



PROFILE OF INTERNAL DISPLACEMENT : PERU

Compilation of the information available in the Global IDP
Database of the Norwegian Refugee Council

(as of 24 June, 2004)

Also available at <http://www.idproject.org>

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PROFILE SUMMARY

Peru: new IDP law and proposed compensation programmes raise hopes for the displaced

The removal of President Alberto Fujimori in 2000 paved the way for the restoration of democracy in Peru and the beginning of a reconciliation process following the end of a civil war that ravaged the country for more than twenty years. The conflict, between the Shining Path Maoist group and the leftist Túpac Amaru Revolutionary Movement (MRTA) on the one side and government armed forces and self-defence groups on the other, displaced some 600,000 people and led to the death or disappearance of over 69,000 people between 1980 and 2000. Most affected by the political violence were indigenous peasant communities living in the Andean and Amazonic regions, in particular in the department of Ayacucho. It is believed that all but 60,000 internally displaced people (IDPs) have returned or decided to permanently settle in their current locations, but most still live in precarious conditions, receiving no or only very limited assistance from the government. And as of 2004, remnants of Shining Path were still causing some small-scale displacements in isolated pockets.

Two recent developments have raised hopes among Peruvians affected by displacement that their grievances finally be addressed. The final report of Peru's Truth and Reconciliation Commission, published in August 2003, recognises all 600,000 people displaced during the course of the conflict as victims of war and calls for the provision of comprehensive compensation as part of the national reconciliation process. And in May 2004 a new law was adopted which for the first time recognises the special status and particular needs of the displaced. With an adequate legal framework now in place, the government needs to mobilise the political will to implement the law and the recommendations by the Truth and Reconciliation Commission.

Background and numbers

The main cause of displacement in Peru has been twenty years of internal conflict beginning in 1980, between the Peruvian Armed Forces along with self-defence groups and the armed groups Sendero Luminoso (Shining Path) and Túpac Amaru Revolutionary Movement (MRTA). The Shining Path, which became the primary actor responsible for human rights violations committed during the war, initially struggled for land reforms and socio-economic rights, but later adopted a totalitarian Maoist ideology, which it increasingly sought to impose through the use of terror against civilians (CVR, 28 August 2003). The government initially largely ignored the insurgency, which took place in remote areas populated by indigenous people. It was only in December 1982 that it declared a state of emergency in nine provinces and placed these regions under military command. During their fight against the rebels, the armed forces were reportedly responsible for systematic violations of human rights and international humanitarian law. In the absence of functioning state institutions, the rural communities organised in "self-defence committees" or "rondas campesinas" to protect themselves against attacks by the rebels. These defence patrols were later used by the armed forces in their fight against the insurgents, and were also responsible for human rights abuses (CVR, 28 August 2003). Civilians refusing to join these self-defence groups were often accused of supporting terrorist groups (Cohen and Sanchez-Garzoli May 2001, p.6). The Fujimori regime was accused of using death squads (such as the Colina group) to eliminate supporters of the rebel groups (US DOS, 25 February 2004).

As a result of the violence during the 1980s and 1990s, between 600,000 and one million people were displaced, according to estimates (ICRC & PAR, 31 December 2003, p.68). Over 69,000 people were killed or disappeared. Peasant indigenous populations were disproportionately affected by the conflict, representing 70 per cent of the displaced, primarily from the departments of Ayacucho, Huancavelica, Apurímac and Central Sierra (CVR, 28 August 2003, Tomo VI, 1.9). Although there is no official census of

the displaced population, it is estimated that about 60,000 people remain displaced as of 2004 (ICRC, 27 November 2003; 4 June 2004).

As the Truth and Reconciliation Commission concluded in its report, displacement in the Peruvian context often was an end in itself, a strategy deliberately pursued by the warring parties in pursuit of their military objectives. In Satipo, for example, Shining Path forcibly displaced thousands of indigenous Asháninkas and held them in conditions amounting to slavery (CVR, 28 August 2003, Tomo VI, 1.9). They were imprisoned in sub-human conditions in camps, and forced to fight, work and perform sexual services under threat of death (CVR, 28 August 2003, Tomo VI, 1.9). People have also been forced to flee either because of direct attacks, the persistence of generalised violence preventing them from meeting their minimum subsistence needs, or when ordered to do so by security forces, as well as due to terrorist acts.

