



EUROPE

Ending physical and emotional violence against children and adolescents in Peru

Case study summary

Miriam Broeks, Emma Leenders, Pedro Sanjurjo



For more information on this publication, visit www.rand.org/t/RRA245-6

Cover image courtesy of INFANT Perú

© 2021 Copyright Bernard van Leer Foundation.

Published by the RAND Corporation, Santa Monica, Calif., and Cambridge, UK

RAND Europe is a not-for-profit research organisation that helps to improve policy and decision making through research and analysis. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors.

All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the sponsor.

Support RAND

Make a tax-deductible charitable contribution at www.rand.org/giving/contribute

www.rand.org

www.randeurope.org

Learning from advocacy for a new law prohibiting physical and psychological violence against children and adolescents in Peru

In 2015 an important law was passed prohibiting physical and psychological violence against children and adolescents in Peru

Legislative measures to protect children's rights were first implemented in Peru in the early 90s. The Code of Children and Adolescents¹ was created in 1992 and regularly updated in the years after.² Despite this legislative progress, violence against children and adolescents remained a prominent challenge in Peru; it was an accepted way to educate children among certain sectors of Peruvian society,³ and existing legislation did not provide sufficient protection. Article 74(d) of the Code of Children and Adolescents stated that parents should correct children 'moderately' and did not penalise parents or caregivers for using 'moderate violence' as a tool to raise their children, which some saw as an inadvertent endorsement of this behaviour.⁴ As experiences of violence during childhood and/or adolescence can lead to negative health⁵ and educational outcomes,⁶ including life-long impairment,⁷ increased risk of early death⁸ and negative coping behaviours,⁹ this was of significant concern for some civil society groups.

However, in December 2015, a new law – Law No. 30403 – was enacted in Peru. **Law No. 30403 prohibits the use of violence against children and adolescents in homes, schools, communities or any other space where children and adolescents spend a substantial amount of development time.** The law defines physical and humiliating (psychological) punishment and adds a new article to the Code of Children and Adolescents stipulating every child's right to receive fair treatment.

Much can be learnt from the efforts of the civil society groups that supported the new law

The Bernard van Leer Foundation has supported the Training Institute for Adolescents and Children Workers (INFANT) since 2005. Together with the Organisations for Children and Adolescents (ONNAS) and other civil society organisations, INFANT **supported the introduction of a law prohibiting physical and psychological violence towards children.** After nearly ten years of concentrated effort, the introduction of Law No. 30403 was a major step towards tackling violence against children and adolescents in Peruvian society.

The Bernard van Leer Foundation commissioned RAND Europe to produce a case study investigating the role INFANT, ONNAS and other stakeholders played in the events and debates between 2012 and 2015 leading to Law No. 30403 in Peru. The Foundation was particularly interested in identifying facilitators and barriers to the law and its implementation. An independent research team from RAND Europe collected data from different sources, including an extensive documentary review and interviews with stakeholders representing multiple perspectives and voices. By examining these sources, the case study highlights key characteristics perceived to have facilitated and enhanced the effectiveness of ONNAS and INFANT's work.

This summary captures lessons for others aiming to drive policy change and, more specifically, for those working to prohibit the use of violence against children and adolescents.

Key factors that helped to maximise the impact of INFANT and ONNAS's work

INFANT and ONNAS's work encompassed three main spheres: **political advocacy** to build political support for banning physical and humiliating punishment against children and adolescents and secure political allies; **media advocacy and public engagement** to disseminate information across society and publicly demonstrate the need for legislative change; and **educational activities** for parents and caregivers to provide them with alternative ways to raise and educate children, as well as activities for children to teach them about their rights.

