

# PERU

## Women's Human Rights

### In memory of María Elena Moyano

#### Introduction<sup>1</sup>

Peruvian women, like all women around the world, have been claiming their rights throughout history. In recent decades their strength has multiplied. Some work on behalf of their "disappeared", killed or tortured relatives; others are community activists fighting for basic rights; some are lawyers seeking justice for women who have no-one to represent them; others campaign against domestic violence or for equal treatment at work.

In 1993 the United Nations (UN) unequivocally affirmed that women's rights are human rights. Thanks to the large number of women activists who participated in the UN World Conference on Human Rights in Vienna in June 1993, women's rights were high on the Conference's agenda. The Vienna Declaration adopted at the Conference states that: "The World Conference on Human Rights urges the full and equal enjoyment by women of all human rights and that this be a priority for Governments and for the United Nations".<sup>2</sup>

The Declaration and Platform for Action of the Fourth UN World Conference on Women, adopted in Beijing, China, on 15 September 1995 also stresses the importance of ensuring that women's human rights be taken seriously. The Declaration affirms that "women's rights are human rights".<sup>3</sup>

Women in Peru have been repeatedly demanding justice, protesting against discrimination, claiming their rights, mourning their murdered or unjustly imprisoned partners and consoling their raped daughters. This wave of courage, creativity and commitment has frequently come up against a wall of indifference and has at times met with cruel repression by the government or by armed opposition groups who seek to achieve their aims using methods of repression and terror.

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<sup>1</sup> This report is based on information received by Amnesty International up to 31 January 1997.

<sup>2</sup> Vienna Declaration adopted by the UN World Conference on Human Rights, A/CONF.157/23, clause 36, 12 July 1993.

<sup>3</sup> Fourth UN World Conference on Women, UN Doc. A/CONF.177/20, para. 124, 17 October 1995.

This report, *Peru: Women's Human Rights - In Memory of María Elena Moyano*, aims to recall the voice of María Elena Moyano, killed five years ago by members of the *Partido Comunista del Peru (Sendero Luminoso)*, Communist Party of Peru (Shining Path), and her important struggle to ensure that women's rights are respected. Despite her impressive work, five years after the death of María Elena Moyano, much still remains to be done to guarantee women their civil, political, social, economic and cultural rights.

Amnesty International's mandate for action is to oppose certain violations of the right to life, to physical and psychological integrity, as well as the right to freedom of expression, freedom of conscience and freedom from discrimination. While working actively for specific human rights, Amnesty International considers that all human rights are indivisible. Improvements in civil and political rights facilitate improvements in social, economic and cultural rights. It is on this premise that Amnesty International bases its work on the Universal Declaration of Human Rights.

One of Amnesty International's most serious concerns in Peru relates to the hundreds of cases of "innocent prisoners"<sup>4</sup> detained in Peruvian prisons since the current anti-terrorist legislation came into force in 1992, legislation which has meant that all trials on terrorism-related offences violate international fair trial standards. Moreover, the organization continues to receive reports of torture and ill-treatment by members of the security forces. Many of the victims of these human rights violations are women.

Amnesty International is aware that in recent years human rights violations within its mandate have been carried out in Peru in the context of widespread abuses by armed opposition groups. However, Amnesty International believes that the abuses committed by these groups can never justify human rights violations by the authorities such as those the organization continues to document in Peru. The organization unequivocally condemns human rights abuses by armed opposition groups and urges them to respect and adhere unreservedly to international humanitarian law standards.

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<sup>4</sup> These are people who have been unjustly accused of terrorism offences in the absence of any reliable evidence linking them to armed opposition groups and who have not used or advocated violence. Amnesty International considers them to be prisoners of conscience.

Amnesty International also urges the Peruvian authorities to ensure an end to human rights violations against women and to guarantee measures to protect and promote their human rights. Peru has committed itself to putting into practice the Declaration and Platform for Action of the Fourth UN World Conference on Women. In this regard, the authorities should reaffirm in theory and practice that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights."<sup>5</sup>

Peru has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women. The government should guarantee full and effective implementation of these international treaties and other instruments protecting the human rights of women such as the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and the American Convention on Human Rights.

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<sup>5</sup> Fourth UN World Conference on Women, UN Doc. A/CONF.177/20, para. 124, 17 October 1995.

However, in November 1996, the UN Human Rights Committee, responsible for monitoring compliance with the International Covenant on Civil and Political Rights by States party, stated in its final comments on the third periodic report of the government of Peru that it regretted "the lack of full and precise information on the legal status of women and on their enjoyment of the rights enshrined in the Covenant, particularly as regards their legal capacity, the frequency of violence and sexual abuse against female detainees or prisoners, legal and practical restrictions in the labour sphere and the impact of recent laws and programmes designed to solve the problem of violence against women".<sup>6</sup> The Committee hoped that "in its next periodic report, Peru will include information on the progress made to extend to women in Peru full enjoyment of the rights enshrined in the Covenant, particularly in the spheres with which the Committee is concerned [...], together with detailed information on how it is complying with the provisions of article 10 of the Covenant."<sup>7</sup>

In his Message to the Nation on 28 July 1996, President Alberto Fujimori stated that "we have not forgotten that Peruvian women must be in control of their own destiny [...] For this reason we will stand firm in our support for rural and urban community women's organizations". Last year also saw the creation of the Ministry for the Promotion of Women and Human Development, an important step forward in ensuring respect for women's human rights. However, the impact of this Ministry and of the President's statements can only be assessed against the situation in practice of women in Peru.