Although its key leaders were arrested in the 1990s, Shining Path has not completely disappeared and still conducts sporadic attacks in isolated pockets. In Satipo, for example, remnants of this group continued to cause small-scale and temporary displacements of indigenous communities, who in 2003 still lived in constant fear of killings, forced recruitment and roadblocks (CNDDHH, 1 January 2004, Ch.3, pp.42-3; US DOS, 25 February 2004, sect.5). There were also reports of Shining Path trying to regain political influence in some of the areas where they used to operate in, including Huancavelica, Apurímac and in settlements in Lima. In an attempt to appeal to potential followers, mostly unemployed youth and orphans of war, it expressed self-criticism and repentance (PSC, December 2001; CVR, 28 August 2003).

Political developments

The restoration of democracy following the demise of the authoritarian Fujimori regime in 2000 – amid charges of crimes against humanity, fraud and corruption –, significantly improved the human rights situation in the country. Since 2000, Congress has dismantled the National Intelligence Service, abolished the state of emergency which had been declared in several zones, and reinstated constitutional guarantees. In March 2001 Peru restored its recognition of the jurisdiction of the Inter-American Court of Human Rights, and an amnesty benefiting the military since 1995 was lifted. In 2003 the Constitutional Court declared the anti-terrorist measures adopted in 1992 unconstitutional. This is expected to benefit hundreds of Peruvians, mostly from displacement areas, who were imprisoned under the Fujimori regime on false charges of terrorism and betrayal of the nation.

However, recent months have seen increasing political instability and popular discontent at economic policies which eroded people's access to basic services. In response to large-scale protests, the government declared a state of emergency and granted the armed forces police powers. Human rights organisations have accused the current government led by President Alejandro Toledo, who was elected in June 2001, of nepotism and corruption (CNDDHH, 1 January 2004).

The Truth and Reconciliation Commission

Two recent developments have raised hopes among Peruvians affected by violence-induced displacement that their grievances finally be addressed: the work of the Truth and Reconciliation Commission and the adoption of new IDP legislation.

The publication of the final report of the Truth and Reconciliation Commission in August 2003 was a landmark in Peruvian history. Created in June 2001 by President Valentin Paniagua, the Commission led to the first reconciliation process in the Peruvian civil war, as no peace accord was ever signed to declare an end to hostilities.

In its final report, the Commission considers, along the lines of the Colombian legal framework, that displacement is a matter of fact rather than a matter of certification. It also states that the problem of displacement did not disappear with the end of hostilities but that this rather opened up opportunities for its resolution. The report recognises all the 600,000 people displaced during the conflict as victims of war and therefore potentially eligible for compensation.

The Commission recommended that individual and collective compensation programmes be developed, including with regard to mental and physical health, education, symbolic and economic support, and provision of identification documents. A High Level Multisectoral Commission, composed of representatives of the government and human rights organisations, was created in February 2004 to design and oversee the implementation of these recommendations (CNDDHH, 1 January 2004, Ch.3, p.59).

New IDP legislation

In what is considered a breakthrough in the acknowledgement of IDP rights in Peru, a new law entered into force in May 2004, recognising for the first time the special status of internally displaced people and the specific problems they face. The law, which was adopted as a follow-up to the recommendations of the Truth and Reconciliation Commission, reflects the UN Guiding Principles on Internal Displacement in that it defines the rights of citizens with regard to protection against forced displacement and assistance during displacement, resettlement and reintegration. It stresses the state's responsibility for preventing displacement, particularly of indigenous communities due to their special ties to their ancestral lands. The new legislation calls for the development of a database for the collection of IDP-related information, which will also include material gathered within the framework of the truth and reconciliation process. The Ministry of Women and Development has been tasked to implement the law in coordination with other relevant authorities (GOP, 19 May 2004). In line with the Truth and Reconciliation Commission, President Toledo stressed that the law should provide for the compensation of all Peruvians affected by displacement during the conflict (El Peruano, 20 May 2004).

Urban IDPs

The majority of the people fled outside their departments, towards the main urban centres of Lima, Huancayo and Ica, or towards their provincial capital where they decided to settle. Between 120,000 and 200,000 IDPs settled in Lima during the conflict (ICRC & PAR; CNDDHH, June 2002 p.93). There they were often discriminated against for being indigenous and for being displaced, and integration was further complicated as their agricultural skills were not easily "transferable" to the urban labour market, and many did not speak Spanish. In addition, urban IDPs have not received government assistance, which was only directed at those willing to return to their home areas. Nevertheless, surveys conducted in 1994 and 2001 showed that over 80 per cent of IDPs wished to settle in the cities, mostly due to perceived better job and education opportunities for their children, lack of means to rebuild their lives in their areas of origin, and psychological trauma (ICRC & PAR, 31 December 2003, p.85). Today, most IDPs in Lima still live in shanty towns, lacking the most basic services (UN CHR, 25 February 2004).