The case study identified five key elements of INFANT and ONNAS's work



1. Young protagonists with innovative ideas and an intergenerational team

Compared to other civil society groups that supported a ban on physical and psychological violence towards children, the involvement of children and adolescents throughout the entire process was central to INFANT and ONNAS's work. **The movement was led and implemented by children themselves.**¹⁰ **They offered unique and creative input to the campaign**, such as holding a small demonstration outside Congress in animal costumes to call attention to the discussion of an animal-rights law that was discussed before the law banning physical and psychological violence against children.¹¹ Moreover, children joined the fan clubs of famous people to secure their support for the campaign.¹²

The children acted as credible conveyors of their message, legitimising their struggle. Children, rather than adults, asked for the

legislative change and led engagement with celebrities who championed the cause, while INFANT contributed the adult experience, perspective and connections that helped operationalise these efforts.

INFANT and ONNAS identified violence against



2. A clear goal and a multilateral strategy guided INFANT and ONNAS' activities

children and adolescents in Peru as a prevalent and deeply ingrained societal issue¹³ and resolved to change this. They recognised the need to transform **Peruvian cultural views to eliminate physical and psychological violence towards children.**¹⁴ This goal guided their work between 2007 and 2015 and continues to be at the centre of their efforts. As part of this, INFANT and ONNAS agreed it was a priority to advocate for the introduction of a new law prohibiting physical and psychological violence towards children.

Aware that legislative change does not directly translate into cultural change, a core accompanying element of their approach was to raise awareness of the issue in social as well as political spheres.¹⁵ Between 2010 and 2012, they allied with Save the Children on a campaign called '*Adiós al Castigo*' ('Goodbye to Punishment').¹⁶ With the support of the Bernard van Leer Foundation, they launched a second campaign between 2012 and 2015 called '*Infancia Sin Castigo, Infancia Sin Violencia!*' ('Childhood without Punishment, Childhood without Violence!'). After Law No. 30403 was approved, ONNAS and INFANT continued to raise awareness during the '*El Poder de la Ternura*' ('The Power of Affection') campaign between 2016 and 2019.

ONNAS and INFANT's approach also included collaboration with parents rather than leaving them feeling judged.¹⁷ They **focused on empowering parents** with the tools, knowledge and techniques to educate and nurture their children.¹⁸ As a result, their strategy was multilateral, focusing on the political and social.



3. An adaptive strategy based on learning on the ground

Self-reflection and adaptivity to changing contexts were crucial, enabling ONNAS and INFANT to adjust their strategy to circumvent emerging barriers.¹⁹ For example, initial difficulties attracting media attention informed subsequent strategy changes. Unable to secure television time, they formed collaborations with famous artists and public figures instead, leading to increased media attention and a broader reach for their message.²⁰

This flexible approach was considered key, particularly when they depended on the availability and engagement of politicians and local authorities for political advocacy.²¹ Political figures and governmental representatives frequently changed,²² which meant that alliances were lost and new relationships had to be built.



4. Strategic collaborations with artists, journalists, politicians, government officials and other civil society organisations

Beyond their own collaborative partnership, ONNAS and INFANT sought **political allies** to facilitate the approval, regulation and implementation of legislation.²³ They secured backing from congresspeople, a minister and

local authorities.²⁴ This support was crucial in achieving prioritisation of their legislative proposal on the political agenda. They also **formed alliances with public figures** (actors, musicians and journalists) to ensure their message reached the general public, and **collaborated with other civil society organisations** to strengthen their outreach.



5. Financial and logistical support

In addition to financial support in the form of grants received from international organisations and funders (e.g. the Bernard van Leer Foundation²⁵ and Save the Children²⁶), INFANT and ONNAS also received other forms of support through their alliances, such as concessions for using public spaces.²⁷ For example, some municipalities in Lima and other provinces across the country provided logistical support to organise events, covered costs for security personnel, or, for example, donated a podium for events and the container for setting up the 'Moving museum of affection'. INFANT and ONNAS also received donations from artists.