### **In memory of María Elena Moyano**

*"Organized women..are...showing us how to build democracy from below, proving*

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<sup>6</sup> UN Doc. CCPR/C/79/Add.72, para. 13, 8 November 1996

<sup>7</sup> UN Doc. CCPR/C/79/Add.72, para.25, 8 November 1996. Article 10(1) of the International Covenant on Civil and Political Rights provides that: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

*not only that they can survive but that they can promote initiatives aimed at generating new jobs, contributing in this way to the development of the nation and to subsequent social transformation. It is women who are striving for unity on a daily basis because they know that only united will they be able to provide for the welfare of their children."*

María Elena Moyano

A few months after making this statement<sup>8</sup>, María Elena Moyano was murdered. Five years ago, on 15 February 1992, María Elena Moyano was killed and her body blasted with dynamite by members of the Communist Party of Peru (Shining Path) in the new settlement of Villa El Salvador, in the Lima area.<sup>9</sup> At the time of her death María Elena Moyano was deputy mayor of her district.<sup>10</sup> In the early 1980s Maria Elena Moyano played a key role in setting up the *Federacion Popular de Mujeres de Villa El Salvador* ( FEPOMUVES), Popular Federation of Women of Villa El Salvador, created in 1983, whose mandate included "reappraising the role of women, training, promoting and valuing ourselves"<sup>11</sup>. María Elena Moyano was elected president of FEPOMUVES twice in succession. At the time of her death she was acting as consultant for the Federation.

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<sup>8</sup> Diana Miloslavich Tupac (editor), *María Elena Moyano: In Search of Hope*, Flora Tristan Peruvian Women's Centre, Lima, 1993, p.65.

<sup>9</sup> Villa El Salvador is a settlement founded by peasants from the interior of Peru. Throughout its history the population of Villa El Salvador has been involved in the development of health, education and production projects.

<sup>10</sup> Maria Elena Moyano was elected deputy mayor in 1989. She belonged to *Izquierda Unida*, United Left, a coalition of legally constituted political parties. *Izquierda Unida* activists have been killed or "disappeared" by members of the security forces or killed by members of Sendero Luminoso.

<sup>11</sup> Diana Miloslavich Túpac (Editor), Op. Cit.,p. 25.

As a response to poverty and unemployment the women of FEPOMUVES set up neighbourhood canteens. "First we get organized, pooling resources so that we have enough to feed our children, but we then take up the challenge of solidarity. So we began identifying with our neighbour's problems".<sup>12</sup> By 1987 FEPOMUVES was managing the Glass of Milk Program in the district.<sup>13</sup>

In the same decade that María Elena Moyano and the women of Villa El Salvador became protagonists of their own destiny, Sendero Luminoso began its armed activities. As well as carrying out armed attacks on the security forces, Sendero Luminoso has killed thousands of civilians and has frequently tortured and killed prisoners. Ever since its first attack in May 1980 in Chuschi, department of Ayacucho, Amnesty International has received regular reports of atrocities attributed to Sendero Luminoso.

The majority of victims are members of peasant communities suspected of collaborating with the armed forces or those who refuse to join or support Sendero Luminoso. Sendero Luminoso has also shown its opposition to social and development projects which do not conform to its political line by killing grassroots activists. They have frequently been killed following mock trials conducted before forcibly assembled villagers. Victims have also included hundreds of mayors and other local state authorities authorities, community leaders, agronomists, engineers and administrators working for independent or governmental development projects. Trade union and political activists who do not support the ideology or practices of Sendero Luminoso have also been systematically killed or threatened with death. Many of the victims have been women.

When President Fujimori first took office in July 1990,<sup>14</sup> Sendero Luminoso had extended its sphere of influence from the interior of the country to the Lima area. Between 1990 and 1992, it carried out armed attacks in Lima which called into question the capacity of the Peruvian state to survive.

Sendero Luminoso has clearly expressed its opposition to the concept of human rights in an internal document analyzing the Fujimori government's counterinsurgency strategy. The document, entitled "On both hills: counterinsurgency war and its allies", was

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<sup>12</sup> Ibid., p. 33.