Protection

During the conflict, IDPs were exposed to human rights violations including assassination, torture, rape, kidnapping, arbitrary detention, and expropriation and destruction of property. The 10,000 indigenous Asháninka people displaced in Junín, for example, were victims of violations which could constitute crimes of genocide, according to the Truth and Reconciliation Commission. In the views of Shining Path leaders, indigenous identity and culture were an obstacle to the establishment of their "new state" and needed to be eliminated. About 5,000 people were imprisoned in camps by Shining Path, submitted to the most inhuman treatment and used as slaves and fighters. Pregnant women were massacred or forced to abort, girls used as sex-slaves and many had to kill their own family members under threat of death. Others were left to die from hunger and disease in captivity. These abuses were possible due to the absence of state institutions in the area and deep-rooted racism against the rural Andean communities prevailing in Peru, undermining their access to justice (CVR, 28 August 2003, Tomo VI, 1.9). In 2003, 160 Asháninka families were still held captive in areas of Junín and Ayacucho, where they were used as slaves by Shining Path and forced to grow coca among other labours (US DOS, 25 February 2004, Sect.5).

Lack of documents undermines the exercise of rights

Despite government and NGO efforts, many IDPs still lack basic documentation, such as birth certificates and voter registration cards, which prevents them from fully exercising their civil and political rights. As a result, many cannot legally hold jobs, conduct bank transactions, or register their children in school. In 1996 the government Programme in Support of Repopulation (PAR) created a Provisional Identity

Registry for IDPs. The provisional documentation was necessary to request assistance to return to one's community of origin as well as to apply for a permanent national identity card. By 2003, PAR had registered over 700,000 undocumented people; 60 per cent of them were conscientious objectors, who opted not to have documents, forfeiting their civil and political rights in order to avoid military service (CNDDHH, 1 June 2003). Others chose not to apply for documents in distrust of the authorities or for fear of being detained on false terrorism claims.

Displaced people's right to land is also adversely affected by the lack of documents. Many indigenous communities never possessed titles to their ancestral territories, and when they were displaced by conflict, settlers often occupied their lands and secured titles. This created conflicts when the displaced tried to return to their areas of origin and greatly complicated restitution processes (CNDDHH, March 2001, sect.3.2.e).

Return

As there has been no systematic mechanism for monitoring returns in Peru, the numbers vary greatly. According to the Truth and Reconciliation Commission, only about 16 per cent of the IDPs returned between 1980 and 1997, mainly to Ayacucho, Huancavelica and Selva Central. Today it is widely believed that all but 60,000 of the displaced have either returned or decided to settle permanently in their current locations. Most of the displaced who returned home have done so by their own means (89%). The government only helped those IDPs who decided to return permanently in their areas of origin, and it is estimated that as a result only some 21,000 people benefited from government assistance. By limiting support to permanent returnees, the government excluded a large number of IDPs (an estimated 37 per cent) who opted for dual residence, maintaining links to both their farmlands and urban livelihoods, based on seasonal migration patterns pre-dating the war (ICRC & PAR, 31 December 2003, p.30, 41; CNDDHH, June 2002 p.93). Most of the permanent and non-permanent returnees still live in very precarious conditions and require special attention and assistance to facilitate their reintegration.

National and international response

The Peruvian government provided hardly any assistance or protection to the displaced population during the height of the conflict in the 1980s. It was not until 1991 that the National Technical Commission was created to design a response to the displacement crisis. In 1993, the Commission launched the Project of Support for Repopulation (PAR) responsible for the return of IDPs. The Project was subsequently transferred to the Ministry of Women, and was re-named in 1998 the Programme of Support for Repopulation and Development in Emergency Zones. The Government invested \$74 million in reconstruction, rehabilitation and infrastructure programmes aimed at promoting return between 1994 and 2000 (CVR, 28 August 2003, Tomo VI, 1.9).

It was mainly the churches which covered the emergency needs of the displaced during the height of the conflict. They also played a key role for reconciliation and reconstruction during the return process (ICRC & PAR, 31 December 2003, p.95). While several UN agencies and international NGOs also assisted the displaced during the crisis, today most of them do not specifically target IDPs, but have broadened their programmes to poverty-alleviation, which is needed by over half of the Peruvian population. The International Committee of the Red Cross (ICRC) is the most important agency assisting IDPs. It provided humanitarian assistance at an early stage of the crisis, and has re-focused its activities to strengthen self-sufficiency since 2000.

