

Reciprocal Injuries in Criminal Matters in Law 30364: A Critical and Comprehensive Analysis from the Gender Stereotype

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ABSTRACT

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The present study seeks to address the issue of reciprocal injuries in criminal matters by examining the implications of Law 30364, which aims to prevent, punish and eradicate violence against women and members of the family group. The legislation encompasses both men and women, yet there are instances where women perpetrate violence against men, often perceiving them as victims. This tendency may be influenced by gender stereotypes embedded within the justice system. The present article seeks to determine whether there are instances of mutual aggression in Law 30364 in criminal matters, and whether any fundamental right of the man is violated by stigmatizing him as an aggressor. The aim is to unify criteria and guarantee the predictability of judicial decisions. The methodology employed in this study combines qualitative and quantitative approaches, which are of social and procedural relevance, as it seeks to guarantee the protection of the fundamental rights of women and men in cases of family violence.

Keywords: Justice operators, unification of criteria, judicial decisions, gender stereotypes, reciprocal injuries.

INTRODUCTION

The study's problematic reality is highlighted by the assertion that Law 30364, as stated by the Congress of the Republic (2015)¹, aims to prohibit, criminalize and penalize all forms of violence directed towards women on account of their gender, as well as violence against other family members, particularly when these individuals are physically vulnerable or due to their age, such as children, adolescents, the elderly and people with disabilities.

The application of Law 30364 reveals a problematic reality involving reciprocal injuries and gender stereotyping. Within the national context, a substantial number of cases involving criminal matters have been documented, wherein both females and males have been subjected to injuries within the ambit of domestic violence. However, it is frequently observed that the aggressions perpetrated by women are often downplayed or overlooked, with the focus being placed exclusively on the protection and consideration of women as victims. This phenomenon is intricately intertwined with deeply entrenched gender stereotypes, which permeate societal norms and permeate the operational practices

¹ Congreso de la República. (2015). Law No. 30364 Law to prevent, punish and eradicate violence against women and members of the family group.

of justice systems.

The central problem that this study seeks to address is as follows: What is the concurrence of reciprocal injuries in criminal matters, in cases of violence against women and members of the family group, within the framework of Law 30364, and how is it affected by gender stereotyping? The study is based on the hypothesis that mutual aggression is expected in acts of violence against women and members of the family group within the framework of Law 30364. This implies that both men and women can be both aggressors and victims in situations of domestic violence. Furthermore, it suggests that the fundamental right of equality before the law with respect to men is violated by stigmatizing him as the aggressor in a context of violence against women or members of the family group.

This suggests that the prevailing approach in the implementation of Law 30364 may result in unequal treatment and overprotection of women, while disregarding instances where men also become victims of violence. Furthermore, it is posited that there is a perceived gender stigma among justice officials, leading to the automatic assumption of men as the aggressor. This indicates that entrenched stereotypes and prejudices in society can influence judicial decision-making and the consideration of cases of mutual injury, overlooking the factual reality of domestic violence situations.

The objectives of the study are threefold: firstly, to understand and evaluate the concurrence of reciprocal injuries in criminal matters, in cases of violence against women and members of the family group, in the context of Law 30364 and gender stereotypes; secondly, to determine the prevalence and characteristics of reciprocal injuries in cases of domestic violence, considering both men and women as aggressors and victims; and thirdly, to identify the gender stereotypes present in justice operators and their influence on the consideration of cases of reciprocal injuries.

I. METHODOLOGY

The methodology employed in this article adheres to a rigorous and structured approach to the collection and synthesis of available evidence pertaining to the issue of reciprocal injuries within the framework of Law 30364 in the criminal field, and gender stereotyping. Initially, a precise and specific research question was formulated to serve as the overarching guide for the entire review process. This question was formulated with the objective of comprehending the legal, social and gender ramifications that emerge in instances of reciprocal injuries, in addition to proposing recommendations for a more equitable and just response to domestic violence.

A detailed systematic review protocol was then developed, delineating the methods and criteria employed in the study. This protocol encompassed aspects such as the databases to be searched, the keywords to be employed, the criteria for the inclusion and exclusion of studies, and the methods for the extraction and analysis of pertinent data. An exhaustive literature search was then carried out in various academic databases, complemented by a manual review of references and consultations with experts in the field. Specific keywords related to the topic of study were used to ensure the inclusion of relevant studies.

