

URGENT ACTION

OVER 2,000 WOMEN IN PERU DENIED JUSTICE

Over 2,000 Indigenous and peasant women living in poverty who were allegedly subjected to forced sterilization have been denied justice after the Public Prosecutor's office closed their cases. The failure to investigate their claims highlights the persistent discrimination against peasant and Indigenous peoples in Peru, including women.

On 22 January the Public Prosecutor's office in Lima (Fiscalía penal Supraprovincial de Lima) closed the cases of over 2,000 poor Indigenous and *campesino* women who were allegedly forcibly sterilized in the 1990s. These 2,000 cases represent only a small proportion of a total of more than 200,000 women who were sterilized in the 1990s, most of them poor Indigenous and *campesino* women who stated they had not given their full and informed consent. After an investigation, which started in 2004 and lasted nearly ten years, the Public Prosecutor only filed charges against the health professionals allegedly responsible for the forced sterilization and subsequent death of María Mamérita Mestanza Chávez in 1998. No charges were filed against any of the government authorities responsible for implementing the family planning program which resulted in these sterilizations.

In 2004 the Public Prosecutor's office opened an investigation into the widespread practice of forced sterilizations in the 1990s which was initially closed in 2009. Following national and international pressure, the investigation was reopened. However, lawyers representing the more than 2,000 victims have raised concerns over the lack of resources allocated to the investigation and the lack of progress made towards determining the responsible parties at all levels. This investigation followed a friendly settlement at the Inter-American Commission on Human Rights between the Peruvian State and the family of María Mamérita Mestanza Chávez. Peru acknowledged before the Commission that they had violated her rights to life and physical integrity, her right to equal protection before the law without discrimination and their duty to abstain from causing her harm. Peru also committed to investigate and seek justice in this case and all other allegations of forced sterilization.

Please write immediately in Spanish or your own language:

- Expressing dismay that the Public Prosecutor's office has closed more than 2,000 cases of victims of alleged forced sterilization during the 1990s and only filed charges against health professionals in the case of María Mamérita Mestanza Chávez;
- Urging the authorities to review this decision in view of the vast evidence suggesting that health professionals implementing this family planning program were pressured by government authorities into meeting sterilization quotas and that in most cases women did not give their free and informed consent;
- Reminding the authorities of their duty to guarantee the sexual and reproductive rights of all people without discrimination based on gender, race or economic situation, and of their duty to guarantee the right to truth, justice and reparation to all women and their relatives who were affected by this practice.

PLEASE SEND APPEALS BEFORE 13 MARCH 2014 TO:

President
Ollanta Humala Tasso
Despacho Presidencial, Jirón de la
Unión s/n Primera Cuadra- Cercado de
Lima, Perú
Fax: +511 311 4700
Email: bcamacho@presidencia.gob.pe /
secretariageneral@presidencia.gob.pe
Twitter: @Ollanta_HumalaT
**Salutation: Mr. President / Sr.
Presidente**

Minister of Foreign Affairs
Eda Rivas Franchini
Ministerio de Relaciones Exteriores del
Perú
Jirón Lampa 545, Lima 1, Perú
Fax: +511 204 2410
Email: erivas@ree.gob.pe
**Salutation: Dear Minister / Estimado
Sr. Ministro**

Attorney General
Dr. José Antonio Peláez Bardales
Fiscal de la Nación,
Ministerio Público del Perú
Av. Abancay cdra. 5 s/n, Lima, Perú
Fax: +511 427 1792
Email: ministeriopublico@mpfn.gob.pe
**Salutation: Dear Attorney General/
Sr. Fiscal de la Nación**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

**AMNESTY
INTERNATIONAL**



Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation
Please check with your section office if sending appeals after the above date.

URGENT ACTION

OVER 2,000 WOMEN IN PERU DENIED JUSTICE

ADDITIONAL INFORMATION

During the 1990s around 200,000 mainly peasant and Indigenous women were sterilized as part of a demographic control policy targeted at those living in poverty. There is strong evidence that health professionals implementing family planning programs were pressured into meeting sterilization quotas and that in most cases, women did not give their free and informed consent. Women and their families were allegedly threatened with fines, prison sentences, or the withdrawal of food subsidies if they refused to undergo the operation. Many did not receive adequate aftercare and suffered health problems as a result, and 18 died.

In 2002 a Congressional Commission in charge of investigating these allegations of forced sterilizations established that “sterilizations were practiced without consent, using psychological violence, pressure or in exchange for food or money” (*que se realizaron esterilizaciones sin el consentimiento de las usuarias, empleando violencia psicológica, presión o a cambio de algún incentivo alimentario y/o económico*). The Commission also concluded that the government at the time was involved in the implementation of compulsive sterilizations and as a result, complaints were filed against the then President, Alberto Fujimori, the then Health Minister and Vice-Minister and several of their advisers.

Sexual and reproductive rights are guaranteed in various international human rights treaties that require states to respect, protect and guarantee the freedom and dignity of people’s sexual and reproductive rights, free of coercion and violence. These rights have been stated in the Programme of Action of the International Conference on Population and Development held in Cairo in 1994 and are based on the recognition of the basic right of all couples and individuals to decide freely and responsibly on the number children they have, the gap between children and when they want them. The Program of Action also states people should have the tools and information needed to do so, and recognises the right to enjoy the highest levels sexual and reproductive health, the right to make decisions about reproduction free from discrimination, coercion or violence.

Peru has a long history of discrimination against poor, Indigenous and *campesino* people, including women. In 2003 a Truth and Reconciliation Commission was established to determine the circumstances surrounding the thousands of human rights violations committed by armed opposition groups and the security forces during the internal armed conflict that occurred from 1980 to 2000. This Commission concluded that the vast majority of the victims of these violations were people living in poor, Indigenous or peasant communities, and were mainly Quechua-speaking. In the case of poor Indigenous and *campesino* women, racial discrimination was combined with gender discrimination. A clear example of this dual discrimination is that thousands of these women are believed to have been sterilized against their will or without their consent between 1996 and 2000.

The Truth and Reconciliation Commission concluded that persistent racial, social and gender discrimination was one of the reasons why such grave violations committed against poor Indigenous and *campesino* people were ignored for years, and that such entrenched discrimination must be addressed to prevent such terrible violence from reoccurring.

When sending appeals, please also send copies to Peruvian NGO, Demus – Estudio para la Defensa de los Derechos de la Mujer, at Jirón Caracas 2624, Jesús María, Lima, Perú, Email: demus@demus.org.pe.

Name: Over 2,000 Indigenous and peasant women in Peru

Gender m/f: f

UA: 19/14 Index: AMR 46/003/2014 Issue Date: 30 January 2014