

URGENT ACTION

OVER 2,000 WOMEN ONCE AGAIN DENIED JUSTICE

The prosecutor at the head of the investigation into the charges against those responsible for the forced sterilization of over 2,000 peasant and Indigenous women living in poverty has ruled to close the majority of the cases, once again denying them their right to justice.

On 27 July 2016 the Supraprovincial Criminal Prosecutor's Office in Lima once again dismissed charges against the alleged perpetrators of the forced sterilization of over 2,000 women during the 1990s in Peru. These cases represent only a small percentage of the total number of women who were forcibly sterilized throughout this decade.

The investigation into these cases was closed in January 2014, but reopened on 10 May 2015 at the insistence of the victims and following national and international pressure. The Second Supraprovincial Criminal Prosecutor's Office in Lima was charged with investigating these appalling incidents and requested two extensions of the deadline for the period of investigation, in August 2015 and then again in February 2016.

The ruling of the Criminal Prosecutor's Office was passed despite the existence of strong evidence that the health professionals implementing family planning programs were pressured into meeting sterilization quotas and that in most cases, women did not give their free and informed consent. Of all the victims included in the investigation, only seven cases will be referred to the judiciary as individual cases to be taken to court. The remaining cases will be left closed.

On more than one opportunity, Amnesty International has requested that the Attorney General's office prosecute any individual who participated in these grave human rights violations, either as intellectual or physical perpetrators, perpetrators-by-means or in any other capacity, even in the case of public officials or civil servants, be they civilian or military employees.

Please write immediately in Spanish or your own language:

- Expressing dismay that the Criminal Prosecutor's Office has once again closed the cases of over 2,000 victims of forced sterilization in the 1990s and that charges will only be filed individually in 7 cases;
- Urging the authorities to review this ruling in order to guarantee a thorough review of the charges and comply with the obligation to guarantee truth, justice and reparations for all the women and their families affected by forced sterilization;
- Reminding the authorities of their obligation to guarantee the sexual and reproductive rights of all people without discrimination based on gender, race or economic situation.

PLEASE SEND APPEALS BEFORE 16 SEPTEMBER 2016 TO:

Attorney General

Pablo Sánchez Velarde

Ministerio Público.

Fiscalía General de la Nación.

Avenida Abancay, Cdra 5 s/n.

Lima, Perú.

Fax: +5116255555 o +5112085555

Email: psanchez@mpfn.gob.pe

Salutation: **Dear Attorney General / Sr.**

Fiscal de la Nación

President of the Republic of Peru

Pedro Pablo Kuczynski Godard

Despacho Presidencial Jirón de la Unión

S/N. 1ra Cuadra – Cercado de Lima.

Perú.

Fax: +5113114700

Email:

secretariageneral@presidencia.gob.pe

Twitter: @ppkamigo @prensapalacio

Salutation: Dear Mr. President / Sr.

Presidente.

Minister for Justice and Human Rights

Dr. Marisol Pérez Tello

Ministerio de Justicia y Derechos

Humanos

Scipión Llona 350, Miraflores, Lima 18.

Fax: (+511) 204-8020

Email: mperez@minjus.gob.pe

Twitter: @MINJUS_PERU

@marperetzello

Salutation: Dear Ms. Minister for

Justice / Sra. Ministra de Justicia

Also send copies to Peruvian diplomatic representatives accredited to your country. HIS EXCELLENCY MR CLAUDIO DE LA PUENTE RIBEYRO, Embassy of Peru, 52 Sloane Street SW1X 9SP, 020 7235 1917/8340/3802, Fax 020 7235 4463, postmaster@peruembassy-uk.com or www.peruembassy-uk.com

Please check with your section office if sending appeals after the above date. This is the first update of UA 158/16. Further information:

<https://www.amnesty.org/es/documents/amr46/4402/2016/es/>

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ADDITIONAL INFORMATION

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

In 2002, the congressional committee charged with investigating the charges of forced sterilization ruled that “sterilization was carried out without the consent of the women, using psychological violence, pressure or in exchange for an alimentary and/or economic incentive”. Based on these findings, charges were drawn up against the president at the time, Alberto Fujimori, ministers and vice ministers for health and several of their advisers.

Sexual and reproductive rights are enshrined in various international human rights treaties, which stipulate that nations must respect, protect and guarantee the freedom and dignity of sexual and reproductive rights for all people, without subjecting them to coercion or violence. These rights were established in the International Conference on Population and Development in Cairo in 1994 and are based on the recognition of the basic right of all couples and individuals to freely and responsibly decide the number of children they wish to have, the spacing between the births and when to have them.

Peru has an extensive history of discrimination against poor, Indigenous and peasant populations, and in particular women from these populations. The Truth and Reconciliation Commission concluded that persistent racial, social and gender-based discrimination is one of the reasons why for years these grave violations committed against Indigenous and peasant women have been ignored, and that this deep-rooted discrimination must be addressed in order to prevent this type of violence from being repeated in future.

In 2004 the Attorney General's office opened an investigation into the widespread practice of forced sterilizations carried out in the 1990s. The investigation was initially closed in 2009 however following national and international pressure it was reopened in October 2011. In January 2014, the Attorney General's office decided that it would only file charges in the case of María Mamérita Mestanza, and close the others. Following further national and international pressure, in May 2015, the Attorney General's office reopened the investigation. In August 2015 the deadline for investigation was extended for six months, and in February 2016 an extension for another five months was granted until the ruling to close the cases was passed in July 2016.

The investigation was opened following a friendly settlement at the Inter-American Commission on Human Rights between the Peruvian government and the family of María Mamérita Mestanza. Peru recognized before the IACHR that it had violated María Mamérita Mestanza's right to life, physical integrity and equal protection before the law without discrimination, and had not complied with the obligation to protect her from harm. The Peruvian government also committed to investigate and guarantee justice in this case and all other charges of forced sterilization.