Following the literature search, the relevant studies were selected. The inclusion and exclusion criteria established in the protocol were rigorously applied to ensure the selection of studies that adequately addressed the problem of reciprocal injuries and gender stereotype within the framework of Law 30364. Following the selection of studies, relevant data were extracted using a pre-designed form or template. Information was collected on study design, participant characteristics, methods used, and main outcomes.

II. DOMESTIC VIOLENCE AND THE GENDER PERSPECTIVE

The theory of the cycle of violence, proposed by Lenore Walker², holds that domestic violence follows a cyclical pattern composed of three phases: accumulation of tension, acute episode of violence, and

² Walker, Lenore E. (1979). The battered woman. Harper & Row. Retrieved from <https://www.estudiocriminal.eu/blog/ciclo-de-la-violencia-de-lenore-walker/>

honeymoon period. This theory states that both men and women can be involved in the different stages of the cycle, which supports the idea of mutual aggression in relationships.

The gender perspective constitutes a foundational approach to comprehending domestic violence. This standpoint acknowledges the disparities in power and gender roles that contribute to the issue. It conceptualizes violence against women as a manifestation of systemic and cultural inequities between the sexes. However, it is important to acknowledge that there are instances where men become victims of violence at the hands of their partners, thereby challenging conventional gender stereotypes.

This approach is reflected in Law 30364, which is committed to protecting the rights and safety of women and family members. By acknowledging the heightened vulnerability of specific groups and offering enhanced protection in cases of severe injury, it aims to ensure a comprehensive and equitable response to situations of violence. It also facilitates the evaluation and interrogation of established mechanisms, as well as the identification of potential improvements and challenges in their implementation. This approach is instrumental in ensuring the effectiveness of prevention, punishment and eradication of violence against women and family members, and the promotion of a more egalitarian society free of gender-based violence.

Furthermore, it facilitates detailed examination of the specific situations in which reciprocal injuries occur. A critical evaluation of the legal framework's response to such cases is imperative to ascertain the efficacy of the protective measures and punitive sanctions imposed. This necessitates a comprehensive analysis of the unique circumstances surrounding each case, with a focus on identifying vulnerabilities and the specific ramifications of reciprocal injuries.

The objective is to identify potential challenges and areas for enhancement in the implementation of Law 30364. The objective of this analysis is to enhance the protection of victims and ensure an adequate response to situations of violence within the family environment. Furthermore, it provides a valuable opportunity to review and adjust existing policies and measures, thereby ensuring greater effectiveness in the prevention and eradication of violence against women and members of the family group in cases of reciprocal injuries.

Gender stereotypes represent a significant challenge for justice operators in their work to administer justice in an equitable and non-judgmental manner. According to the OHCHR³ (United Nations High Commissioner for Human Rights), gender stereotypes are generalized visions that limit the ability of men and women to develop their personal capacities and make decisions about their lives (OHCHR, 2020). This means that justice operators, being immersed in a society permeated by gender stereotypes, can be influenced by these prejudices and bias their judgment when dealing with cases related to gender violence.

The University of Toronto Law⁴ School highlights that gender stereotypes affect both men and women but can have particularly detrimental effects on women by devaluing them or assigning them inferior roles (University of Toronto Law Chair, n.d.). This situation highlights the importance of justice operators being aware of how gender stereotypes influence their decision-making and being able to recognize and overcome these biases to ensure equitable justice.

In the Peruvian context, INDECOP⁵ (National Institute for the Defense of Consumers and Intellectual Property) has analyzed gender stereotypes in advertising and consumption and has found that the representation of women as sexual objects contributes to the persistence of domestic violence and the perpetuation of gender inequality (INDECOP, n.d.). These stereotypes present in society can influence the way justice operators deal with cases of gender-based violence, which shows the need for them to be trained to recognize and challenge gender stereotypes in their work.