At the turn of the 1990s, the displaced started mobilising self-help associations, and organised to a degree not witnessed in any other country. The largest organisations are the Interprovincial Displaced Association (ASFADDEL) and the Junín-based Regional Association of the Displaced of Central Peru, counting 15,000 members. In 1996 displaced Peruvians established a national coordination body grouping about 45,000 people, and in 1998 displaced women organised a national conference on the effects of conflict on their lives, which gathered 2,700 participants.

Organisations have also used the Guiding Principles to strengthen dialogue with the government on the rights and needs of IDPs, and used the Principles as benchmarks to monitor and evaluate national policies

and law to improve their rights. The fact that the Guiding Principles have not yet been translated into Quechua has been an obstacle for displaced persons' organisations using the Guiding Principles as widely as NGOs.

Together, the compensation programme proposed by the Truth and Reconciliation Commission and the new law on IDPs provide a concrete framework to appropriately address the consequences of displacement. The government now needs to muster the political will, mobilise donor support and allocate adequate resources to ensure proper implementation.

CAUSES AND BACKGROUND

Background

Political violence and the Fujimori dictatorship (1980-2000)

- Conflict between armed opposition groups and the armed forces displaced up to one million people since the 1980s
- The government responded to armed opposition in 1980 by placing nine provinces under state of emergency and under the control of the military who committed massive human rights violations
- After 1988 conflict spiralled up with increasing terrorist acts by armed dissidents and violent counter-insurgency tactics involving self-defence committees
- On 5 April 1992, President Fujimori dissolved Congress, suspended the Political Constitution of 1979 and set up an emergency Government
- Fujimori organized military death squads (such as the Colina group) to eliminate the Shining Path and MRTA
- Fujimori dismantled the judiciary system and ruled through Decree Laws including antiterrorism decrees that allowed for summary proceedings against persons accused of terrorism and treason
- President Fujimori was re-elected 9 April 1995, largely due to his success in combating Sendero Luminoso and reducing inflation

"It is now generally accepted that the State, when first confronted with armed opposition, initially neglected the problem because it affected only remote areas. In December 1982 the Government of Belaunde Terry (1980-1985) placed nine provinces under a state of emergency and entrusted control to a political-military command, which, in the words of one interviewee, operated as an occupation army. This not only did not stem armed opposition activity but gave rise to the first allegations of massive human rights violations committed by the military. The first two years of the Government of Alan Garcia (1985-1990) were hopeful: the military presence in the zones of emergency was restricted and fewer allegations were made. After 1988, however, the area of hostilities expanded significantly, as the armed dissidents escalated their terrorist activities in urban centres, while self-defense committees [...] became increasingly involved in counterinsurgency tactics. Civilians were caught in the cross-fire; the volume of denunciations and the numbers of the displaced spiraled upwards." (UNCHR 1 April 1996, para. 19)

"The primary cause for the displacement of as many as 1 million Peruvians over the past 15 years has been the conflict between armed opposition groups and the armed forces of the Government." (UNCHR 1 April 1996, para. 124)

"At the same time, the TRC [Truth and Reconciliation Commission] criticized the administrations of Fernando Belaunde and Alan Garcia for their failure to exercise political control over the military. Further, it said that the military initially adopted a costly and ineffective "scorched earth" counterinsurgency campaign against Sendero that produced significant human rights abuses. The TRC distinguished, however, between the systematic abuses of human rights carried out by Sendero—abuses that were part and parcel with the group's extremist ideology—and the violations of military norms practiced by some individual military commanders. The TRC also criticized the Fujimori government for organizing military death squads (such as the Colina group) and directing them to kill both MRTA and Sendero Luminoso terrorists." (US DOS, 25 February 2004, sect. 5)

"On 5 April 1992 President Fujimori, with the full backing of the Armed Forces Joint Command, dissolved Congress, suspended the Political Constitution of 1979 and set up an emergency Government. From then until the end of 1992, the President and the Council of Ministers ruled the country through Decree Laws which included wide-ranging antiterrorism decrees that allowed for summary proceedings against persons accused of terrorism and treason. Furthermore, the President suspended civilian courts and removed from office the members of the Tribunal of Constitutional Guarantees, Supreme Court judges, the Attorney-General and other judges and members of the judiciary.