The wider context of INFANT and ONNAS actions



There was a broader shift in how violence was viewed in Peruvian society

At both the political and societal level, an **awareness that violence was an unacceptable violation of human rights (including children's) increased in Peru in the years leading up to legislative change.** Prior to the legislative change, a wider debate about violence against children, women and minority groups started to take place.²⁸ There was also growing awareness among politicians of the prevalence of violence as a national issue, which may have facilitated the law's adoption.²⁹



While the topic itself was not contentious, persistent resistance to the legislative change needed to be tackled

Although it was difficult for politicians to openly challenge the idea of prohibiting violence against children and

adolescents, resistance to the law continued due to the persistence of old cultural norms and views held by some members of Congress about how to educate children.³⁰ From 2011 onwards, INFANT and ONNAS pursued dialogues with politicians to secure political allies to back their cause.³¹ Between 2013 and 2015, the law was prioritised by several members of Congress.³²



Other contextual factors likely facilitated the adoption of the new legislation

Wider contextual factors, including growing international pressure on Peru to update its Code of Children and Adolescents,³³ the eagerness of Congress representatives to approve the legislation and add it to their repertoire of achievements before the end of the presidential term,³⁴ and the fact that the 2011-2016 government was more progressive and receptive to social welfare matters, are also likely to have facilitated the law's adoption.³⁵

Work to ensure the effective implementation of the law continues

Law No. 30403 had minimal regulatory details when it was first approved, requiring considerable work to provide operationalisation guidelines. Regulations for implementation were defined between 2015 and 2018 and took effect on 7 June 2018.³⁶ To promote the continued effective regulation and implementation of the law, INFANT and ONNAS collaborated closely with Congress representatives and governmental institutions.³⁷ Their work was further facilitated when ex-ONNAS members began taking-up governmental roles,³⁸ becoming key allies. Moreover, following the establishment of regulations to implement the law, the Ministry of Women and Vulnerable Populations undertook awareness-raising campaigns and implemented guidance to change practice within education and local government institutions.³⁹

However, stronger resistance from opposing civil society groups also emerged. An organised opposition group started a campaign called '*Con Mis Hijos No Te Metas*' ('Don't Mess with my Children') and gained prominence in 2016.⁴⁰ They found an ally in Congress, working with the congressman who had abstained from voting on the new law in 2015.⁴¹ The debate in Congress after the law's approval was described as more conservative in general.⁴² These developments are a reminder that the mission to change deeply ingrained cultural views is still not complete. While fewer people believe physical punishment is necessary to educate children, a notable proportion of the population still considers violence as justifiable, as evidenced by national surveys⁴³ - highlighting the importance of INFANT and ONNAS's continued work to raise awareness.

