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Forced Sterilization Victims Demand Justice in Peru

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Eighteen years have passed since allegations of forced sterilizations of women during the administration of dictator Alberto Fujimori (1900-2000) were first heard, but victims have yet to receive any justice (NotiSur, Feb. 26, 2010, Nov. 18, 2011, and Dec. 21, 2012).

In early July, a delegation of 25 women—members of the Asociación de Mujeres Afectadas por las Esterilizaciones Forzadas (AMAEF), of Cusco, and leaders of the Comité de Defensa de los Derechos Humanos of sterilized women of Huancabamba, in the Department of Piura—arrived in Lima from Cusco to demand that the investigation of their case not be shelved or remain in an administrative quagmire in the Attorney General’s Office where it has languished all these years.

The case, which has been closed three times, involves 2,073 women from various regions of Peru. In May of this year, Prosecutor Luis Landa issued a resolution supporting the complaint filed the previous month by the Instituto de Defensa Legal (IDL) on behalf of the victims, which claimed that the investigation was insufficient. Landa ordered that the preliminary investigation of the case be extended for three months. Considering the extension too short, the defense has requested the attorney general to extend the investigation further.

The defense has also asked that Prosecutor Marcelita Gutiérrez Vallejo, who currently has the case, be allowed to work on it exclusively, and that auxiliary staff be assigned to review the 140-volume record. The defense also asked that the prosecutor be given an adequate budget and resources and called for the creation of groups of interpreters to gather testimony from the victims.

AMAEF president Rute Zuñiga said her organization wants to aid the attorney general’s investigation by updating data and testimony of the victims included in the case.

"What we do not want is that the investigation again be held up by logistical, material, or human obstacles or by political pressures from those who were responsible for implementing the program of forced sterilizations," Zuñiga said in a press release about a forum on the human rights of women who were sterilized without their consent under the Fujimori government’s family planning program.

During the Fujimori administration, the Programa Nacional de Salud Reproductiva y Planificación Familiar (PNSRPF) was implemented in a massive and forced manner from 1996 to 2000. Nearly 300,000 women and 22,000 men, mostly from the Andean highlands, underwent forced sterilizations without receiving clear information about the procedures and without giving informed consent, resulting in a detrimental impact on their health as well as their family, social, and community life. At least 18 women died from complications from the operations.

The accused in this case are: Fujimori, currently serving a 25-year prison sentence for corruption and human rights violations, and his three former health ministers—Eduardo Yong Motta (1994-96), Marino Costa Bauer (1996-1999), and Alejandro Aguinaga (1999-2000), plus senior health ministry officials from the 1990s (NotiSur, May 1, 2009).
Landa’s resolution urgently requests health officials in Cajamarca, Cusco, Huancavelica, Huanuco, Tumbes, Piura, San Martín, Lambayeque, Lima, and Loreto to provide information about who participated in the Anticoncepción Quirúrgica Voluntaria (AQV) program so they can make statements.

**Truth, justice, and reparations**

On July 6, delegations of women from Cusco and Piura who had been sterilized without their permission held a forum in Peru’s congressional headquarters. The forum, called Forced Sterilizations, 18 Years without Justice, included the participation of representatives from the Ministerios de Salud, Justicia y Derechos Humanos, de la Mujer y Poblaciones Vulnerables, Seguro Integral de Salud, Defensoría del Pueblo, plus lawyers from IDL, which is handling the victims’ legal defense.

Speaking at the forum, Hilaria Supa, the Andean congressional deputy who has worked on the case since the earliest complaints were made public, said, "There is no justice for the poor in this country. If the victims had been women of a higher economic status, people would have paid attention and things would have been taken care of a long time ago."

Supa posed a question that hung over the congressional auditorium where the forum was held: "Who is the law protecting until now so that we are not allowed justice in 18 years? There has been financing from USAID [the US Agency for International Development] and from Japan. Who are we protecting?"

In an essay published in 2014, Pontificia Universidad Católica del Perú professor Alejandra Ballón Gutiérrez said, "In the case of Peru, government policies regarding the Programa Nacional de Salud Reproductiva y Planificación Familiar (PNSRPF) were designed, coordinated, and organized by the UN Population Fund (UNFPA) and the US Agency for International Development (USAID). Most of the financing came from USAID, the Nippon Foundation, and the UNFPA." The essay was titled "The Peruvian Case of Forced Sterilization, notes for mapping resistance."

IDL lawyer Sigfredo Florián told the newspaper Diario 16 that international donors are not included in the investigation, but they could be. "We’d have to investigate what their contribution was," he said. "We need to see if the prosecutor could broaden the investigation to the cooperants in the programs. We’d have to see what the budget was and the ways in which the programs were carried out. If this were to happen, these organizations could be investigated," Florián told Diario 16.

The newspaper has published a report titled "Forced Sterilizations: the bloody images of horror," which includes documents that support the complaint against the financial support by international donors such as the German nongovernmental organization Survival Initiative Group and the Nippon Foundation to this program.

Women who came from Anta, Cusco, testified in the Quechua language about the practices they were victimized by and complained they do not receive benefits from government social programs such as Pensión 65 and Juntos.

"Their testimonies show that the trauma of having had their tubes tied without their consent is ongoing. We hope that reopening the investigation will enable the determination of those responsible, without passion or revenge, and provide adequate reparation," said Defensor del Pueblo Eduardo Vega.
Vega indicated that the public family planning policy in force between 1996 and 2000 was characterized by not providing guarantees of free choice or free and informed consent; no prior counseling and alternative choices; official doctors pressuring victimized women; campaigns that relied exclusively on tubal ligations rather than considering temporary methods; a focus on low-income sectors in rural areas; the lack of post-surgical follow-up; and a compulsive tendency in its application.

The victimized women who participated in the forum also indicated that governmental officials did not inform them about the number of victims who are covered by comprehensive health insurance (Seguro Integral de Salud, SIS) and asked the Ministerio de Salud to release the entire registry of victims of forced sterilization.

The affected women demanded truth, justice, and reparations. Having the full list of victims would be the first step to knowing that truth. Beginning the judicial process against Fujimori and others responsible for this crime against humanity would open the hope of obtaining justice. Creating a comprehensive reparations program (Programa Integral de Reparaciones) would give those affected access to comprehensive reparations in health and education. Various national and international women’s organizations demand that the Peruvian government take responsibility and publically apologize for having violated the rights of these thousands of women.

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