In December 1992 the Democratic Constituent Congress (Congreso Constituyente Democrático) was inaugurated: it approved a law confirming the constitutionality of the President and the continued applicability of all laws enacted by him, as well as a motion that the Peruvian State did not have a policy of systematically violating human rights. It also established a Commission on Human Rights and Pacification. The Congress promulgated a new Constitution which was ratified by a referendum on 27 December 1993 [...] In the general elections of 9 April 1995, President Fujimori won a clear majority over his rival, former United Nations Secretary-General Javier Pérez de Cuéllar. Published sources and interviewees suggested that his success in combating the Shining Path and lowering inflation accounted for his re-election, despite the 1992 self-coup and his authoritarian governance." (CHR 1 April 1996, paras. 25-27)

"Peru experienced its most turbulent year since 1992, when President Alberto Fujimori dissolved Congress and assumed dictatorial powers. The circumstances in which Fujimori was sworn in for his third consecutive term on July 28 were symptomatic of the deep crisis of legitimacy facing his government after decade in power [...] Flawed from the outset because the president's candidacy was evidently unconstitutional, the April 9 presidential and congressional elections were among the most widely questioned the region had seen in years." (HRW 2001)

To have a complete in-depth analysis on the causes of the conflict in Peru, see the website of the Truth and Reconciliation Commission, Informe Final de la Comisión de la Verdad y Reconciliación, Tomo VIII, Segunda parte :

Los factores que hicieron posible la violencia, [External link]

Democratic rebuilding after Fujimori escaped Peruvian justice in Japan (2000-2004)

- Valentin Paniagua was elected President in November 2000
- In October 2000, Congress dismantled the National Intelligence Service (SIN), and in February 2001 the government eliminated emergency zones and restored constitutional protections
- 3 June 2001, Alejandro Toledo won Peru's presidential election with 52% of votes
- Japan refused to extradite Mr. Fujimori for charges of crimes against humanity and corruption
- In March 2001 Peru returned to be a member of the Inter-American Court for Human Rights and the amnesty benefiting the military since 1995 was lifted
- In 2003 the Constitutional Tribunal declared the antiterrorist norms of 1992 unconstitutional
- The Peruvian justice who recognised Mr. Fujimori responsible for paramilitary massacres, and assassination of students and a journalist among others has not been able to extradite him as of June 2004
- In response to large-scale protests against current economic policies depriving people from access to basic services, the government declared the state of emergency, granting police powers to the military which led to the killing and maiming of numerous protestors

"Charges of corruption against presidential advisor and de facto head of the intelligence service Vladimiro Montesinos led President Fujimori to announce on September 16 that he intended to hold new national elections in April 2001, in which he would not be a candidate. On November 22, President Fujimori sent

his resignation to Congress from Japan, where he remained at year's end. Congress refused to accept his resignation and instead voted to remove him from office for 'moral incapacity'. The President of Congress Valentin Paniagua of the Popular Action Party succeeded to the presidency on November 22. He announced that he would uphold legislation allowing for new presidential and congressional elections in April 2001, and he accelerated the implementation of democratic reforms initiated in the OAS-sponsored talks.

The police and military share responsibility for internal security. In October Congress passed legislation, based on agreements made in the OAS talks, to dismantle the National Intelligence Service (SIN), and the Government took action to do so in that same month. The capture or death of several remaining terrorist leaders marked continuing progress in eliminating the still lethal threat posed by the terrorist group Sendero Luminoso (Shining Path). In February the Government eliminated the last remaining emergency zones that covered over 5 percent of the country's territory and restored constitutional protections, including freedom of movement and of assembly, throughout the country where they previously had been suspended. Civilian authorities generally maintain effective control of the security forces; however, there were allegations that some members of the security forces, who were loyal to Montesinos, were undermining civilian control of the military. In November President Paniagua appointed a new Defense Minister who retired dozens of officers, many of whom allegedly were tied to Montesinos. Members of the security forces committed serious human rights abuses." (U.S. DOS February 2001, paras.1-2)

"Meanwhile, the Health Minister revealed that there is evidence implicating former President Alberto Fujimori in the programme of forced sterilisations that affected as many as 9,000 women, according to reports. Human rights organisations and women's groups have asked for these allegations to be investigated. The Ombudsman's Office has confirmed that between 1998 and 2000 it received numerous complaints from women who had been forcibly sterilised under pressure, threats or through deceit. Some women even lost their lives as a result of these operations." (PCS, September 2001)