The Women's Institute⁶ has carried out a sociological analysis of gender stereotypes, roles and

³ OHCHR. (2020). Gender stereotypes. Retrieved from <https://www.ohchr.org/es/women/gender> stereotyping

⁴ University of Toronto Faculty of Law. (n.d.). Gender stereotypes. Retrieved from https://www.law.utoronto.ca/utfl_file/count/documents/reprohealth/estereotipos-de-genero.pdf

⁵ IndecopiPE. (2020). Indecopi, UNDP and MIMP present "Diagnosis of gender stereotypes in consumption and advertising in Peru" with 23 recommendations to promote gender equality. <https://repositorio.indecopi.gob.pe/handle/11724/7932>

⁶ Women's Institute. (2020). Gender stereotypes, roles and relations in a nationally produced television series: a sociological analysis. Retrieved from

relationships in national television series in Spain. According to her research, television series can reinforce or challenge gender stereotypes and therefore play an important role in the socialization of society (Instituto de las Mujeres, n.d.). This reality poses an additional challenge for justice operators, as society, influenced by the media, may have entrenched expectations and stereotypes about what the roles and behaviors of men and women should look like, which can affect the way gender-based violence cases are addressed in court.

In order to surmount the challenges identified, it is imperative that justice operators receive training that is gender-specific and are cognizant of the manner in which gender stereotypes may influence their professional practice. It is imperative that they possess the capacity to recognize and challenge their own biases, as well as those of others, and to ensure empathetic listening and fair and impartial evaluation of cases of gender-based violence. Furthermore, it is essential to cultivate collaborative efforts among justice operators and various stakeholders, including civil society organizations and gender experts, to comprehensively address gender stereotypes and promote more equitable justice for all individuals involved in cases of gender-based violence.

Law 30364, also known as the Law to Prevent, Punish and Eradicate Violence against Women and Family Members, has been criticized for stigmatizing men as aggressors in cases of violence. However, gender-based violence is a human rights problem that mainly affects women and other members of the family group, and that must be addressed in a comprehensive and coordinated manner by the State and society as a whole⁷ (Clérico, 2021).

A plethora of gender-based violence exists, encompassing trafficking in women, domestic abuse, and sexual assault. A significant impediment to a more profound comprehension of the issue of female violence in Latin America and the Caribbean is the dearth of statistical data that can unveil the comprehensive scope of the crisis. While studies on the subject allow for the deduction of its epidemiological nature, its prevalence remains significantly higher than that documented in official statistics. Furthermore, gender-based violence constitutes a violation of women's fundamental human rights and poses a significant threat to public health⁸ (United Nations Development Programme, 2020).

Critics have condemned Law 30364 for its association of males with violent crimes; however, it is imperative to acknowledge that the legislation's primary objectives are the protection of victims of gender-based violence and the eradication of gender-based violence within society. Addressing gender stereotypes and preventing gender-based violence in all its manifestations is imperative, as gender-based violence is a multifaceted issue that necessitates a comprehensive and coordinated response from the government and society at large⁹ (Sánchez, 2020).

One of the measures that can be taken is to increase education and awareness about gender stereotypes. Edhín Campos¹⁰, highlights how through education gender prejudices about men and women can be reduced. Strengthening the application of Law 30364 is one more step. In addition, the Judiciary of Peru highlights the importance of addressing cases of gender violence and the crime of femicide from the criteria to prevent discrimination and gender-based violence.

Finally, enhancing data collection and research on gender-based violence is imperative. A significant impediment to a more profound comprehension of the issue of female violence in Latin America and the Caribbean is the dearth of statistical data that can elucidate the comprehensive scope

https://www.inmujeres.gob.es/areasTematicas/AreaEstudiosInvestigacion/docs/Estudios/Estereotipos_rol_y_relaciones_de_genero_Series_TV2020.pdf

⁷ Clérico, Laura. (2021). Making stereotype analysis manageable. Retrieved from

https://www.academia.edu/44995736/Haciendo_manejable_el_an%C3%A1lisis_de_estereotipos

⁸ United Nations Development Programme. (2020). Diagnosis of gender stereotypes in consumption and advertising in Peru. Retrieved from <https://www.undp.org/es/peru/publications/diagn%C3%B3stico-sobre-los-estereotipos-de-g%C3%A9nero-en-el-consumo-y-la-publicidad-en-el-per%C3%BA-0>

⁹ Sánchez Valentín, Mary Alejandra (2020). Is a reform of the normative text on the principle of social adequacy necessary in order to counteract the unjustified use of gender stereotypes in advertising? (Research work). Universidad Continental. Retrieved from

https://repositorio.continental.edu.pe/bitstream/20.500.12394/7979/3/IV_FDE_312_TE_Sanchez_Valentin_2020.pdf

¹⁰ Campos Barranzuela, E. (2022). Should gender stereotypes between men and women decrease in Peru?, by Edhín Campos. Passion for law. <https://lpderecho.pe/deben-disminuir-estereotipos-genero-entre-varon-mujer-peru-edhin-campos/>

of the crisis. To enhance our understanding of gender-based violence and its societal implications, there is an imperative to fortify research methodologies and enhance data collection processes.

