

Women's Rights as Human Rights in Peru

Contents



A Peru Support Group publication
sponsored by
WOMANKIND Worldwide


**WOMANKIND
WORLDWIDE**
CHARITY REGD NO. 120206 & COMPANY LIMITED BY GUARANTEE REGD NO. 2041211 C. ENGLAND


PERU
SUPPORT GROUP



The Peru Support Group (PSG) was set up in 1983 as an independent organisation without any party or political affiliation. It aims to support the people of Peru and particularly the poorest sectors.

The PSG is committed to

- Increasing public awareness of Peru in the UK
- Promoting solidarity with the people of Peru especially in the area of human rights
- Fostering links between grass roots groups in Peru and the UK

The main publication of the PSG is the bi-monthly '*Peru Update*'. This includes the latest information on political, social and economic events in Peru, and also news of activities in the UK. The PSG produces other publications such as this booklet '*Women's Rights as Human Rights in Peru*'.

The Peru Support Group has resources available to help with educational work on Peru, including a photographic exhibition '*Peru on \$1 a day: a rough guide to living*'. The PSG also co-ordinates conferences, meetings and workshops on issues such as human rights, debt forgiveness and democracy.



Charity Reg. No. 328206. A Company Limited by Guarantee Reg. No. 2404121 C. England

WOMANKIND Worldwide is a women's rights and development organisation, working in partnership with women and men globally to achieve lasting improvement in women's lives – financially, socially and in terms of their participation in society. This includes working at the local level and influencing policy at national and international level. WOMANKIND relies on voluntary donations to maintain and grow its programmes, which empower thousands of women around the world.

WOMANKIND's vision is of a society in which women take their rightful place as equal partners in determining the values, direction and governance of their communities and countries – for the benefit of all.

WOMANKIND's work is based on a framework of the *four literacies*: word, money, body and civil which, when realised, allow women to live their lives to the full. At the moment WOMANKIND has more than sixty partners in seventeen countries spanning Africa, South and Central America, South Asia and Europe. We work with local groups and bring together local, national and regional groups to find paths leading away from discrimination and towards equality.

March 2002

Women's Rights as Human Rights in Peru

Contents	Page
Introduction	2
Economic Rights	3
Rural and Urban Poverty	
The 'Informal' Sector	
Small Enterprises and Microenterprises	
Wage Labour and the 'Formal' Sector	
Domestic Workers	
Agriculture	
Sexual and Reproductive Rights	6
Domestic Violence	
Rape	
Prostitution	
Health	
HIV/AIDS	
Maternal and Infant Mortality	
Maternal and Child Health	
Abortion, Contraception and Sterilisation	
Social Rights	10
Education and Literacy	
Civil and Political Rights	11
Human Rights Violations	
Disappearances	
Prison Conditions	
Women's Involvement in Politics	
Women's Organisations and the Way Forward	14
Bibliography and endnotes	16
Useful addresses and basic facts about Peru	

Introduction

Like women the world over, Peruvian women have been claiming their rights for centuries. During the last few decades this effort has gained momentum. Some struggle for their 'disappeared' relatives, some are community activists who fight for survival, and some campaign against domestic violence, or for equal treatment at work. In the words of a report by Amnesty International on women in Peru, *'Peruvian women have demanded justice, protested discrimination, demanded their rights, fought for imprisoned companions, and comforted daughters who have been raped. This wave of courage and creativity has frequently hit a wall of indifference and sometimes cruel repression by government or armed insurgents who have adopted terror to achieve their objectives'*.

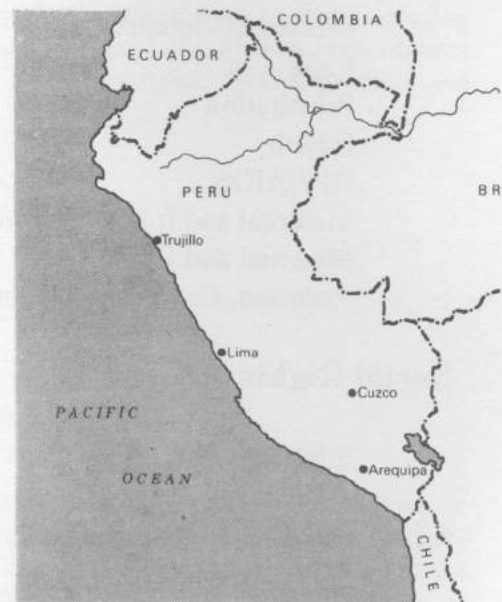
Both men and women, girls and boys, suffer from the consequence of political instability, violence, unemployment, poverty, social exclusion, and environmental degradation. But these affect women in particular ways, because of the multiple responsibilities which most women, particularly poor women, shoulder: income generation, child rearing, and the development of grassroots community organisation. This document focuses on key issues for women in Peru over the 'second lost decade', the 1990s, issues which will need to be addressed by government and society in the first decade of the 21st century.

During the late 1980s and into the 1990s, Peru underwent a triple trauma. First it experienced what amounted to a internal war between *Sendero Luminoso* - Shining Path a maoist organisation, and the armed forces, a struggle in which thousands lost their lives and liberty. Then it underwent the experience of hyperinflation, which had the effect of reducing most people's already meagre standard of living. Finally, it lived through ten years of authoritarian government under President Fujimori in which civil rights were whittled away and real power came to be wielded by the security forces and the shadowy figure of Fujimori's security 'advisor' Vladimiro Montesinos.

Although these developments had the effect of weakening the popular movement as a whole, the voice of women became louder during the 1990s. As communities sought to survive in these difficult circumstances, women found themselves

increasingly at the centre of popular organisation. Now with a new, democratic government in office, women are likely to continue at the forefront of defending their family and community interests.

While the constitution provides for an independent judiciary, in practice it is subject to corruption, inefficiency, and control by the executive branch. This was exacerbated during the 1990s as the government began to appoint judges on short-term contracts and at the same time systematically limited the capacity of the national Judiciary Council to investigate discipline and remove judges.



Map of Peru

Economic Rights

The Fujimori regime introduced a liberal economic model aimed at reducing hyperinflation, making debt repayments on time, attracting private and foreign investment and re-incorporating Peru fully into the world economic system. While inflation was reduced from four figures to one by the end of the 1990s and foreign capital entered the country, this has been at an enormous social cost. Structural Adjustment Programmes (SAPs) have imposed greater burdens through the abolition of price controls, public service cutbacks and increased unemployment. Economic liberalisation has hit women particularly severely, especially those with the dual role as wage earners and heads of household. As we will explain below, women have also lost out through the derogation of certain key elements of labour law.