"[...] United Nations High Commissioner for Human Rights Mary Robinson said she was joining the request of Peruvians to the government of Japan to extradite Alberto Fujimori because she believes that crimes against humanity, no matter who commits them, must be investigated and judged in or outside of the country." (PCS, November 2001)

"No candidate won a majority of votes on April 8, so a runoff was held June 3, between the front-runner Alejandro Toledo, a former World Bank economist, and former President Alan García. "Alejandro Toledo won Peru's presidential election, following a campaign marred by bitter personal attacks. With 89% of the votes counted, Mr. Toledo had over 52% of the votes compared with under 48% for Mr. García. The election –vital for a country disillusioned by political corruption and scandal –appears to have been the most transparent for years.

[...]

As well as calming the financial markets, his election will appeal to the nation's indigenous people. Mr. Toledo was one of 16 children born to a poor Indian family in the Andes." (BBC News 5 June 2001)

"During his recent trip to Costa Rica, the Justice Minister Fernando Olivera thanked the government of that country for its efforts to support the restoration of democracy in Peru. In a visit to the Inter-American Court of Human Rights -ICHR, the Minister called on this body to issue an urgent ruling on the amnesty promulgated by the Fujimori regime to benefit military personnel responsible for human rights violations. The amnesty, granted in 1995, served to cover up the criminal acts committed by the military and the security forces under the Fujimori regime. The ICHR has now annulled the amnesty law, enabling Peru's Public Prosecutor to reopen the cases of human rights violations that went unpunished." (PCS, September 2001)

"El 11 de enero [2002], el Congreso decidió el retorno del Perú a la jurisdicción de la Corte Interamericana de Derechos Humanos, con sede en San José de Costa Rica. Esta decisión, esperada por los sectores democráticos de la nación, normalizó la situación del país en el Sistema Jurídico

Interamericano de Derechos Humanos, y ha devuelto a los ciudadanos un instrumento más para la defensa de sus derechos.

La unilateral decisión de Fujimori de apartar al Estado Peruano de la Corte de San José, profundizó el aislamiento del país en el concierto de naciones respetuosas de los derechos humanos. El regreso del Perú a la Corte Interamericana de Derechos Humanos restituyó a los ciudadanos y residentes del país, el derecho a acudir a una instancia superior, supranacional, para la defensa de sus derechos, cuando consideren que éstos no son cautelados por la justicia nacional. Este derecho pretendió ser sustraído por Fujimori, con el propósito de evadir la condena en una serie de denuncias ventiladas en San José de Costa Rica. La decisión adoptada por el gobierno peruano se acompañó, durante 2001, del reconocimiento de la responsabilidad del Estado en diversos casos de violación a los derechos humanos perpetrados en la década de 1990 al 2000.

[...]

El 14 de marzo de 2001, el Perú acató una sentencia de la Corte Interamericana de Derechos Humanos que declara nulos los efectos jurídicos de la Ley de Amnistía para los perpetradores de la masacre de Barrios Altos." (CNDDHH, June 2002, p. 9-10)

«A inicios del 2003, el Tribunal Constitucional emitió una sentencia sobre la inconstitucionalidad de las normas antiterroristas dictadas en 1992, durante la dictadura de Alberto Fujimori, y que a la postre generaron el injusto encarcelamiento de cientos de peruanos por falsos cargos de terrorismo y traición a la patria. » (CNDDHH, 1 January 2004, Ch.3, p.37,39)

« De noviembre del 2000, fecha en que hizo llegar su renuncia a la Presidencia de la República desde Tokio (Japón), a la actualidad la extradición de Alberto Fujimori se ha convertido en una de las principales objetivos del Movimiento nacional de Derechos Humanos y de la sociedad peruana. De acuerdo a las investigaciones realizadas por la justicia peruana, Alberto Fujimori tiene responsabilidad penal en las actuaciones del Comando Prarmilitar « COLINA », responsable de la matanza de Barrios Altos, el caso La Cantuta, la matanza de los estudiantes de la Universidad del Santa y el asesinato del periodista Pedro Yauri Cueto, entre otros gravísimos casos de violaciones de derechos humanos.