A comprehensive review of the extant research and analysis reveals several recommendations and contributions. Chief among these is the imperative to support gender equality in media and advertising, given the role that these platforms play in perpetuating gender stereotypes. It is imperative to encourage the equitable representation of both genders in these disciplines and to promote gender equality. Furthermore, the promotion of education and awareness regarding gender stereotypes is imperative, as they play a pivotal role in the deconstruction of gender stereotypes and the cultivation of an egalitarian society.

1. PREVALENCE AND CHARACTERISTICS OF RECIPROCAL INJURIES IN CASES OF DOMESTIC VIOLENCE, CONSIDERING BOTH MEN AND WOMEN AS AGGRESSORS AND VICTIMS.

In the study of Mojahed et al.¹¹ (2021), the authors assessed 86 violent cases in total, 80 of which concentrated on one-way partner violence, i.e. violence committed by men against women, while the other six studies looked at two-way partner violence, or intimate partner violence committed by both partners. When comparing postpartum one-way intimate partner violence (IPV) with pregnancy (range: 1.5–66.9%), most of the included studies found decreased overall prevalence rates (range: 2–58%). They also found that, throughout the perinatal period, psychological violence is the most common type of violence. Most studies on reciprocal intimate partner violence revealed that women committed the crime at least as often as their partners, but caution should be exercised when interpreting their results. In addition, the elements that contribute to gender-based violence were emphasized and an intersectional framework was used to examine them after integrating them into a multilevel ecological model. As a result, intimate partner violence is prevalent in populations experiencing social injustices and during the postpartum period.

Another study that helps with the objective is that of Nadda et al.¹² (2019), in their research, the total prevalence of spousal violence was 33.2 % (283), of which 14.84 % (42) were reciprocally violent. Alcoholic husband [Adjusted Odds Ratio (AOR): 3.262, P = 0.001], year of late marriage (>2 years) [AOR: 0.359, P = 0.001], low education of participants [AOR: 1.443, P = 0.033], and low socioeconomic class [AOR: 0.562, P = 0.004] are the risk factors for non-reciprocal domestic violence. The alcoholic husband [AOR: 4.372, P = 0.001] and the nuclear family [AOR: 3.115, P = 0.001] were found to be significant risk factors for reciprocal domestic violence. Women who indulged in reciprocal violence were associated with more serious injuries than non-reciprocal violence. In summary, with the study they determined that one in three women has experienced spousal violence and also highlights the existence of reciprocal violence in India. Alcoholism, low marital education, and living in a nuclear family are the important determinants of reciprocal violence. In addition, reciprocal violence is associated with serious injuries.

¹¹ Mojahed, A., Alaidarous, N., Kopp, M., Pogarell, A., Thiel, F., & Garthus-Niegel, S. (2021). Prevalence of Intimate Partner Violence Among Intimate Partners During the Perinatal Period: A Narrative Literature Review. *Frontiers in Psychiatry*, 12. <https://doi.org/10.3389/fpsy.2021.601236>

¹² Nadda, A., Malik, J., Bhardwaj, A., Khan, Z., Arora, V., Gupta, S., & Nagar, M. (2019). Reciprocate and nonreciprocate spousal violence: A cross-sectional study in Haryana, India. *Journal of Family Medicine and Primary Care*, 8(1), 120. https://doi.org/10.4103/jfmpc.jfmpc_273_18

2. EFFECTIVENESS OF LAW 30364 IN CASES OF RECIPROCAL INJURIES: ANALYZING JUDICIAL DECISIONS

In the study of Kohler (2021)¹³, according to the author's conclusions, there is insufficient evidence of an adequate or sufficient evaluation of the psychological evaluation reports in the judicial decisions that result in the granting of protection measures in cases of family violence under the guidelines of Law 30364 in the judicial district of Lima Centro during the year 2018-2019. In order to adhere to the guidelines established in Article 276 of the Code of Civil Procedure, the evidence presented by the parties is dismissed. There are also other appropriate ways to decide whether to grant protective measures in addition to psychological evaluation reports. To create certainty, these methods must be evaluated by judges based on the maxim of experience, sound legal reasoning, and evidence that the parties have collectively provided.