According to data from 2000, 7.4% of the economically active population (people over 15 years of age who are working or are actively seeking employment) was unemployed, 42.9% was underemployed, and only 49.7% had adequate employment. Underemployment was higher among females (49.4%) than males (38.0%) and among those with only a primary education (57.4% compared with 25.9% for those with a university education) ⁱⁱ. This in itself is important because women are underrepresented in secondary

and higher education, and are more likely to get caught in the cycle of long term unemployment and underemployment.

Rural and Urban Poverty

Based on two methods of measuring poverty - the poverty line and unmet basic needs - it is estimated that around 50% of Peruvians live in poverty (the inability to cover the cost of a basic market basket of food and other goods and services). Around 20% of the population was considered to be living in extreme poverty (the inability to cover the cost of a market basket consisting only of food that meets minimum nutritional requirements). The percentage was even higher in rural areas of the coastal, mountain, and jungle regions (66%, 68%, and 70%, respectively) ⁱⁱⁱ.

To anyone who has seen the enormous slums which have grown greatly in recent years, it may be surprising to know that the Lima metropolitan area has the lowest regional percentages of poor and extremely poor population at around 40% and 5%, respectively. According to the 1993 census, 53.9% of Peruvian households had at least one unmet basic need ^{iv}. In rural areas, the proportion was 88.2%, while in urban areas, it was 39.2%. In 16 of the 25 departments, more than 60% of households had at least one unmet basic need ^{iv}.



View of Villa El Salvador

The 'Informal Sector'

The norm for women in Peru is low skilled, low paid and insecure work, primarily in the 'informal sector' such as street work and market trading. Although this allows workers a certain independence, and in some cases better earnings than wage labourers, they have few social or labour rights and little protection in a country where few state benefits are available. Between 1984 and 1993, women's involvement in the informal sector increased from 37% to 52%.

Small enterprises and microenterprises with between four and 20 workers, employ 45% of the economically active population or 70% if agriculture is taken into account. Nonetheless, only 2% of these have access to commercial credit, which limits their capacity to grow. This is a sector in which those who work suffer from a high level of insecurity. The informal sector are unable to form trade unions to protect their interests.

During the 1990s women's access to credit did improve through 'Mibanco', a programme aimed at helping people set up small businesses. While some 32,000 people had been given loans by 1998, the need for collateral excludes most applicants v.

Wage Labour and the 'Formal' Sector

Women in the 'formal' sector have also experienced a decade of increased insecurity.

Teachers and nurses - predominantly women - saw their income fall after the austerity measures introduced in 1990. Three years later, the government introduced a new labour law aimed at deregulating the labour market, with a reduction in protection measures for workers. Legislation which limited working hours and made provision for mandatory breaks was lost. Workers also lost the right to indemnity from dismissal resulting from accidents at work, from unjustified dismissal, or from being dismissed as a result of pregnancy. Women were no longer able to claim 90 days maternity leave: this is now left to the discretion of employers. Women lost protection from being compelled to do night work, work on Sundays and public holidays or being employed in mines, quarries and underground work. Employers gained the right to modify shifts, days, and hours of work, as well as to change the nature of tasks allocated to workers, with very few limitations vi.

Since there is no regulation of working conditions, women are exposed to health hazards and other dangers. Provisions have been relaxed with regards employment as waitresses or chambermaids. Although there are no provisions for regulating these environments or limiting potentially exploitative conditions. In theory women are protected from sexual harassment in the workplace, however, the burden of proof lies with them, making the law difficult to enforce vii.



Woman selling ice cream from a cart.

Women head around a quarter of Peruvian households, and head a much higher percentage in the poorest areas, but they earn, on average, 46.3% less than men. The principle of equal pay, contained in the International Labour Organisation (ILO) Convention 1000 was removed from the Peruvian constitution of 1993 ^{viii}. Although ILO Convention 111 on 'Discrimination in the Workplace and Occupation' was incorporated in the new constitution, it has not been made operational through regulatory laws, administrative measures or procedures. Peru objected to paragraph 22 of the ILO Convention 156 'Equal Opportunities and Treatment for Workers with Family Responsibilities', which recognises the right to maternity and paternity leave. It argued that it did not conform to the country's interests either socially or economically ^{ix}.

Domestic workers

Of particular concern is continued discrimination against domestic workers, the majority of whom are women and girls. It is common for these domestic servants to be migrants or young girls who have been sent by their families in the countryside to the city to get a better education and provide some kind of monetary income to their peasant families. Those who arrive as young girls have little knowledge of the city and are vulnerable and isolated within their households. Domestic workers are often abused and mistreated and many are entirely unaware of their basic rights.

While workers in the private or public sector are still entitled to 30 days holiday a year or pay in lieu, domestic workers only have the right to 15 days. All workers have the right to work no longer than eight hours a day. However, no such stipulation exists in the case of domestic workers, whose only entitlement by law is eight hours' sleep. No minimum wage is stipulated for domestic workers ^x.

Agriculture

For those who associate Peru with the image of Andean villages and markets, it is worth remembering that by 1993 over 71% of the population lived in cities, the remaining 29% spread not only in the Andes but also in the coastal valleys and the jungle. Poverty and conflict have caused a massive migration from the rural to urban areas and women's involvement in the rural economy has decreased: two thirds of the rural population, particularly in the Andes and lowland

Amazonia, live in poverty, almost one third in extreme poverty. Peasants have suffered enormously during the last twenty years, as a result of violence: in some areas, up to 60% of the population fled to the cities. Of the 135,000 hectares cultivated in the highland region of Ayacucho in 1980, only 53,000 were in use in 1985 ^{xi}.

In 1969 Peru introduced agrarian reform, however, the model failed and by the end of the 1970s the cooperatively-owned land was reverting to the corporate sector. In some areas agro-industries have re-concentrated land ownership. The Andes, with poorer soils, is still characterised by a greater number of smallholdings. Rural women combine agriculture with the production of agricultural by-products and handicrafts.

