the aggressor from the victim's home

prohibition on the aggressor approaching or being close to the victim in any way

prohibition on communication with the victim via letters

prohibition on the aggressor's right to possess and carry of weapons

inventory of goods

emergency economic allocation

prohibition on the disposal of real or personal property

prohibition on the accused person removing children, etc. from care of the family group

re-educative or therapeutic treatment for the accuser

psychological treatment for the emotional recovery of the victim

shelter of the victim

any other measure of protection required

# 3.7 Causes of action

**(a) Law No. 30364 (Domestic Violence specific)**[14]

(i) Forms of domestic violence abuse

physical (including neglect)

psychological

sexual

economic

(ii) Governing body for complaint

Peruvian National Police

Criminal Family Prosecutors Office

family court

local peace court

(iii) Only cause of action requirement is to present the facts:

These may be written or verbal.

No attorney engagement is required.

Evidence may be presented by the victim, a designated spokesperson, or any health or education professional who becomes aware of an issue.

It is not required to present physical or psychological exam results, or show visible signs of violence, though these may be presented as evidence if available.

The aforementioned is in accordance with the provisions of Recommendation 35, which only requires a recount of the facts by the victim and attempts to avoid imposing excessive financial or bureaucratic obligations. However, in practice, at the police and judicial levels, the initiation of these procedures can be tedious and, on some occasions, officials do not have the necessary training.

**(b) Law No. 27942**

(i) Article 4 defines cause of action more broadly across all categories of abuse and harassment against women (not just domestic violence):

unwanted sexual advances or of a sexist nature

intimidating, hostile, humiliating environment

affects ability to work, teach, train or otherwise conduct life/business

(ii) Article 6 further qualifies the causes of action in abuse/harassment situations:

implicit or express quid pro quo

unwanted sexual demands

written or verbal use of terms that are sexual in nature, unbearable, hostile, humiliating or offensive to the victim

corporal offenses (touching, physical contact of a sexual nature)

# 3.8 Marital rape

We did not find a definition for this category.

# 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

Sexual harassment

This crime punishes anyone who, in any way, monitors, pursues, harasses, besieges or seeks to establish contact or closeness with a person, without their consent, to carry out acts of a sexual nature.

©Copyright © 2025 Baker & McKenzie. All rights reserved. **Ownership**: This documentation and content (Content) is a proprietary resource owned exclusively by Baker McKenzie (meaning Baker & McKenzie International and its member firms). The Content is protected under international copyright conventions. Use of this Content does not of itself create a contractual relationship, nor any attorney/client relationship, between Baker McKenzie and any person. **Non-reliance and exclusion**: All Content is for informational purposes only and may not reflect the most current legal and regulatory developments. All summaries of the laws, regulations and practice are subject to change. The Content is not offered as legal or professional advice for any specific matter. It is not intended to be a substitute for reference to (and compliance with) the detailed provisions of applicable laws, rules, regulations or forms. Legal advice should always be sought before taking any action or refraining from taking any action based on any Content. Baker McKenzie and the editors and the contributing authors do not guarantee the accuracy of the Content and expressly disclaim any and all liability to any person in respect of the consequences of anything done or permitted to be done or omitted to be done wholly or partly in reliance upon the whole or any part of the Content. The Content may contain links to external websites and external websites may link to the Content. Baker McKenzie is not responsible for the content or operation of any such external sites and disclaims all liability, howsoever occurring, in respect of the content or operation of any such external websites. **Attorney Advertising**: This Content may qualify as “Attorney Advertising” requiring notice in some jurisdictions. To the extent that this Content may qualify as Attorney Advertising, PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME. **Reproduction**: Reproduction or copying of the Content on this Site without express written authorization is strictly prohibited.