In another study, a similar result was also observed, this is the one they carried out Ramirez and Salazar (2021)¹⁴, It was ultimately determined that even in instances where women had physically defended themselves against the aggressor, they remained subject to criminal prosecution. This was due to the operators of the justice system's lack of the necessary doctrinal and normative knowledge, which resulted in an inaccurate evaluation and interpretation of the presumptions of self-defense. From the perspective of the prosecutors at the Provincial Prosecutor's Office Specialized in Crimes of Violence Against Women of Piura, it is evident that when a woman engages in self-defense against her assailant, resulting in injury to the assailant, she may be perceived as mounting retaliatory attacks within her bosom. In the context of family violence, even when acting in self-defense.

The study of Rosales¹⁵ (2018), who finally concluded that the regulations of Law No. 30364 violate in various ways the constitutional rights of the accused, including the right to a fair trial, the right to adversarial proceedings, the right to defense and due process. In view of the foregoing, the author considered it essential to suggest amending article 16 of Law No. 30364 and its Regulations, specifically article 35, to extend the period of 72 hours from the date of submission of the complaint. This will allow the relevant judge to hold an oral hearing and decide on the issuance of protective measures.

In view of this, Towers¹⁶ (2022), stated that since women victims of physical aggression only exercise their right to self-defense against the aggression of their aggressor because they feel intimidated, threatened or physically violated, the regulatory inclusion of self-defense in Law 30364 would facilitate the exercise of judicial functions. operators to individualize the family aggressor.

3. GENDER STEREOTYPES PRESENT IN JUSTICE OPERATORS AND THEIR INFLUENCE ON THE CONSIDERATION OF CASES OF RECIPROCAL INJURIES

In a study from Argentina, Anabia¹⁷ (2021), analyzed a particular case of reciprocal injuries in violence against women, and stated the following, RCE acronym of a victim, who was unjustly sentenced to two years of suspended imprisonment for defending herself from the attacks of her ex-partner in a violent

¹³ Kohler, Olivera. Assessment of psychological evaluation reports in judicial decisions that determine protection measures in psychological violence processes within the framework of Law 30364, in the judicial district of Lima, period 2018-2019 [Technological University of Peru]. <https://repositorio.utp.edu.pe/handle/20.500.12867/4391>

¹⁴ Ramirez Prado, Katherine Lizeth, & Salazar Torres, Edgar (2021). Analysis of the legitimate defense of women victims of family violence in the environment of reciprocal injuries Piura – 2020 [César Vallejo University]. <https://hdl.handle.net/20.500.12692/67049>

¹⁵ Rosales Retuerto, Y. B. (2018). The process for family violence and the affectation of the right to due process and defense of the accused in application of law number 30364 [Universidad Nacional Santiago Antúnez de Mayolo]. <http://repositorio.unasam.edu.pe/handle/UNASAM/2505>

¹⁶ Torres Azurza, J. (2022). Incorporation of self-defense in Law 30364 as a normative presupposition in cases of physical aggression against women [César Vallejo University]. <https://repositorio.ucv.edu.pe/handle/20.500.12692/80017>

¹⁷ Anabia, Rosa Mercedes. (2021). Ruling with a gender perspective and not with gender stereotypes, its ratification by the Supreme Court of Justice of the Nation in the "RCE" ruling [Universidad Siglo 21]. <https://repositorio.21.edu.ar/handle/ues21/21894>

and long-term relationship. The lower courts ignored this and instead applied gender stereotypes and ruled that the act did not qualify as a legitimate defense. They saw RCE as a liar who decided to hit her attacker after realizing she could get out of her situation. The author referred to the need to provide women with access to justice, security, education and full respect for and exercise of their human rights in this regard. Situations of gender-based violence must be taken into account before they fail, as this will help to dismantle the androcentric legal systems that still exist and curb institutional violence. In this regard, another author Navarrese¹⁸ (2021) of the same country mentions that it is evident that there is a clear need for all judicial operators to acquire skills on this gender perspective in order to speed up justice for women and eliminate power asymmetries.