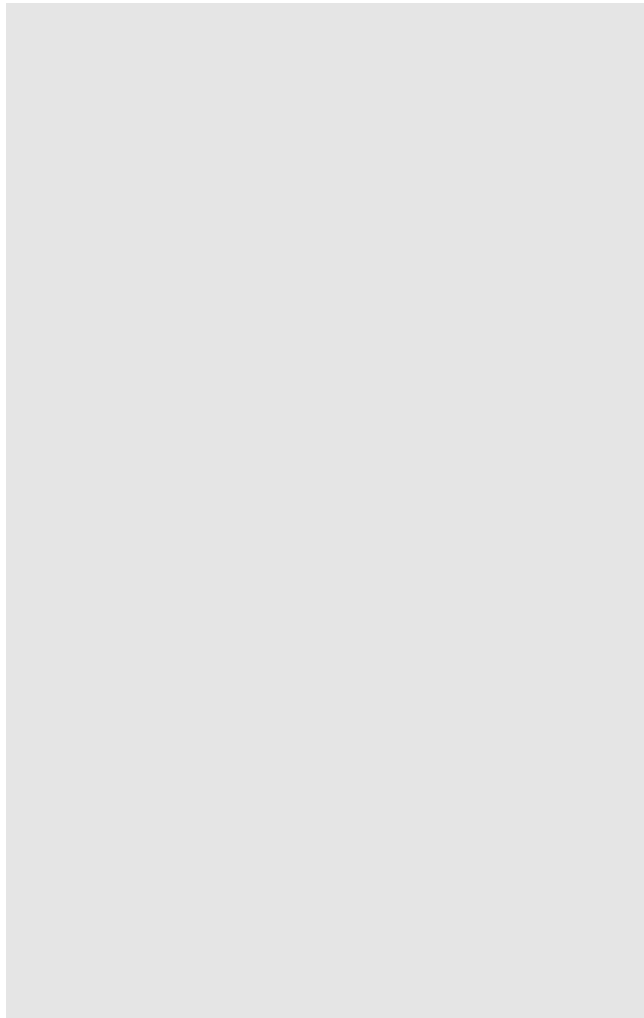
<sup>13</sup> Under Law N° 24,059, issued in 1985, part of the country's overall budget is allocated to providing a glass of milk a day to every child in the country.

<sup>14</sup> In July 1995 Alberto Fujimori became president for a second term, which expires in the year 2000.

allegedly written in 1991 almost entirely by Abimael Guzmán, Sendero Luminoso's senior leader.<sup>15</sup>

With regard to human rights, the document argues:

“We start from the position that we do not subscribe to the Universal Declaration of Human Rights, nor the Costa Rica Declaration [American Convention on Human Rights]. The position taken [by Sendero Luminoso] is quite clear. We reject and condemn human rights because they are reactionary, counter-revolutionary, bourgeois rights. They are presently the weapon of revisionists and imperialists, principally of Yankee imperialism”.



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<sup>15</sup> Abimael Guzmán was detained in September 1992, charged with treason and sentenced to life imprisonment.

In 1991, Sendero Luminoso's newspaper *El Diario*<sup>16</sup> also attacked FEPOMUVES and María Elena Moyano, who commented: "They said we were stooges of the system and that we do not champion women's cause, because women will only be liberated through war. They said we were propping up the system, that I was a "revisionist" and that I'm manipulating women."<sup>17</sup>

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<sup>16</sup> *El Diario* was in circulation until May 1992, when it was declared illegal.

<sup>17</sup> Diana Miloslavich Túpac (ed.), *Op. Cit.*, p 49.



On 9 September 1991 Sendero Luminoso blew up a FEPOMUVES centre servicing 90 Neighbourhood Canteens. “Women are very strong,” María Elena Moyano said in response to the attack. “We believe in what we are building; there is no need to be afraid. We seek people's welfare, solidarity and justice. We should be discussing these issues with the people from Sendero. I have done so. I tell them that, like them, there are many others who are willing to give their lives in the struggle for development and justice, but without terror and killing.”<sup>18</sup>

Despite these sentiments, or more likely because of them, Sendero Luminoso chose to kill María Elena Moyano in front of her two sons, Gustavo and David, during an event at one of the Glass of Milk Committees in Villa El Salvador.

María Elena Moyano is not the only woman grassroots leader to have been killed or attacked by Sendero Luminoso. Juana López León, General Coordinator of the Glass of Milk project in the Juan Pablo II settlement in Callao, Lima, was killed near her home in the early hours of 31 August 1991.

Several months later, Emma Hilario, chair of the National Canteens Committee, was forced to leave the country after Sendero Luminoso opened fire on her home in the settlement of Pamplona Alta, Lima, on 31 December 1991.

In 1992, Sendero Luminoso began to experience serious setbacks following the implementation of President Fujimori's new counterinsurgency strategy and the detention of four Sendero Luminoso leaders. The imprisonment of Sendero Luminoso leaders and of hundreds of its activists led Abimael Guzmán and other leaders to call for talks with the government aimed at reaching a “peace accord”. To date, the government has rejected such calls.