Notes

- 1 'Codigo de los niños y adolescentes.' 1992. Congreso.gob.pe, 29 December. As of 11 February 2021: <http://www4.congreso.gob.pe/comisiones/1998/mujer/CNA.HTM>
- 2 Morlachetti, Alejandro. 2013. 'Sistemas nacionales de protección integral de la infancia: fundamentos jurídicos y estado de aplicación en América Latina y el Caribe'. Comisión Económica para América Latina y el Caribe (CEPAL) and UNICEF. As of 11 February 2021: https://repositorio.cepal.org/bitstream/handle/11362/4040/1/S2012958_es.pdf
- 3 Ministerio de la Mujer y Desarrollo Social. 2007. 'Maltrato y abuso sexual infantil en el Perú: ¿A cuántos afecta y como enfrentarlo? / Programa Nacional Contra la Violencia Familiar y Sexual'. Lima: Ministerio de la Mujer y Desarrollo Social. As of 11 February 2021: https://www.mimp.gob.pe/files/programas_nacionales/pncvfs/folleto_maltrato_abuso_sexual1.pdf; Government actor 16.
- 4 BvLF country representative, Validation workshop, 28 September 2020.
- 5 Alvaro Morales & Prakarsh Singh. 2015. 'The Effects of Child Physical Maltreatment on Nutritional Outcomes: Evidence from Peru'. The Journal of Development Studies, 51:7, 826-850, DOI: 10.1080/00220388.2015.1034110
- 6 Fry, Deborah., Jeanine Anderson, Rainaldo J.T. Hidalgo, Aldo Elizalde, Tabitha Casey, Rosario Rodriguez, Amanda Martin, Carmen Oroz, Jhon Gamarra, Karina Padilla, & Xiangming Fang. 2016. 'Prevalence of violence in childhood and adolescence and the impact on educational outcomes: evidence from the 2013 Peruvian national survey on social relations'. *International Health*, 8(1): 44–52. As of 11 February 2021: <https://doi.org/10.1093/inthealth/ihv075>
- 7 Hillis, S., J. Mercy, A. Amobi & H. Kress. 2016. 'Global prevalence of past year violence against children: A systematic review and minimum estimates'. *Pediatrics* 146(6). As of 11 February 2021: <https://doi.org/10.1542/peds.2015-4079>
- 8 Hillis, S., J. Mercy, A. Amobi & H. Kress. 2016. 'Global prevalence of past year violence against children: A systematic review and minimum estimates'. *Pediatrics* 146(6). As of 11 February 2021: <https://doi.org/10.1542/peds.2015-4079>
- 9 World Health Organization (WHO). 2020. 'Violence against Children. World Health Organization.' WHO.int. As of 11 February 2021: <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>
- 10 Member of INFANT/ONNAS 2; Member of INFANT 3; Member of INFANT/ONNAS 4; Member of INFANT 7; Partner of INFANT 8.
- 11 BvLF country representative, post Validation workshop consultation, 26 October 2020.
- 12 Member of Infant/ONNAS 4; Member of Infant/ONNAS 5; BvLF country representative, post Validation workshop consultation, 26 October 2020.
- 13 Member of INFANT 1; Member of INFANT/ONNAS 2; Member of INFANT/ONNAS 4; Member of INFANT/ONNAS 5; Member of INFANT 7; Member of INFANT 3; Member of INFANT 6.
- 14 Member of INFANT 1; Member of INFANT/ONNAS 2; Member of INFANT 3; Member of INFANT/ONNAS 4; Member of INFANT/ONNAS 5; Member of INFANT 6.
- 15 Member of INFANT/ONNAS 5; Member of INFANT 6.
- 16 Member of INFANT/ONNAS 5.
- 17 Partner of INFANT 8; Member of INFANT/ONNAS 5.
- 18 Member of INFANT 3; Member of INFANT 7; Member of INFANT 1; Member of INFANT/ONNAS 5.
- 19 Member of INFANT/ONNAS 5.
- 20 Member of INFANT 6.
- 21 Member of INFANT/ONNAS 5.
- 22 Member of INFANT 7; Member of INFANT/ONNAS 4.
- 23 Member of INFANT/ONNAS 4; Member of INFANT 1; Member of INFANT/ONNAS 2; Member of INFANT 3; Partner of INFANT 8.
- 24 Partner of INFANT 8.
- 25 Bernard van Leer Foundation (n.d.). 2021. 'Peru'. As of 11 February 2021: <https://bernardvanleer.org/country/peru/>