In Peru, in the study of Vargas and Noriega¹⁹ (2019), it was found that these general guidelines are not usually strictly followed in court cases involving acts of gender-based violence against women. Conversely, evidence is generally not collected comprehensively, and its evaluation is often not sound, critical, or logical. This is undoubtedly one of the biggest barriers to justice for women who have been abused; discrimination against them is a result of their gender.

4. SOCIAL AND LEGAL IMPACTS OF CONSIDERING MEN AS VICTIMS OF DOMESTIC VIOLENCE WITHIN THE FRAMEWORK OF LAW 30364, AS OPPOSED TO TRADITIONAL GENDER STEREOTYPES.

In the study of, Scott-Storey et al.²⁰ (2023), the authors state that men as victims of intimate partner violence (IPV) remain controversial and understudied, despite empirical evidence documenting men's exposure and experience of IPV dating back nearly five decades. Relying on other authors, he mentions that; first, efforts to provoke meaningful political and social responses to violence against women in intimate relationships led to the prevalence of the idea that IPV experienced by men is less frequent, severe, and consequential than IPV experienced by women²¹ (Espinoza & Warner, 2016). This, in turn, contributed to an emphasis on female-focused research, and men were primarily studied compared to women. However, such comparisons use women's experiences as a starting point rather than fully understanding men's experiences. That's why, Hines and Douglas²² (2009) They have been especially critical of the lack of research comparing samples of abused and non-abused men. They note that research findings comparing male victims to female victims have implied that men do not suffer to the same degree, which can wrongly trivialize men's experiences of violence.

Therefore, understanding how men experience victimization from an abusive partner requires attention. While both men and women can be victims of IPV, the similarities and differences in their experiences are not adequately understood. In addition, the gender and/or sex of the perpetrator shapes the experience of IPV. Although it appears that men experience similar "types" of IPV, there are differences in how these acts of violence are interpreted. For Follingstad y Rogers²³ (2013), measuring IPV in the absence of context (e.g., meaning, severity, patterns, intent, gender, and sex of the

¹⁸ Navarro, Evangelina. (2021). *Analysis of a case of legitimate defense and evidentiary standards* [Universidad Siglo 21]. <https://repositorio.21.edu.ar/handle/ues21/22634>

¹⁹ Vargas Linares, Segundo Francisco, & Noriega Lachuma, Giampier (2019). Analysis of the aspects of procedural law, crimes of violence against women and members of the family group Law No. 30364 according to plenary agreement No. 005-2016/CJ-116 [Scientific University of Peru]. <http://repositorio.ucp.edu.pe/handle/UCP/944>

²⁰ Scott-Storey, Kelly, O'Donnell, Sue, Ford-Gilboe, Marilyn, Varcoe, Colleen, Wathen, Nadine, Malcolm, Jeannie, & Vincent, Charlene (2023). What About the Men? A Critical Review of Men's Experiences of Intimate Partner Violence. *Trauma, Violence, & Abuse*, 24(2), 858–872. <https://doi.org/10.1177/15248380211043827>

²¹ Espinoza, R. C., & Warner, D. (2016). Where Do We Go from here?: Examining Intimate Partner Violence by Bringing Male Victims, Female Perpetrators, and Psychological Sciences into the Fold. *Journal of Family Violence*, 31(8), 959–966. <https://doi.org/10.1007/s10896-016-9881-4>

²² Hines, Denise. A., & Douglas, Emily. M. (2009). Women's Use of Intimate Partner Violence against Men: Prevalence, Implications, and Consequences. *Journal of Aggression, Maltreatment & Trauma*, 18(6), 572–586. <https://doi.org/10.1080/10926770903103099>

²³ Follingstad, Diane. R., & Rogers, M. Jill. (2013). Validity Concerns in the Measurement of Women's and Men's Report of Intimate Partner Violence. *Sex Roles*, 69(3–4), 149–167. <https://doi.org/10.1007/s11199-013-0264-5>

perpetrator) perpetuates the problem of false gender symmetry, obstructs accurate interpretation of results, and prevents comparisons between research studies.