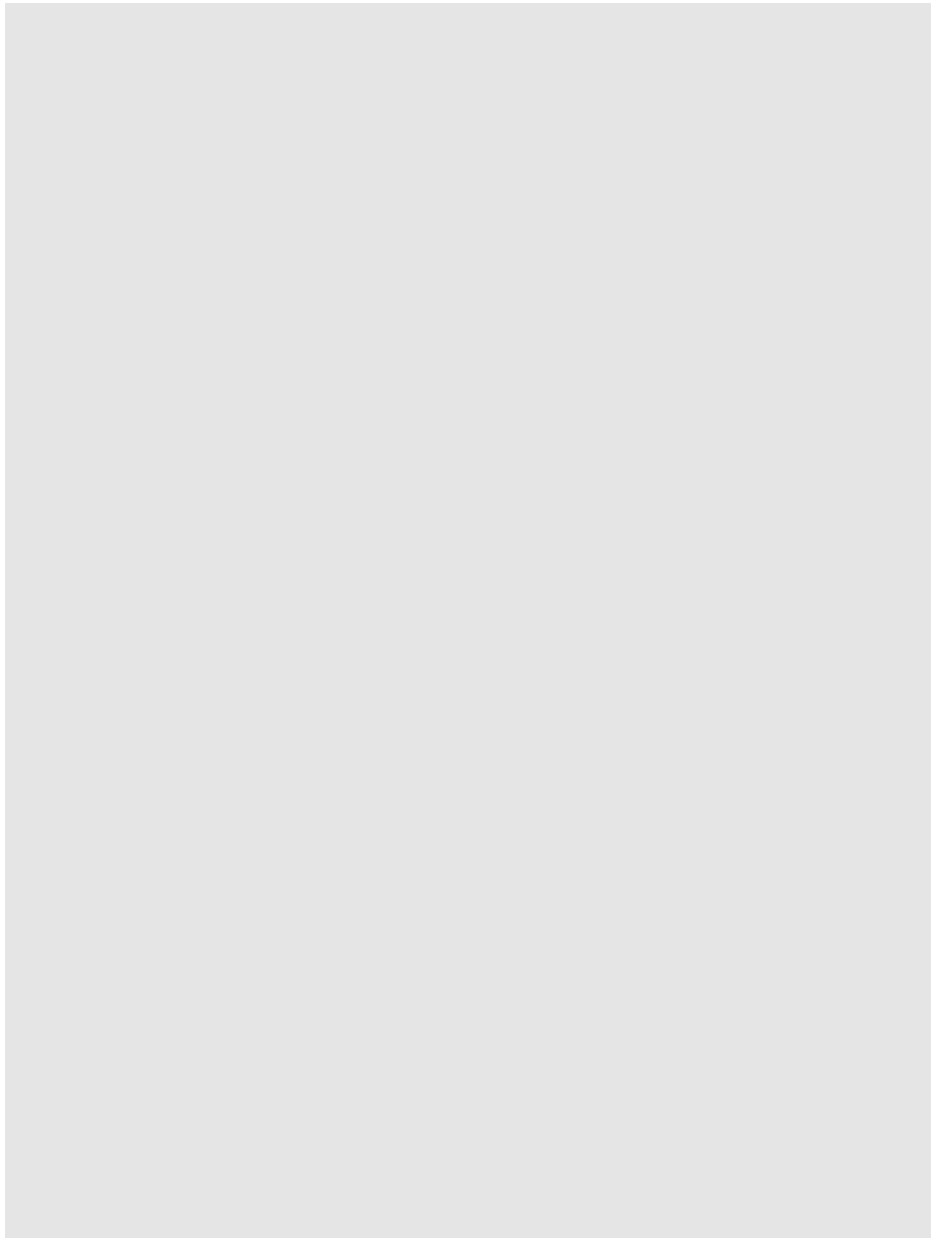
The “peace accord” proposal by Sendero Luminoso's imprisoned leadership appears to have caused a major rift within the organization. A splinter group known as *Sendero Rojo*, Red Sendero, has repeatedly indicated that the armed campaign will continue.

On 6 March 1996 Pascuala Rosado Cornejo was killed by Red Sendero supporters a few blocks from her home in the Huaycán settlement, in Lima's Ate Vitarte district. Pascuala Rosado and her family were among the first to settle in Huaycán in July 1984. Ever since her arrival in the community, Pascuala Rosado had set up Neighbourhood Canteens in the area and taken up several positions of responsibility, being elected Secretary General of the Huaycán Central Executive Committee in 1991. In 1993 Pascuala Rosado

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<sup>18</sup> Ibid., pp. 51-52.

fled to Chile after receiving several death threats by Sendero Luminoso. She decided to return in 1995. Several months later she was murdered.



## **Violations of women's human rights**

The work of María Elena Moyano, FEPOMUVES and the entire Peruvian women's movement has been crucial to the defence of women's human rights and to the campaign for governmental compliance with international standards which underscore the concept of women's rights as human rights.

Thus, in 1982 Peru ratified the Convention on the Elimination of All Forms of Discrimination against Women. In 1993 it supported the adoption of the Declaration on the Elimination of Violence against Women by the United Nations General Assembly and in 1996 it ratified the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women.

At a national level, in late 1993 President Fujimori introduced legislation aimed at eliminating domestic violence by, amongst other things, setting up effective judicial mechanisms for victims of domestic violence, opening police stations staffed by women wherever necessary and promoting the setting up of women's refuges for victims.

Amnesty International welcomes the progress made by the Peruvian authorities in encouraging legislative measures, both at a national and international level, for the protection of women's human rights. However, the organization considers that these legislative measures should be backed by administrative and practical measures which will contribute to the eradication of violence against women. In this context, it is of particular concern that the Peruvian authorities have not put in place strong and effective mechanisms to prevent violence against women carried out by State officials or with their acquiescence. Hundreds of women and men in Peru remain unjustly imprisoned for terrorism-related crimes, thousands more have not received a fair trial, the use of torture continues to be systematic and cases of "disappearance" and possible extrajudicial execution continue to be documented by the organization.