Currently, Peru does not have a national network of rural women's organisations, such as that of Colombia. But it does have strong organisations at departmental level, which may evolve into a national organisation in due course. These organisations highlight three key needs:

1. **The need to implement policies that allow equal access and control of land, water, credit and technology.**
2. **The need to expand and improve quality of public services:**
 - **Health services need to respect indigenous cultures,**
 - **Education needs to reach women as well as men**
 - **Bilingual education is needed in areas that are predominantly Quechua or Aymara speaking**
3. **The need to urge governments to promote measures which favour agriculture in the Andes and the jungle region ^{xii}.**

Recently there have been programmes to help internally displaced peasants - most of whom fled from the central 'emergency zone' - return to their villages, with varying degrees of success: some 68,000 (out of a displaced population of 530,000) has returned. Many of those who do return, maintain ties with the places to which they displaced ^{xiii}.

Sexual and Reproductive Rights

Domestic Violence

In 1999 there were 9000 reported cases of domestic violence, yet as elsewhere, these represent only a fraction of the total: in Latin America between one in five and one in two women experience violence from their partners ^{xiv}. In the 1990s campaigners achieved landmark legislation which deals with several aspects of domestic violence and spouse abuse. Law 26260 of 1993 defined the policy of the State and of Peruvian society towards domestic violence. Certain weaknesses soon became apparent and changes were incorporated into a second piece of legislation in 1997. These changes were partly based on an extensive survey by the Pan American Health Organisation (PAHO) and Flora Tristán, a leading Peruvian feminist organisation, which was fed into the government's newly established parliamentary commission on women.

This legislation contains detailed procedures to address both the causes and the consequences of violence. It includes directives on the education of human rights and citizenship in schools through information campaigns, research and the establishment of legal mechanisms and procedures. It gives the police wider powers of intervention, makes provision for training of the public sector, and defines the respective roles of public sector agencies. The law now recognises, and goes some way towards defining, psychological abuse, and widens the definition of 'spouse' to include common law partners and relatives. In the words of Flora Tristán's Silvia Loli, *'The most valuable thing is that now... no one can evade their responsibility... neither the aggressor, nor the services of the State... it is not a perfect law, but it guarantees a better possibility of care and prevention of interfamily violence'* ^{xv}.

Other aspects of child and family law have been changed to give greater protection to children. In cases of divorce, the courts now have the power to appoint a mediator to help couples reach an agreement on access and custody. The agreement becomes legally binding, speeding up interminable lawsuits and reducing the suffering of children.

The murder of a spouse carries a 15-year prison sentence. However, the Criminal Code contains a qualification, which is frequently cited: 'a state of

violent emotion'. If a murder is committed in a state 'of violent emotion' the sentence is 'not less than three years or more than five'. Men who have murdered their wives, partners, lovers, and fiancées frequently cite 'violent emotion' in order to secure a lower sentence ^{xvi}.



"If you haven't filed a complaint for abuse, do it now!"
Women demonstrating in Cusco.
Photo by WOMANKIND Worldwide

Rape

As elsewhere, statistics on rape are unreliable. However it is known that most rape is committed by men known to the victim, and that the stigma attached to rape prevents most women from reporting it. One indication of the scale of the problem in Peru, is the fact that 5,000 girls between the ages of 12 and 17 get pregnant each year. According to a study by the Lima Maternity Hospital, 90% of adolescent mothers are victims of rape, most commonly by their own relatives.

The effort of initiating and driving the lawsuit forward lies with the victim. It is not surprising that only 10.25% (National Institute of Statistics) of cases are concluded, and that usually it is the victims who lose due to insufficient evidence. Attitudes to rape are reflected by the fact that only in 1997 was an archaic law repealed by which charges against a rapist were dropped if he married his victim ^{xvii}.

Although sentences for rape have become increasingly tough (rape of children under 8 carries a mandatory life sentence without possibility of appeal) it is a problem which cannot be resolved by punitive sanctions alone. At the time of writing, the focus of the law is on punishing the aggressor rather than dealing with the causes and consequences of rape. No psychological or material assistance is given to victims. Although the new Criminal Code acknowledges the possibility of spousal rape, in reality, agents of the state tend to discourage this, either because they are unaware of the law or because of a deep-rooted assumption that women must tolerate everything from their husbands.

Prostitution

Prostitution is legal in Peru, but individual sex workers are subject to constant harassment by police and municipalities, and fined under public decency laws. A mother may lose custody of her children if proven 'immoral'. The only government programme for sex workers aims at containing sexually transmitted diseases. A positive and unanticipated result of this programme has been the development of leaders among sex workers, who are setting up peer group education programmes on health issues. Sex workers have very limited, if any, protection from rape and physical violence ^{xviii}.

Health

Malnutrition, pollution, stress, inadequate housing, long hours and dangerous work are all things that put at risk the health of the poor. At the same time, geography and class determine access to health care: most of the country's health care professionals are based in Lima and provincial capitals.

The last decade has seen a huge rise in malaria, which increased from 30,814 in 1989 to 211,561 in 1996, with a particularly high incidence in the northern coast and lowland Amazonian regions. Although it has leveled off in the last five years, malaria is still present in the jungle. The 1990s

also saw an increase in dengue fever, leishmaniasis, yellow fever and chagas disease ^{xix}. Peru's epidemiological profile reflects social stratification. Together with the reappearance of diseases linked to poverty and poor sanitation such as tuberculosis and cholera, there has also been an increase in 'developed country' diseases such as hypercholesterol and hypertension.



Patti being seen by Gloria, a dentist from a social care programme in Ica

The policy of the Fujimori government on health was erratic. Primary health care was offered through two programmes: 'Basic Health for All', and 'Shared Administration'. Between 1991 and 1997, the first programme achieved, a 100% increase of primary health services. But pressure to achieve quantitative goals was at the cost of qualitative improvements, which would build on cultural assumptions and practices and educate the public. The Programme of 'Shared Administration' aimed to incorporate local health administration committees in the management of services. However, there was concern that this was lessening the responsibility of the state and leading to privatisation of health services.