About that Benavides²⁴ (2023), highlights the need to abandon the strict judgment of opposing conceptions of gender that apply to both men and women. It is also thought that feminist rigor has no place in the analysis and study of the resolutions since it manifests a discriminatory bias that is evidently directed towards the male applicant and does not promote equity. It is important to note at this point that the real need that society has associated with the female sex is an honest need to end long-standing discrimination, inequality and lack of opportunities. These issues determine the impartiality of justice, but do not hinder equity.

CONCLUSIONS

A comprehensive systematic review of reciprocal injuries within the framework of Law 30364 and gender stereotypes was conducted, leading to the formulation of significant conclusions that elucidate the problem and its implications. These conclusions are derived from a meticulous analysis and synthesis of the extant evidence from academic literature.

Firstly, the existence of mutual aggression in cases of violence against women and members of the family group has been confirmed within the framework of Law 30364. The prevailing notion that men perpetrate aggression and women are passive victims has been interrogated, demonstrating that both genders can engage in both victimization and perpetration within the context of domestic violence. This finding underscores the necessity of addressing such incidents with equity and without bias based on gender stereotypes.

Furthermore, it has been determined that the stigmatization of men as perpetrators in all cases of violence against women or family members infringes upon their fundamental right to equality before the law. The overprotection of women and the unrecognition of violence by women contribute to the perpetuation of inequalities and the limitation of access to impartial justice. This finding underscores the necessity for a balanced perspective unencumbered by gender stereotypes in the implementation of Law 30364.

Furthermore, the presence of gender stigmas among justice system personnel has been documented, leading to the unilateral designation of men as aggressors in domestic violence cases. These stigmas hinder the objective evaluation of evidence and can influence judicial decisions, resulting in a disregard for the reality of mutual aggression. This underscores the necessity for the sensitization and training of justice operators to enable them to address such cases in an impartial and equitable manner.

RECOMMENDATIONS

A meticulous examination of the extant findings and conclusions of the systematic review, which was conducted within the framework of Law 30364 and gender stereotyping, has yielded a series of key recommendations. The purpose of these recommendations is to address the identified problem in an effective manner. These recommendations are directed towards various actors involved, with the objective of fostering a more equitable and just response to domestic violence.

Primarily, it is recommended that awareness-raising and training programs be implemented for justice operators, such as judges and prosecutors. These initiatives should focus on increasing their awareness of gender stereotypes and potential biases that can influence the treatment of reciprocal injury cases. By addressing these aspects, the objective is to foster an impartial and evidence-based evaluation process, thereby ensuring fair justice for all parties involved.

Secondly, it is imperative to harmonize the criteria for evaluating and addressing mutual aggression within the framework of Law 30364. It is imperative to establish clear and consistent guidelines that equitably consider evidence of violence perpetrated by both genders, avoiding

²⁴ Benavides Reyes, Cecilia. (2023). *Reverse discrimination, discrimination of the masculine gender* [Universidad Autónoma de Querétaro]. <https://ri-ng.uaq.mx/handle/123456789/8394>

overprotection or anticivilization of aggressions perpetrated by women. These guidelines must be implemented and disseminated widely among justice operators to ensure consistent application of the law.

Thirdly, it is recommended to promote a gender perspective at all levels of the justice system. This entails acknowledging the systemic and cultural factors that perpetuate domestic violence and comprehending the power dynamics and gender roles that influence such cases. Adopting a comprehensive approach that incorporates these dimensions is essential for developing more effective and equitable responses. Furthermore, ensuring adequate access to resources and support for victims of domestic violence, irrespective of their gender, is imperative. This necessitates the establishment of specialized care centers, the provision of legal counsel, psychological assistance, and rehabilitation programs. The promotion of awareness regarding these resources and services, and the assurance of their accessibility to all individuals without gender discrimination, are paramount.

The necessity for further research in this domain is underscored. Substantial, high-quality studies that meticulously examine the dynamics of reciprocal injury, underlying factors, and long-term effects are imperative. Such research will provide a solid basis for informing more effective policies and practices in preventing and addressing domestic violence.

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- CURRICULUM OVERVIEW**
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