In 1992, new anti-terrorist legislation came into force in Peru at the instigation of President Fujimori and his Council of Ministers, who at the time ruled the country by decree. The authorities claimed that these decrees would resolve some of the principal problems encountered in their counterinsurgency struggle, such as the apparent incapacity of the judicial system to secure the conviction of suspected members of armed opposition groups and what the government perceived as light sentencing in the few cases of those convicted.

Amnesty International has long expressed its concern about the human rights implications of the anti-terrorist legislation which does not conform to international fair trial

standards. Some efforts have been made to remedy this situation. Congress has approved amendments to anti-terrorist legislation on four separate occasions.<sup>19</sup>

However, this legislation continues to fall short of international fair trial standards in many respects, including the fact that cases of civilians accused of treason against the State - one of the terrorism-related crimes defined in this legislation - must be transferred to military jurisdiction; the prohibition on police and army personnel involved in the detention and interrogation of suspects from appearing as witnesses before the courts, and the fact that trials are carried out before "faceless judges" and are not public.<sup>20</sup>

The organization also considers that this legislation facilitates the imprisonment of people accused of terrorism-related crimes in the absence of any reliable evidence linking them to armed opposition groups and without them having used nor advocated violence. Amnesty International considers these people, known in Peru as "innocent prisoners", to be prisoners of conscience.

Amnesty International has adopted 133 prisoners of conscience since the anti-terrorist legislation came into effect. Twenty four of these are women. These figures represent only a fraction of the likely number of prisoners of conscience in Peru. In its latest annual report on human rights in Peru, the *Coordinadora Nacional de Derechos Humanos* (CNDDHH), National Human Rights Coordinating Committee, claimed that out of 1,490 people unfairly tried or sentenced for crimes of terrorism between May 1992 and December 1996, 836 had been released and 554 remained in prison.<sup>21</sup>

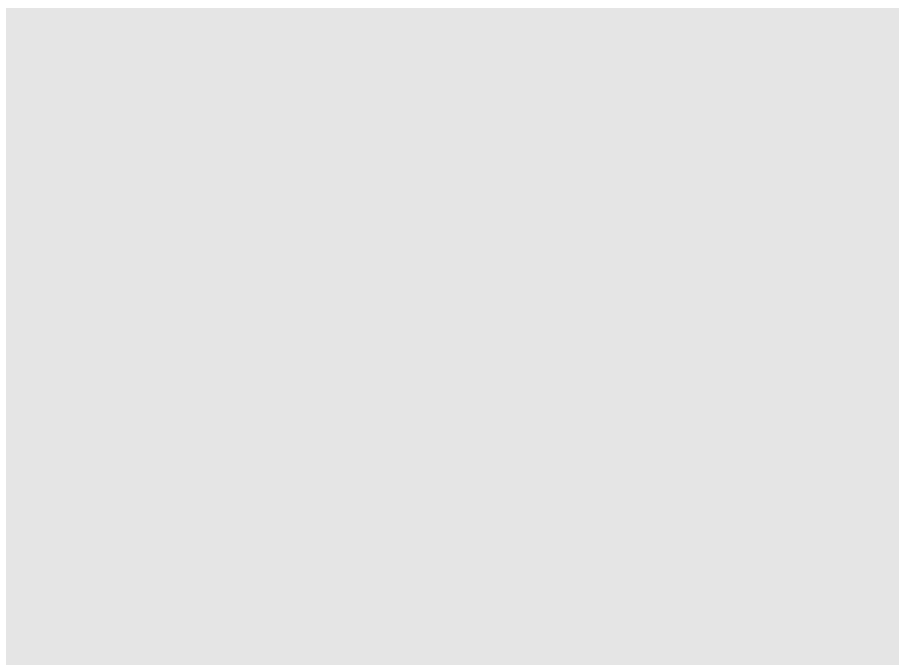
In August 1996, Congress approved a law creating an *ad hoc* Commission charged with proposing to the President of the Republic that "innocent prisoners" awaiting trial benefit from the right to clemency and that those convicted be pardoned, thereby bringing about their release. One hundred and ten prisoners falsely accused of terrorism-related crimes had been released by 7 December following a review of their cases by the *ad hoc* Commission.

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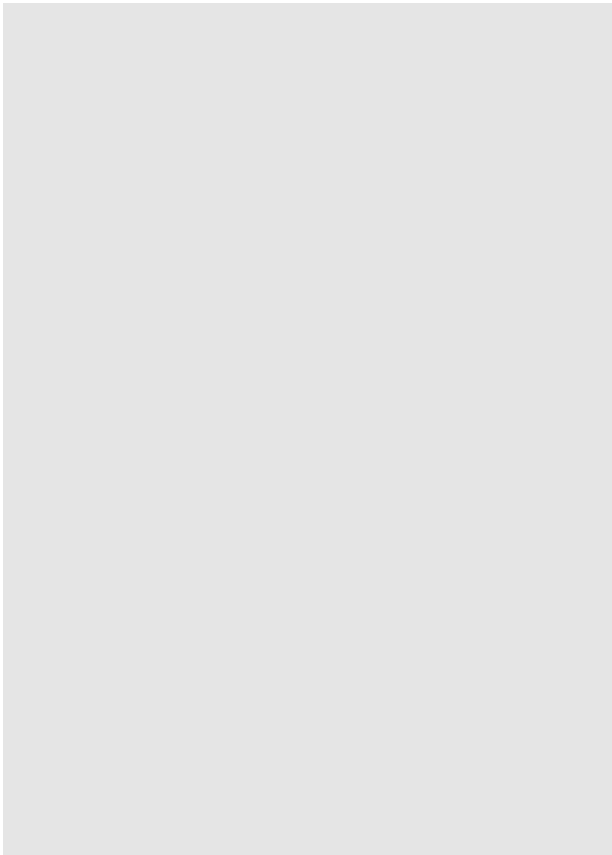
<sup>19</sup> See *Peru: Prisoners of Conscience* AMR 46/09/96, May 1996, Appendix 1.