The years of political violence has greatly intensified mental health problems, but there has

been no policy for psychological health in the public health service. At the same time, among other things the 1990s saw a massive expansion in drug addiction ^{xx}. The consequences of the internal war on children's development are only now beginning to surface. Partly as a result of these problems, gang warfare has become a common feature of life in low-income urban neighbourhoods. The Ayacucho area reports a rise in extremely violent juvenile gangs, with names like Orphans, Fugitives, She-Devils and Shadows which are involved in armed robbery and even murder: a number of these are girl gangs. The internal conflict orphaned 50,000 children and caused suffering for hundreds of thousands of children whose parents have been imprisoned, disappeared, or tortured and these orphans are now coming of age ^{xxi}.

HIV/AIDS

The presence of HIV/AIDS has been confirmed throughout the country, although it is more prevalent in the large cities, particularly in Lima and Callao. Sexual transmission predominates and accounts for 95.4% of the cumulative total of cases; transmission by blood accounts for 2.4% of cases and the trend for this route of transmission is

downward; perinatal transmission accounts for 2.2% of cases but the trend is upward.

According to the World Health Organisation, as of August 1997 deaths resulting from AIDS totalled 6,443, with an estimated number of cases of 10,000 for AIDS and 70,000 for HIV infection. Significant changes in transmission patterns include the rise in heterosexual transmission and the huge increase in the number of women and young people affected. The male/female ratio of cases was 1:20 in 1985 and 1:3 in 1997. In the same period, the median age at the time of AIDS diagnosis dropped from 38 to 29 years. Since 1994 the National Programme for the Control of Sexually Transmitted Diseases and AIDS has implemented new control strategies, including the marketing of condoms, modification of risk behaviours, and the management of pneumonia, Kaposi's Sarcoma and other AIDS-related diseases. In addition, the Ministry of Health instituted a programme that administers retroviral drugs free of charge to infected pregnant women and newborn infants, and it is carrying out activities aimed at eliminating congenital syphilis and ensuring mandatory screening in blood banks

^{xxii}.



Gloria and her daughter: Gloria dies of AIDS related illnesses, photo by Annie Bungeroth

Maternal and Infant Mortality

Although there has been a decrease in maternal and infant mortality, figures reveal major differences between rural and urban regions. According to official statistics, maternal mortality has declined over the last decade and stands at 280 per 100,000 live births. It is 10 times higher among illiterate rural women than educated women in cities. Maternal mortality increases among women who have large families, who are alone, and who are older. One in 10 deaths are of a woman between 15 and 19. The direct causes of maternal mortality are abortion, infection and hypertension. In fact, a major cause of maternal death is back street abortions, especially among teenagers who lack any other alternative. While antenatal and postnatal care is high in cities, in the countryside only 15.2% of women give birth with the care of a health professional. There are frequent reports of insulting and abusive treatment of poor women and of peasant women by the latter. It is not surprising that peasant women value the services of traditional midwives, whose skills (like those of traditional healers) are respected, but who work in less than ideal conditions ^{xxiii}.

Infant mortality has been reduced from 528 per thousand in 1992 to an average of 42.1 per thousand in the period 1995-2000. However, the gap between provinces is high: in the port of Callao, adjoining Lima, the rate is 16 per thousand while in the central Andean province of Huancavelica it is 86 per thousand. The indicators are much higher in the Andean region and women there tend to have larger families than their urban counterparts: in 2000, averaging 5.4 children in contrast with 3.6 in the urban areas. Many studies in the region show that although women neither want nor feel able to have such large families, they have very limited access to alternatives. Major causes of infant death are respiratory infections and diarrhoea ^{xxiv}. These conditions are related to the extent of pollution and inadequate public health, and are not helped by a 1995 law which relieved municipalities of the responsibility for cleaning and garbage collection in new settlements.

Maternal and Child Health

Given women's role in child rearing, certain child health indicators show the pressures brought to bear on Peruvian mothers. In 1996, 7.9% of children under 5 had weight for age deficits, 10.1% suffered from chronic malnutrition in Lima and 40.6% in rural areas. Children aged 6 and 9.11 years, 48% suffered from

chronic malnutrition, rising to 60% - 72% in the north and central highlands.

The practice of breast-feeding is highly prevalent but the period of exclusive breast-feeding is short. In 1996, 38.9% of children under 3 months of age were already receiving food supplements. The proportion of children exclusively breast fed dropped to 5.6% in children aged 7 - 9 months. In 1996, 95% of children aged 3 - 14 had dental cavities ^{xxv}.

Abortion, Contraception and Sterilisation

In 2000, 69.0% of women living with a male partner were using some method of contraception. The most widely used methods was a contraceptive injection (15%) followed by the rhythm method (14%), and female sterilisation (13.0%) ^{xxvi}. Peru has a very high rate of abortion; 5.2% of women between 19 and 49 have abortions (an estimated 270,000 a year), and 20% of these are had by girls under the age of 16. Infection resulting from abortion is the second highest cause of death in pregnancy. Abortion is legal if a physician and judge determine that the mother's health or life is in danger ^{xxvii}.

One of the scandals of the Fujimori years involved the sterilisation of women without their consent or understanding. The government launched the 1995 'Programme for Reproductive Health' following commitments made the previous year at the Fourth UN World Conference on Women in Beijing. The legalisation of sterilisation was widely accepted as a step forward. The government set quotas for tubal ligations (sterilisation) and gave cash incentives to doctors, health workers, and government officials to pressure poor and uneducated women into procedures they did not fully understand. By 1996, women's organisations and church groups were receiving reports of abuses, including bribery, lack of aftercare, verbal intimidation and even of violence. Several women were reported to have died as a result of botched operations: the Interamerican Court on Human Rights has taken up the case of María Mamerita Mestanza, a peasant woman who died the week after suffering a forced sterilisation with no aftercare.

At first, the Health Ministry denied the existence of quantitative targets, but after concerted pressure, admitted and abandoned the quota system. Women are now provided with pre-operative counseling and a 72-hour waiting period before agreeing to surgery. An estimated 300,000 women have been sterilised as a result of this programme ^{xxviii}.