Lamentablemente, hasta la fecha, los esfuerzos realizados por el Estado peruano y al sociedad civil. Para extraditar el referido ex-mandatario, no han alcanzado el objetivo deseado. » (CNDDHH, 1 January 2004, Ch.3, p.72)

« A lo largo del año 2003, el acontecimiento más importante para los derechos humanos en el Perú fue la culminación del Informe de la Comisión de la Verdad y Reconciliación. Sin embargo, la inestabilidad política, el conflicto entre el modelo económico y las demandas sociales y el uso desmedido de la fuerza generaron una serie de vulneraciones a los derechos fundamentales, aunque de ninguna manera a iguales a las sufridas en años anteriores.

[...]

Consideramos también que las violaciones de derechos humanos también se evidencian a través del descontento generalizado de la población ante la política económica que no le permite acceder a derechos básicos, como salud, educación, empleo adecuado y justicia. Frente a las protestas de diversos sectores durante el 2003, el gobierno declaró el estado de emergencia el 28 mayo, mediante el Decreto Supremo N0. 55.2003- PCM, otorgando el control del orden en el país a las Fuerzas Armadas. Durante estas protestas varias personas resultaron muertas o gravemente lesionadas y mucha hasta la fecha han quedado discapacitadas.

[...]

El actual gobierno enfrenta una gran falta de legitimidad gracias a la ausencia de liderazgo, los recurrentes hechos de nepotismo y corrupción [...] » (CNDDHH, 1 January 2003, Ch.1)

Armed opposition groups (2004)

- Sendero Luminoso radical Maoist political party emerged in 1968 and carried out its first attacks in 1980
- Leaders of Shining Path Abimael Guzmán and Oscar Ramirez Durand were respectively arrested in 1992 and 1999
- The Shining Path downfall became clear in 1995 when the SL decided to exploit the Asháninkas from their home communities, sending them back home rather than keeping them as captive slaves
- Between 1995 and 2000, Shining Path violence was minimal in most areas, with the exception of Peru's Amazon region
- Violence and human rights abuses by armed opposition groups still affected isolated areas of the departments of Ayacucho, Huánuco, Junín, Pasco, San Martín, and Ucayali in 1998
- The Head of PAR expressed concern that remnants of SL were trying to establish leadership in former zones of occupation where 43,000 war orphans resided in 2002
- Remnants of SL were identified particularly in Huancavelica, Apurímac and in settlements in Lima in 2002
- However, the CVR reports that the Shining Path has not disappear and they still conduct sporadic incursions in the communities, predicating a discourse of repentance
- Shining Path activity, including killings and roadblocks reported in 2003
- In 1984, The Túpac Amaru Revolutionary Movement (MRTA) emerged
- As of 2003, the MRTA was virtually extinct and it suffered major set-backs since 1992 when its leadership was arrested

Sendero Luminoso (SL)

“En particular, el PCP-SL, responsable de reiteradas violaciones de derechos fundamentales de la población civil en Ayacucho, y otras zonas andinas y amazónicas, donde no solamente causó desplazamiento como efecto del clima de terror sino que incurrió en el crimen de guerra de traslado forzoso de personas.

[...]

La derrota de Sendero se hizo evidente en 1995, cuando algunas familias Asháninkas llegaron a la comunidad de Puerto Ocopa, cumpliendo órdenes directas de los mandos senderistas. Según estas familias, que llegaron en estado de lamentable desnutrición crónica, el PCP-SL las había enviado de regreso a sus comunidades para que siembren sus chacras y críen a sus hijos. También les dijeron que posteriormente regresarían para recibir alimentos y llevarse nuevamente a sus hijos. Este dato permite suponer que los mandos del PCP-SL tomaron esta decisión debido a que en el estado en que se encontraban ya no eran útiles sino una carga pesada, que hacía más difícil la sobrevivencia de las columnas senderistas activas en el monte, y que por lo tanto ponía en mayor riesgo a los mandos.

Sin embargo, el fracaso del PCP-SL en la región no significó su desaparición. Ha continuado operando una columna senderista en la margen izquierda del río Ene. En estos últimos años, el PCP-SL realiza esporádicamente incursiones a las comunidades predicando una nueva política, afirmando que no cometerán los errores del pasado (asesinatos, saqueos a comunidades, etc).” (CVR, 28 August 2003, Tomo VI, 1.9)

"Ironically, the present cycle of armed political violence in Peru began with the elections held to reinstate democratic institutions. On May 9, 1980, a group affiliated with the Peruvian Communist Party (PCP) -also known as the Sendero Luminoso (Shining Path)- took over the voter registration office in Chuschi, a town in the department of Ayacucho, where it burned the voter records. The group launched its activities under the slogan 'Elections no; People's war yes'. The goal was complete destruction of the 'old State' to build the

'new State', inspired by the philosophy of Marx, Lenin and Mao Tse Tung, tailored to Peru's circumstances. [...]"(IACHR 12 March 1993, para. 3)

Sendero Luminoso was "[f]ounded by philosophy professor Abimael Guzmán in 1968 in Ayacucho's National University of San Cristóbal de Huamanga. It concentrated its activities in the countryside, starting first in the provincial universities and later creating 'cells' among local communities. Its leaders capitalized on the extreme poverty of the Ayacuchanos, caused by the serious shortage of fertile land and the economic imbalances in the country.