<sup>20</sup> For an analysis of AI's concerns regarding anti-terrorist legislation, see *Peru: Prisoners of Conscience*, AMR 46/09/96, May 1996; and *Peru: Government persists in retaining unfair trial procedures*, AMR 46/25/96, December 1996.

<sup>21</sup> See *Coordinadora Nacional de Derechos Humanos, Report on the Human Rights Situation in Peru in 1996*, Lima, February 1997. The CNDDHH is a non-governmental umbrella organization representing 47 human rights organizations in Peru. These organizations have taken up the defence of 1,490 detainees and prisoners and another 29 categorized as "missing", all of them unjustly accused of terrorism crimes.



While Amnesty International welcomed the release of these prisoners of conscience, it is concerned that they have not benefitted from a judicial review which would lead to the annulment of the charges facing those who were awaiting trial, or the quashing of the verdict and sentence handed down to those convicted. The lack of judicial review has implications for their civil status, as it means that those released continue to have a criminal record. The organization is also concerned that there has been no provision for those arbitrarily detained to receive adequate compensation for the suffering endured during their prolonged arbitrary detention.



Moreover, since 7 December 1996 no further prisoners unjustly held for terrorism-related crimes have been released.<sup>22</sup> Hundreds of prisoners falsely accused of terrorism-related offences remain in prison in Peru.

An example is Mirtha Ira Bueno Hidalgo, a law student at the Universidad Mayor de San Marcos, who was detained on 12 November 1995 as she voted in local elections in Lima. In 1992 Mirtha Ira Bueno Hidalgo had been acquitted of crimes of terrorism by the Lima High Court and released after two years of unjust imprisonment. According to information received by AI, the police statement made on her first arrest claimed that Mirtha Ira Bueno had been arrested while putting up "subversive" posters and banners together with two friends and that hand-written documents on Marxist-Leninist issues

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<sup>22</sup> On 14 February 1997 Congress approved an extension of the *ad hoc* Commission's mandate by a further 180 days, news which Amnesty International welcomed. President Fujimori himself, interviewed in the French daily *Le Monde* on 12 February 1997, stated that there were still "some two hundred innocent prisoners" in Peruvian jails.

had been found at her home. However, the Lima High Court ruled that there was insufficient evidence to prove that the alleged offences had occurred. The documents found at her home were notes on the work of the early twentieth century Spanish writer, José Ortega y Gasset, and it was proven that she had not been detained putting up posters and banners, as the police alleged. However, in March 1994 the Supreme Court of Justice overturned the 1992 High Court acquittal ruling and ordered that she be tried again.

So it was that two years after having been acquitted, Mirtha Bueno was detained once again on 12 November 1995 and, in the course of a second trial, sentenced to 12 years deprivation of liberty. The High Court based the conviction on the same allegations which in 1992 had been found to be unsubstantiated and had thus led to her acquittal; in the second trial they were admitted as evidence against her.

Amnesty International considers Mirtha Bueno to be a prisoner of conscience, falsely accused and held for her imputed beliefs, with no evidence linking her to armed groups nor any indication that she has used or advocated violence. The organization urges the Peruvian authorities to release her immediately and unconditionally, to quash the conviction and sentence and to compensate her for arbitrary detention.

The situation of hundreds of prisoners of conscience or possible prisoners of conscience imprisoned in Peru and the denial of the right to a fair trial to all those accused of terrorism offences are not Amnesty International's only concerns in Peru.

The organization has documented thousands of cases of "disappearance", extrajudicial execution and torture carried out by members of the security forces since 1980. Only in a small number of cases have those responsible been held to account before the courts. The vast majority of the perpetrators have benefitted from total impunity.

Impunity, which fuels a vicious cycle of violence in which human rights violations go unpunished, has become an institutionalized condition in Peru for more than a decade. In his report of a visit to Peru in 1993, the United Nations Special Rapporteur on Extra-legal, Summary or Arbitrary Executions observed that there was convincing evidence that "the institutionalization of impunity [...is one of...] the main problems with regard to [lack of respect for] the right to life."<sup>23</sup> Amnesty International considers that impunity negates the values of truth and justice and encourages further human rights violations. Preventing the truth from coming to light and criminal responsibility from being established is unacceptable. Victims of human rights violations and their relatives have the right to know the truth and to receive fair and adequate reparation for the suffering they have endured.

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<sup>23</sup> UN Doc. E/CN.4/1994/7/Add.2, para. 93.