Social Rights

Education and Literacy

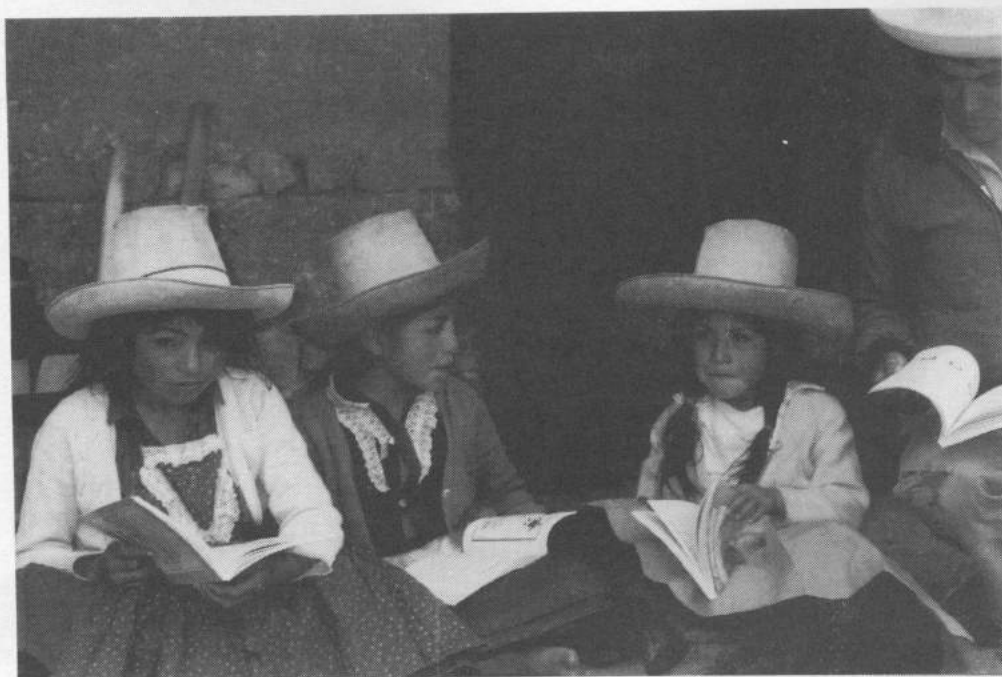
Although primary education is free (and compulsory) for all 6 - 16 year olds, as with health care, access to school is limited by income and geography. Parents (or children themselves) have to meet the rising costs of school uniform, school materials and transport. This affects the number of children a family can support through school. It is also a driving force behind the premature employment of children.

Although 86.1% of the children between 6 and 14 attend school, only 52.4% of those between 12 and 18 do: in absolute terms more than a million boys and girls do not attend school. One simple reason is the scarcity of secondary schools in rural areas. Girls in rural areas tend to drop out of school far earlier than those in the cities; in Lima, girls of 15 and over will have completed 9.3 school grades on average; in Huancavelica, in the central highlands, only 3.2 grades. Problems of quality of education are indicated by the fact that over 30% of children repeat the first grade. The Fujimori government investment in schools concentrated on infrastructure, rather than on quality teacher training or adapting the curriculum to suit the educational needs of the population. The state sector cannot attract many good teachers or keep them for long, when salaries do not exceed US\$250 a

month and are often much lower in rural areas ^{xxix}. Committed teachers often have two or three jobs at a time, making them less able to prepare for classes.

Recent figures show that there are three illiterate women for every illiterate man, and in the rural areas 17.0% of men and 42.9% of women still cannot read or write. Cultural mores weigh in the rural areas, where parents who are unable to pay for the education of more than one child, will generally choose to educate their sons. Parents in the more remote rural areas may also be afraid of exposing girls to an alien environment and values ^{xxx}. The National Network for the Education of Girls is an umbrella organisation which aims to educate rural parents on the concept of gender equality.

An important initiative is a literacy programme, which combines literacy with information about civil rights, violence prevention and family and reproductive health. It has 2500 bilingual instructors working in the Andes and jungle regions, teaching in Quechua, Aymara, and the native languages of 10 ethnic Amazonian groups. The programme is reaching about 100,000 people, 70% of whom are women, many of them mothers of children.



Children at rural libraries in Cajamarca, Peru

Civil and Political Rights

Human Rights Violations

Both women and men have suffered intensely as a result of the 15 year conflict in which an estimated 30,000 people were killed by armed insurgents (primarily Shining Path, but also MRTA - another leftist organisation which mainly targeted urban areas) and security forces between 1980 and 1993. Most civilian victims were peasants, teachers and students ^{xxxvi}. Over the same period, an estimated 530,000 Peruvians fled their towns and villages of origin and became internally displaced. In the 1980s both the insurgents and the military harassed grassroots and women's organisations ^{xxxvii}. Among these atrocities, one of the most powerful symbols has been the death of a community leader in Villa El Salvador. María Elena Moyano was murdered in 1992 in front of her children and other members of the community by the Shining Path. Her death had a particularly powerful impact in Lima as to the true colours of the Shining Path.

The capture of Shining Path leader Abimael Guzman in 1992 brought with it a gradual reduction in the death count. However, the need to contain and eradicate terrorism was used to justify the persecution of political opponents, including human rights groups, journalists and lawyers. Subsequent events have shown that the state of emergency also provided a useful cover for drugs trafficking, arms dealing, and other clandestine operations by the security forces.

Under the leadership of the shadowy Vladimiro Montesinos, the 1990s saw the increased scope and power of the National Intelligence Service (SIN). Surveillance was extended to a range of groups and individuals, opposition groups, non-governmental organisations (NGOs), trades unions, political opponents and the church. It even extended beyond the frontiers of Peru. The use of torture became widespread and systematic. There were even two cases involving female security agents one in which the agent was murdered, and another in which an agent was permanently disabled as a result of torture. Torture often involves the rape of women. Torture was only made illegal in 1995.

The 1992 Anti-Terrorism Law, set new procedures and penalties for dealing cases of alleged terrorism. Cases were heard by military tribunals, in secret and with the use of hooded judges, to avoid their identification. The process

by which presumed terrorists were tried was accelerated to a month, unusual for Peru where people accused of ordinary crimes can be held in remand for several years. In this system of off-the-cuff justice there was a 97% conviction rate. Such methods gave little opportunity for those accused to be properly defended, and even defence lawyers (among them women) found themselves accused of complicity and were arrested. Lack of due process has been widely criticised by international jurists. Prisoners in these trials were accused either of treason or terrorism, for which there is a penalty of death or life imprisonment. The legislation led to hundreds of miscarriages of justice, and although some aspects have since been modified, it had not been repealed at the time of writing ^{xxxviii}. Although many of these prisoners have now been released due to the efforts of local NGOs and the international community, they have received no compensation for wrongful arrest.