- 26 Member of INFANT/ONNAS 5.
- 27 Member of INFANT 7; Member of INFANT 3.
- 28 Member of INFANT 1; Local government representative 10; Artist 18; Journalist 13.
- 29 Parliamentary assistant 17.
- 30 Politician 14; Civil servant 12; Lawyer 11; Local government representative 10; Politician 15.
- 31 Partner of INFANT 8.
- 32 The following political representatives asked for the law to be prioritised: Congresswoman Salgado Rubianes (22 August 2013); Congressman Eguren Neuenschwander, who was President of the Justice Commission (9 June 2014, 18 August 2014, 22 August 2014, 29 August 2014, 26 September 2014, and 5 January 2015); and Eduardo Vega, who was ombudsman at the time (26 February 2015 and 30 April 2015).
- 33 Government actor 16.
- 34 Member of INFANT/ONNAS 4; Member of INFANT 6.
- 35 Politician 15; Politician 14.
- 36 La Ley. 2018. 'Las 7 claves que debes conocer sobre el reglamento contra el castigo físico y humillante de menores.' La Ley, 11 June. As of 11 February 2021: <https://laley.pe/art/5518/las-7-claves-que-debes-conocer-sobre-el-reglamento-contra-el-castigo-fisico-y-humillante-de-menores>
- 37 Politician 15; Partner of INFANT 8; Government actor 16.
- 38 Member of INFANT 3; BvLF country representative, Validation workshop, 28 September 2020.
- 39 Politician 14; Government actor 16.
- 40 Politician 15; Politician 14; Lawyer 11; Government actor 16; Member of INFANT 1; Member of INFANT 3.
- 41 Politician 14; Member of INFANT/ONNAS 5.
- 42 Politician 15.
- 43 In the 2018 ENDES survey, only 20 per cent of respondents indicated that physical punishment was 'sometimes' necessary to educate children, compared to 32 per cent in 2004. Moreover, 80 per cent of respondents in 2018 believed that physical punishment was unnecessary to educate children. Source: Garcia Sanabria, Jose Alberto. 2019. *Empoderamiento de la mujer y violencia familiar ENDES 2018*. Lima: Instituto Nacional de Estadística e Informática. As of 11 February 2021: https://encuestas.inei.gob.pe/endes/2018/empoderamiento/pdf/EMPODERAMIENTO_ENDES_2018.pdf; Instituto Nacional de Estadística e Informática. 2004 'Perú Encuesta Demográfica y de Salud Familiar: ENDES Continua 2004'. Lima: Instituto Nacional de Estadística e Informática. As of 11 February 2021: https://encuestas.inei.gob.pe/endes/recursos/endes2004_informe.pdf

The 2019-2020 case studies and the Bernard van Leer Foundation's focus on early childhood education

The Bernard van Leer Foundation has long focused on enhancing opportunities for children growing up in socially and economically disadvantaged circumstances, with a view to developing their innate potential (Bernard van Leer Foundation, 1999). The Foundation has contributed to a substantial body of work that emphasises the importance of early childhood (Van Gendt, 1998). More recently, it has turned its attention to how best to deliver early childhood services and the best policies in this field. Current knowledge on this topic is explored in its regular journals (e.g. Bernard van Leer Foundation, 2018a). As part of its approach to enhance opportunities for children, the Foundation seeks to intervene at a greater scale, e.g. funding projects with national reach instead of smaller-scale interventions. In 2018 it published its 2016-2020 Transition to Scale strategy (Bernard van Leer Foundation, 2018b), and in 2019 commissioned Harvard University, Princeton University and RAND Europe to deliver a set of case studies to document learning about implementing early childhood development programmes at scale.

The objective of these case studies is to ensure that lessons on 'what works' in operating at scale were systematically captured, assessed and made available for other governments, practitioners and foundations to use. The Foundation was particularly interested in learning about the critical conditions for achieving sustainable impact at scale in early childhood development.

References

Bernard van Leer Foundation. 1999. 'A Legacy for Humankind. The Bernard van Leer Foundation: from profits to philanthropy'. The Hague: Bernard van Leer Foundation. As of 6 March 2020: https://issuu.com/bernardvanleerfoundation/docs/a_legacy_for_humankind

Bernard van Leer Foundation. 2018a. 'Advances in early childhood development'. *Early Childhood Matters* 127.

Bernard van Leer Foundation. 2018b. 'Annual Report 2017'. p.18. As of 6 March 2020: <https://issuu.com/bernardvanleerfoundation/docs/bvlf-annualreport17-digital-pages>

Van Gendt, R. 1998. 'Introducing Early Childhood Matters'. *Early Childhood Matters* 88 (February).