

# AMNESTY INTERNATIONAL

## Public Statement

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### **Peru: Thousands of indigenous women forcibly sterilized may be denied justice**

After almost a decade of waiting, over 2,000 indigenous and peasant women who were forcibly sterilized in the 1990s may be now denied access to justice, as the Lima Criminal Prosecution Service (*Fiscalía Penal Supraprovincial de Lima*) decided on 22 January that it would file charges in just one case out of the thousands investigated. The complaints by some 2,000 victims included in the prosecutor's preliminary investigation are just a fraction of the 200,000 indigenous and peasant women who were subjected to sterilization during that period, mostly without their full and proper consent. This decision by the Prosecution Service shows how the rights of indigenous and peasant women continue to be denied and reinforces once again the discrimination they have suffered for centuries.

The Public Prosecutor decided to proceed with just one complaint against the medical staff involved in María Mamérita Mestanza's death, the result of a forced sterilization practiced in 1998. And even in this emblematic case, the prosecutor failed to bring charges against those who developed, promoted or allowed this horrendous practice, which mainly affected indigenous and peasant women, who were particularly vulnerable.

It is a tragedy that thousands of indigenous and peasant who sought health services were sterilized without having been informed or being pressured into having the procedure. During the presidency of Alberto Fujimori a family planning scheme was used as part of a population control policy targeted at the poorest sections of society. Medical staff were pressured to meet sterilizations targets and as a result many women and their families were threatened with fines, imprisonment or the withdrawal of state food support if they didn't submit to operations to sterilise them. What's more, many of them did not receive the necessary post-operative care. As a result many women subjected to the procedure suffered health problems, and 18 women died.

This appalling decision has blocked another avenue for justice for these women, and Peruvian society at large. In 2002 a Peruvian parliamentary commission established that sterilizations were conducted "without the consent of the patients, using pressure and psychological violence, or in exchange for food or economic incentives". Furthermore the commission found that the members of the government intervened and exerted pressure to ensure that the sterilizations were enforced. On the basis of their findings, the commission filed official complaints against members of the government, including the then President Fujimori, the Health Minister and Junior Health Ministers, and several advisors to the Health Ministry.

The investigation by the Public Prosecutor on the use of forced sterilizations began in 2004 and was initially shelved in 2009. In October 2011 it was reopened but the organisations representing victims repeatedly expressed concerns about the lack of progress and of resources necessary to clarify the facts and determine who was responsible.

Amnesty International expresses its dismay at seeing that after such a long wait, the Public Prosecutor has decided to bring charges against the medical staff involved in only one case, and has failed to clarify those responsible at all levels, not only in this case, but also in all of the cases of the 2,000 other victims that were part of the investigation.

In 2003, the Truth and Reconciliation Commission concluded that those most affected by the human rights violations were the most vulnerable people in society, such as indigenous and campesino women. The Commission also concluded that only when the rights of all are guaranteed without discrimination, can Peru guarantee that the horrors of the past are not repeated.

It is therefore imperative that the Peruvian authorities review this abhorrent decision and fulfil their international obligations on sexual and reproductive rights, as well as regarding the right to truth, justice and reparations for all these women and their families. The state must also send a clear signal that discrimination against indigenous and campesino women is utterly unacceptable.

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