During the 1990s Amnesty International adopted over a hundred of people, arrested under antiterrorist legislation, as 'prisoners of conscience', who had no involvement in armed groups. These were in prison on circumstantial evidence, accusations by third parties (frequently paid informers), or on the basis of confessions extracted under torture, of these 15% were women.

Disappearances

During the 1980s and 1990s Peru gained the undesirable distinction of having the highest number of 'disappeared' persons in the world. In early 1998, the UN 'Working Group on Enforced or Involuntary Disappearances' was investigating 3,004 cases, and the Peruvian Ombudsman's office was investigating 4,424 cases. Most of Peru's 'disappeared' are rural people of Indigenous extraction. Above all mothers of the 'disappeared' want the truth and to give their children, husbands, or siblings a proper burial. Even within Peru, there has been relatively little debate about the 'disappeared' in the media possibly because most atrocities happened in the rural highlands and to poor people ^{xxxiv}. The 'Commission for Truth and Reconciliation' was set up during the interim presidency of Valentín Paniagua. It has as its mandate to investigate human rights violations committed over the last two decades, and is due to produce a final report and recommendations in 2003.

Women in Detention in Peru			
	Total	Remand	Sentenced
Total	2,194	1,330	864
Drug trafficking	1,224	881	343
Treason	84	7	77
Terrorism	335	42	293
Aggravated terrorism	173	129	44
Common crime	378	271	107

Table 1: National Coordinating Body for Human Rights (CNDDHH) 1999

Prison Conditions

In 1999 there were some 2,200 women in prison, primarily for drug trafficking or terrorism. Table 1 gives a breakdown of convictions, and shows the high number held on remand. It is common for ordinary prisoners to be held for a year or more without trial and, if released, to receive no form of compensation. Prison conditions are poor and are particularly harsh in maximum security facilities, especially in those prisons situated at high altitudes. Low budgets, severe overcrowding, lack of sanitation, and poor nutrition and health care continue to be serious problems within the prison system. Since prison authorities do not supply adequate bedding and budget only about 2.5 soles (\$0.75) per prisoner per day for food, the families of prisoners are forced to provide for these basic needs. In high-security prisons, women are allowed to see their children only once a month. In prisons that house ordinary criminals (or more pertinently, those held for criminal offences), such as Lima's Chorrillos Women's prison, children 3 years of age and younger live with their jailed mothers. However, since there are far fewer prisons for women, they are more likely to be isolated from their families ^{xxxv}.

The Human Rights Ombudsman has noted that the operating philosophy in the prison system is one of punishment rather than rehabilitation. In November 1998 the Ombudsman published a report on prison conditions and administration, which highlighted many serious shortcomings, including an inadequate number of trained medical personnel, poor legal representation for prisoners and insufficient social workers. Again, this is particularly true of those accused of terrorism: the 1992 legislation has made it more difficult for those accused to obtain the services of a lawyer. The government employs 50 lawyers to service the prison system; since 65 percent of the prisoners have been charged, but not convicted, the

penal system's legal resources fall far short of demand. According to official figures, the prison system employs 44 doctors and 80 nurses; in reality the figure is probably far lower ^{xxxvi}.

Most women in prison are poor and many of them single mothers. Missionaries who work in prisons draw attention in particular to the high number of women who trafficked drugs because there was simply no work, and thought it was better than stealing. These tend to be low-income, single mothers.



Women at the 'Marcha de los Cuatro Suyos' rally protesting against fraudulent elections in July 2000
Photo by Annie Bungereoth

Women's Involvement in Politics

In 1839 a young woman of French-Peruvian extraction travelled from Europe to Peru to claim her inheritance. Divorced from a violent husband, with two small children, Flora Tristán became a journalist, writer, political theorist and feminist. She has become an icon for Peruvian feminists. She wrote with equal passion about the condition of women, of slaves, of the indolent aristocracy in Peru, and about child labour, conditions in the workhouses and brothels of London. Another important historical figure was Micaela Bastidas who fought alongside her husband José Gabriel Condorcanqui - Túpac Amaru against Spanish domination, and like him, paid for it with a terrible death.

Peru's first feminist organisation was formed in 1914, and in 1918 the first trade union of female textile workers, who fought for and achieved an eight-hour day. The first suffrage movement was led by Zoila Cáceres in 1924, but it took over 30 years to achieve the vote. It is said that this was due, in part, to the pressure exerted on the dictator Manuel Odría by his wife, a trained teacher. In 1956 the year after women got the vote, the first eight women entered parliament, most of them of the APRA party (Peru's longest standing mass party).

It is really in the 1970s and 1980s that the grass roots women's movement came into its own. The peasant unions of the 1970s had several female leaders, and migrants from the rural areas to Lima's periphery developed neighbourhood associations, promoted trades unions and labour rights, women's commissions in political parties, and protested against the violation of human rights elsewhere in the continent.

The 1990s saw an increase in the number of women in political life: in 1995 the APRA party fielded the first woman candidate for the presidency. Increasing numbers of women took ministerial positions in government, which irrespective of their conduct in office has set a precedent. The 1990s also saw the first female President of Congress, and President of the Congressional Board.

Paulina Arpasi Velásquez, an authentic representative of the popular women's movement was elected to congress in 2001. She has declared she will wear the wide skirts, shawl and hat of her native Puno throughout her entire time in office, in order to challenge racial discrimination and racism. With 2 million votes, in 2001 Lourdes

Flores came closer than any woman has done to becoming President of Peru ^{xxxv}.

Women's participation in politics has been aided by affirmative action. A quota law of 1996 stipulated that at least 25% of candidatures, must be reserved for women. This was used for the first time in October 1999 municipal elections, in which 2,313 women were elected as mayors and councillors in the 900 municipalities throughout the country. Quotas were increased to 30% for the elections of April 2001. 1996 saw the creation of the the Ministry for the Promotion of Women and Human Development (PROMUDEH). Its mission is to *'promote the development of women and the family, the human development of the population and access to education, health, occupation and employment ... encourage the participation of women in society ... the promotion of civic values... the protection of children and adolescents at high risk'*.

At the same time, the 1990s saw the consolidation of formidable networks of women's organisations. Women have been particularly active in campaigns on human rights and social equity. Peru's women have been aided in this respect by a favourable external climate. The 1990s saw a growing commitment by the UN to the promotion of women's rights as human rights and to hold states accountable for this. The Vienna Conference on Economic, Social and Cultural Rights and the 1995 Beijing Conference, has been of particular importance in this respect. Women in Peru have made full use of these declarations and of international human rights mechanisms.