In mid-1995 the Peruvian authorities took this "institutionalization" a step further, giving impunity the force of law. On 14 June 1995, the Peruvian Congress approved Law N°26,479, Article 1 of which grants general amnesty to military or police personnel or civilians accused, under investigation, on trial or sentenced for human rights violations committed between May 1980 and the date on which the law was published. On the day the amnesty law came into force, Dr. Antonia Saquicuray, the judge responsible for the investigation into the Barrios Altos killing in 1991, in which 15 people were killed during a social gathering<sup>24</sup>, courageously ruled that the amnesty law was not applicable to this case. Nevertheless, on 28 June 1995, Congress passed a new law strengthening the provisions of the earlier amnesty law, before the examining judge's ruling had been reviewed by a High Court for ratification or veto. Law N°26,492 prevents the judiciary from ruling on the legality or applicability of the amnesty law. Congress thereby effectively overturned the judge's ruling.

The number of cases of "disappearance" and extrajudicial execution reported to the organization has decreased considerably since 1993. Nevertheless, AI remains concerned that such cases continue to be reported, albeit occasionally.

For example, according to reports received by the organization, on 27 May 1996 María Cárdenas Espinoza was detained at Chinchavito, Chinchao district, province and department of Huánuco. María Cárdenas was detained by an Peruvian army patrol carrying out operations in the area. She has not been seen since her detention and her family has no knowledge of her fate or whereabouts.

Amnesty International has also received reports that rape and sexual abuse of women are used by members of the security forces as an instrument of torture. According to the Coordinadora Nacional de Derechos Humanos, on 29 August 1996 Juana Ibarra Aguirre and her 5-year-old daughter went to the "Monzón" Military Base in Huamalíes province, departamento of Huánuco, as she had been told that a member of the army base was looking for her because he had left a firearm in her shop.

Juana Ibarra was held incomunicado for 13 days before being released on 11 September 1996. At the military base they forced "water, salt and detergent down her nose, continuously and repeatedly until she choked." They then "proceeded to burn her breasts with cigarettes and pull her nipples with pliers until she bled." Officers also tied up her

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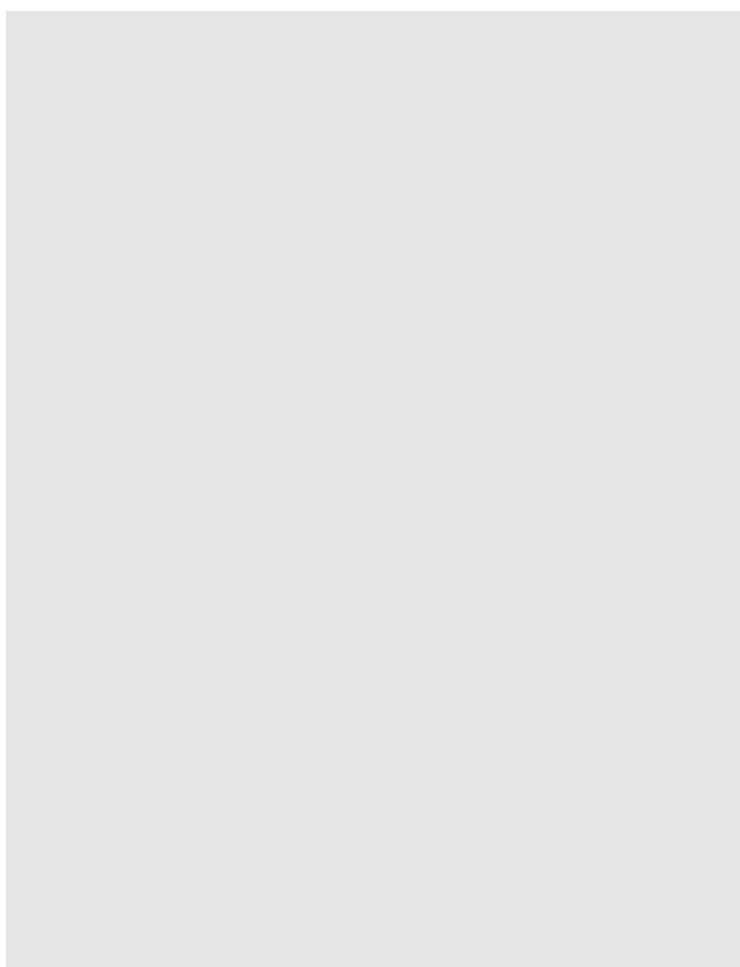
<sup>24</sup> See Urgent Action: Possible extrajudicial execution (UA 401/91, AMR 46/75/91, 15 November 1991. In May 1993 General Rodolfo Robles Espinoza, a major-general in the Peruvian army, claimed publicly that the Barrios Altos killing and other serious human rights violations had been committed by the "Colina Group", a "death squad" within the National Intelligence Service. He was obliged to flee to Argentina after making these allegations.



daughter and "ill-treated her in front of her mother". They threatened to kill her daughter unless Juana Ibarra admitted to knowing what had happened to the lost weapon.

The torture did not end there. Juana Ibarra was beaten against the wall and floor and her nose was fractured. Officers forced her to take some tablets which left her unconscious. When she came round, she realized she had been raped.