Women's Organisations and the Way Forward

The women's movement has been one of the fastest growing and most dynamic social movements anywhere in Latin America. Women's organisations are largely locally based and respond to local needs, while sharing common characteristics, structures and aims on a national level. The women's movement has played a key role in prompting a state response to the problems of the poor. They have been crucially involved in food programmes for the poor. The National Institute for Information and Statistics (INEI) household surveys for the 4th quarter of 1988, 1999 and 2000 show that in 2000: - 31.7% of the population received food as part of a food programme administrated by women's organisations - 28.0% were part of a 'Glass of Milk' network and 6.7% of a '*Comedor Popular*' (community kitchen) adding up to a total of 65% of Peruvian households which benefit from community food programmes.

Women's organisations began in the 1970s with the formation of 'mother's clubs' which received food donations from various international aid organisations or the church. These groups became more numerous during the 1980s. '*Comedores Populares*' usually began as small collectives of neighbours, who bought food in bulk and cooked it communally, thus cutting costs of materials and fuel. The 'glass of milk' networks began as a municipal initiative in Lima to ensure that children

had at least a glass of milk a day. In each neighbourhood the mothers organise themselves and receive, prepare and distribute milk amongst the children.

Women's organisations were the only ones capable of finding a practical and creative way of surviving the impact of the economic shock policy introduced by the Fujimori government in August 1991. Emergency programmes that they hoped would only be temporary became a permanent feature of the daily lives of neighbourhoods, they involved the same sort of communal response to problems as is typical of andean communities. As the women's organisations gained experience in running their own affairs and lobbying, they became recognised both locally and nationally. As a result they became more politically effective.

Women's organisations now have a role that now goes far beyond food programmes. They have begun to develop economic activities such as community credit schemes and form small businesses. They have created training programmes to help women with the administration of their organisations. Women's organisations are now agreeing strategies and co-ordinating the development plans with state organisations, NGOs and the Church. As a result they are taking on new leadership roles, as promoters of reproductive health, human rights, literacy, business management, education etc.



Stack of milk for a local "glass of milk" club in Ica

However, women's organisations have been through some tough times and have encountered difficulties both internally and in their relations with the state. The government food distribution programme PRONAA attempted to use its resources to "divide and rule", favouring associations which supported the Fujimori regime. Food which in fact consisted of foreign donations was presented as a 'gift from the President' to score electoral points. During the years of internal conflict the Shining Path and the MRTA tried to manipulate the organisations and in resisting them many community leaders received death threats.

Autonomy of the Grassroots Women's Movements

One of the weaknesses of a large number of women's organisations - among them the '*comedores populares*', the 'glass of milk' and the 'mother's clubs' have been their susceptibility to official manipulation. This involved providing welfare in exchange for political support. A government which implemented the biggest robbery of public funds in Peruvian history presented itself as the champion of the poor. A cameo of manipulation is contained in one of Montesino's infamous videos. In this the mayoress of Chaclacayo was taped offering women's organisations food aid on the condition that they attend a pro-government rally.

Government interference - bribery - weakened the movement. The women's movement learned that it had to fight for autonomy. Currently the leadership is being taken on by younger women who have grown up with the organisation and are aware of the need to manifest autonomy.

Challenges Facing Women's Organisations

Due to the context within which organisations have developed and the experience they have gained over the last few years, women's organisations have become key spaces for citizen vigilance as well as helping to strengthen democracy in Peru. Increasingly they are entering into the wider debate, questioning social structure and the policies that sustain it and not simply administering welfare. These organisations have the capacity and potential to help to develop the citizenship of their members and help poor women gain access to a life where all the rights and values of equality of the Peruvian constitution are assured.

As Peru enters the 21st century it faces daunting problems. Nevertheless the return to democracy with the election of Alejandro Toledo in 2001 provides hope for the future, as does the strength and vitality of Peru's women's organisations.



Women running a comedor popular in Lima

Bibliography and Endnotes

Bibliography

Amnesty International, *Derechos Humanos de la Mujer: En memoria de María Elena Moyano*, Jan. 1997

Coordinadora Nacional de Derechos Humanos, *Informe sobre la Implementación de la Declaración y Programa de Acción de Viena* 1998

Fernández Montenegro, Blanca, *La Mujer Rural en la Región Andina: un Acercamiento a su Situación y Aporte al Desarrollo Rural* Lima: Flora Tristán, 1996

Instituto Nacional de Estadística e Informática, *Existen 24 mil establecimientos de las organizaciones sociales en Lima Metropolitana* 20/20/2000

Loli, Silvia, *Dando una mirada a la región: Género y seguridad ciudadana* Lima: Flora Tristán, n/d

Loli, Silvia, *Reporte sobre la Vigencia de los Derechos Humanos de las Mujeres en el Perú*, Lima: Flora Tristán, 1997

New Internationalist, 'Life after death in the Andes', March 2000

Pan American Health Organization, Peru: Basic Country Health Profiles Summary PAHO/WHO 1999

Schrader, Anita and Blagbrough, Jonathan, *Child Labour in the Informal Urban Sector Consortium for Street Children* 2000

US State Department, *Report on Human Rights Practices: Peru*, 1999

Endnotes

i **Amnesty International**, *Derechos Humanos de la Mujer: En memoria de María Elena Moyano*, Jan 1997

ii **Cúanto**: *Perú en Numeros 2001 anuario estadístico*

iii **Pan American Health Organisation, Peru: Basic Country Health Profiles Summary** PAHO/WHO 1999

iv **Coordinadora Nacional de Derechos Humanos (CNDDHH)**, *Informe sobre Derechos Económicos, Sociales y Culturales en el Perú* 1997

v Ibid

vi **Comisión Interamericana de Derechos Humanos (CIDH)**, Perú 2000

vii CNDDHH op cit.

viii CIDH op cit.

ix IACHR

x **Loli, Silvia** *Reporte sobre la Vigencia de los Derechos Humanos de las Mujeres en el Perú*, Lima: Flora Tristán, 1997

xi **Oxfam** *Retorno y Reconstrucción de los Andes del Perú*, Lima 1998, quoted in **New Internationalist**, March 2000

xii **Flora Tristán**, *Acercamiento a su situación y Aporte al Desarrollo Rural*, Lima 1996

xiii **Baird, Vanessa, ed.** *Life After Death in the Andes*, New Internationalist, March 2000

xiv **Fernández Montenegro, Blanca**, *La Mujer Rural en la Región Andina: un Acercamiento a su Situación y Aporte al Desarrollo Rural*, Lima: Flora Tristán, 1996

xv ibid.

xvi **Loli**, op cit.

xvii **Loli** ibid

xviii **US State Department**, *Report on Human Rights Practices: Peru* 1999

xix **PAHO**, op cit.

xx **CNDDHH** op cit, **PAHO**, op cit

xxi **Baird, Vanessa** op cit.

xxii **PAHO**, op cit.

xxiii **Fernández Montenegro, Blanca**, op cit.

xxiv **Cúanto**, op cit.

xxv **PAHO**, op cit.

xxvi **Cúanto**, op cit.

xxvii **Loli, Silvia**, op cit.

xxviii **CIDH**,

xxvix **CNDDHH**, op cit.

xxx **Schrader, Anita and Blagbrough, Jonathan**, *Child Labour in the Informal Urban Sector Consortium for Street Children* 2000

xxxi **Carlos Ivan Degregori et al**: *Las rondas Campesinas y la derrota del Sendero Luminoso*, IEP/UNSCH, Lima, 1996

xxxii **CNDDHH**, op cit.

xxxiii **Amnesty International**, op cit.

xxxiv **Baird, Vanessa, ed.** op cit.

xxxv **CNDDHH**, op cit.

xxxvi **La República**, *La Mujer se Abre Paso al Poder*, 16 April 2001

Researched by Anita Schrader with special thanks to María Castañeda for the section on Women's Organisations. The PSG would also like to thank the following for their help and input;

Elisabeth Acha, Annie Bungeroth, Teresa Durand, John and Marion Grant, Hannah Morley Kate Power, Rachel Spence, Brita Schmidt, Dr. Emma Vigueras, Marcia Walker, Fabianne Warrington, Hildegard Willer, Nadine Winspur, Karine Zufferey

Women's organisations in Peru

Aurora Vivar

Address: Apartado Postal 11 - 0422
Lima 11
Perú

Tel: (00 51 1) 471 0794

Fax: (00 51 1) 471 0794

Email: aurora@chavin.rcp.net.pe

CLADEM - Comite de America Latina y el Caribe para la Defensa de los Derechos de la Mujer

Address: Apartado Postal 11-0470
Lima 11
Perú

Tel.: (00 51 1) 4464823.

Fax: (00 51 1) 4458661.

E-mail: cipa-lima@amauta.rcp.net.pe

Flora Tristán

Address: Parque Hernan Velarde 42,
Lima-Cercado
Perú

Website: <http://www.flora.org.pe>

Manuela Ramos

Address: Av Juan P. Fernandini 1550,
Lima 21
Perú

Website: <http://www.manuela.org.pe>

CENDOC - Centro de documentación de la mujer

Address: Av. La Mar 170

Miraflores

Perú

Tel: (00 51 1) 447-2355 / 242-9206

Fax: (00 51 1) 446-6332

Website: <http://www.cendoc-mujer.org.pe>

Defensoría del Pueblo - National Ombudsman's office

Address: Jr. Ucayali N° 388,
Lima 1
Perú

Tel: (00 51 1) 4267800 / 4262395 /
4262183

Fax: (00 51 1) 4267889

Email: defensor@ombudsman.gob.pe

Website: <http://www.ombudsman.org.pe>

Government bodies

Promudeh - Ministerio de Promoción de la Mujer y del Desarrollo Humano Ministry for Women

Address: Jr. Camaná 616,
Lima
Perú

Tel: (00 511) 428-9800

Fax: (00511) 426-1665

Website: <http://www.promudeh.gob.pe>

<u>Demographic Indicators</u>			<u>Population living in poverty</u>
Estimated population 2001			1997
Total	26.35 million	Urban	87.32 %
Urban pop.	19 million	Rural	40.73 %
Rural pop.	7.34 million		
Life expectancy at birth 1999		Population with access to	Extreme poverty
Total	68.8	sewerage services within the	14.7%
Male	66.3	home (2000)	Poverty
Female	71.3	Total	36.0 %
Illiteracy rate in population		Urban	Total
over 15 years (2000)		78.89 %	50.7 %
Total	7.2 %	Rural	
Male	3.3 %	12.22 %	The bottom 20 % population
Female	10.8 %	Socioeconomic Indicators	represent 6 % of the economy
Rural Sierra		Gross domestic product per	(2000).
Male	8 %	capita (2000)	The top 20 % of the population
Female	25.5 %	Current value	represent 57.5 % of the
Jungle		US\$ 2,091	economy (2000).
Male	9.2 %	Constant US\$	Health Risks Indicators
Female	21.3 %	US\$ 2,157	Infant mortality (per 1.000 live
Population with access to		Growth rates	births) 1995-2000
services of drinking water		1997	42.1
inside the home (2000)		1998	
Total	71.44 %	1999	Maternal mortality (per 1.000
		2000	live births) 1991-1998 average
			261.0
		Population living in poverty	Average number of children
		2000	1995-2000
		Extreme poverty	3.0
		Poverty	
		Total	
		14.8 %	
		39.3 %	
		54.1%	

*Figures from "Cúanto: Perú en
Numeros 2001 anuario
estadístico*

For further information about the Peru Support Group and WOMANKIND Worldwide:

Peru Support Group

C/o CIIR

Unit 3, Canonbury Yard

190a New North Road

London

N1 7BJ

Tel: 020 7354 9825 / 020 7288 8655

Email: perusupport@gn.apc.org

Fax: 020 7354 9825

Website: www.perusupportgroup.co.uk

WOMANKIND Worldwide

Viking House, 3rd Floor

5-11 Worship Street

London

EC2A 2BH

Tel: 020 7588 6096

Email: info@womankind.org.uk

Fax: 020 7588 6101

Website: www.womankind.org.uk

Cover photo; 'Distribution of food from community kitchen at Doña Ramitos Mothers' club in Distrito de Laredo, Trujillo, Peru. Copyright Carlos Reyes, Andes Press Agency