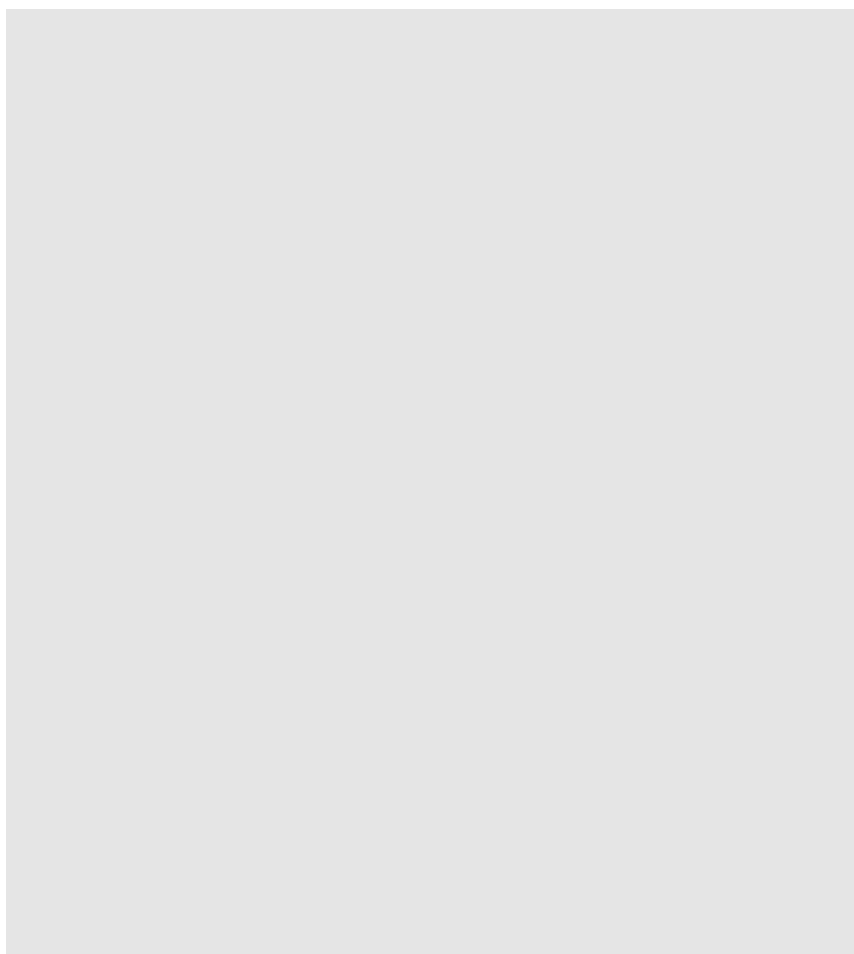
The case was reported to the *Fiscalía Especial de Derechos Humanos*, Special Human Rights Prosecutor's Office, in the judicial district of Huánuco-Pasco. However, to date those responsible remain unpunished.



## **Conclusions and recommendations**

### ***"María Elena lives among us"***

As can be seen, five years after the death of María Elena Moyano the human rights of Peruvian women are still being violated. Nevertheless, "María Elena lives among us", as Peruvian women activists have so often said. Women's human rights are not only universal, they are also indivisible. A woman who is arbitrarily detained, tortured, killed, "disappeared" or imprisoned after an unfair trial cannot exercise her social, economic and cultural rights.



**Amnesty International calls on the Peruvian government to:**

- comply with its commitments and implement policies to promote women's human rights;
- guarantee protection of women's human rights and full and effective implementation of international legal instruments where these rights are enshrined and to which Peru is party, such as the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and the American Convention on Human Rights.
- eradicate rape, sexual abuse and other forms of torture and ill-treatment committed by members of the security forces, by ensuring that:
  - prompt, thorough and impartial investigations are carried out into all allegations of torture or ill-treatment;
  - all forms of detention or imprisonment and any measure affecting the human rights of detainees or prisoners are

subject to the effective control of the appropriate judicial authorities;

- female guards are present during interrogation of women detainees or prisoners and that they are the only personnel authorized to undertake body searches, in order to reduce the risk of rape and other sexual abuse;

- all detainees and prisoners are given the opportunity to undergo a prompt and impartial medical examination as soon as they are taken into custody and subsequently at regular periods;

- any woman in custody who alleges that she has been raped is granted a medical examination, preferably by a woman doctor.

- all victims of rape and sexual abuse and other forms of torture and ill-treatment have the right to fair and adequate compensation and appropriate medical care;

- release all prisoners of conscience immediately and unconditionally and take all measures necessary to ensure a judicial review of their cases and to compensate them;
- guarantee prompt and fair trials to all prisoners accused of terrorism-related offences, by carrying out a prompt and thorough review of anti-terrorist legislation so as to bring it into line with procedures set out in international fair trial standards;
- take all steps necessary to repeal the amnesty laws passed in 1995;
- prevent "disappearances" and extrajudicial executions by ensuring that:
  - through and impartial investigations are promptly carried out into all reports of such human rights violations and that those responsible are brought to justice;

- relatives are immediately notified of any detention and are kept informed at all times of the whereabouts of the detainee or prisoner;
  - fair and adequate reparation - including financial compensation - is granted to the relatives of victims of these violations;
- give careful consideration to the observations and recommendations made by the UN Human Rights Committee in November 1996 when concluding its review of the report of the Peruvian government relating to implementation of the International Covenant on Civil and Political Rights.