The Shining Path's first attacks occurred in 1980 and continued throughout the decade. The terrorist and indiscriminate nature of their attacks mirrors the preference of its leaders for violence over politics and its ideology of 'total revolution', leading some observers to compare the movement to the Khmer Rouge of Cambodia. [...]. Soon, many of their initial supporters were alienated, especially with the introduction of attempts to institute collective farms, the forcible recruitment of young women and children, and 'popular trials' of local officials." (CHR 1 April 1996, paras. 16, 17)

"[B]y 1994, [...] the Communist Party of Peru/Shining Path insurgents had lost much of their strength, particularly in the Andean highland areas that are home to the vast majority of the displaced. Only in Peru's Amazon jungle region were they still strong. Primary credit for turning the tide against the Shining Path goes to defense patrols formed by rural villagers themselves. The military, which in September 1992 captured Shining Path founder Abimael Guzmán, also gained success in its battle against the Shining Path. Displaced persons, NGOs and church groups emphasize, however, that while security has improved significantly, particularly in the highlands, it is important to recognize that the Shining Path threat is not over, even there." (USCR 1996, p. 192)

"[D]uring 1998, serious armed actions by anti-government guerrilla forces were not reported in all the areas regulated under emergency decrees. Such activity was generally limited to isolated pockets of the departments of Ayacucho, Huánuco, Junín, Pasco, San Martín, and Ucayali, where columns belonging to the Shining Path (Sendero Luminoso) continued to attack soldiers and to commit grave abuses against the civilian population." (HRW 1999, p. 139, 140)

"On July 14 1999, Oscar Ramirez Durand, the successor of Abimael Guzmán, known as "Comrade Feliciano", was captured. He has been considered mainly a military leader as opposed to Guzmán who was known as an ideologue. Even if his capture was a hard blow to the Sendero Luminoso, it has been said that it will not mean the death of the organization." (CNN July 14 1999, Associated Press July 15 1999)

"Isabel Coral, current president of the Centre of Population Promotion and Development (Ceprodep) and head of the Program of Support to Repopulation (PAR) during the transition government, indicated that there is no resurgence of Shining Path but there is a reactivation of its remnants, which are engaging in some terrorist actions.

She explained that these people, without ceasing to carry out attacks, are trying to occupy leadership positions in the zones where they once operated and are trying to use young people, many of whom are orphans because of the subversive war. They are appearing before these youths with self-critical language, acknowledging that they have committed errors and promising not to do it again.

Coral indicated that the census done during her administration revealed that there are 43,000 orphans due to the subversive war and Shining Path members were detected in the communities of Huancavelica, Apurimac and in settlements in Lima. She also indicated that following Abimael Guzman's capture, Shining Path dispersed and took refuge in the highlands of Tambo and Huanta, in Ayacucho, in the Alto Huallaga valley, in the valley of Apurimac River. With the passage of time and the failure to deal with the aftermath of the violence they are finding the conditions to reactivate their remnants and try to react." (PSC, December 2001)

“Between 1995 and 2000, Shining Path violence was minimal in most areas, with the exception of Peru’s Amazon region, where remaining Shining Path guerrillas continued to harass the indigenous population and displace some civilians.” (USCR, 2001)

“After fading during the 1990s after more than a decade of intense conflict with the government, new Shining Path activity, including killings and roadblocks in remote areas, was reported last year [2003].” (USCR, 2004)

Tupac Amaru Revolutionary Movement (MRTA)

"With the implementation of President Alberto Fujimori's counter-insurgency strategy and the arrest of the leadership of Shining Path and the MRTA in 1992, both groups began to suffer major set-backs. Today, according to the latest reports received by Amnesty International, the MRTA is virtually extinct and Shining Path is only active in areas of Junín Department and in the Alto Huallaga region in Huánuco Department in the districts of Leoncio Prado, Marañón and Huamalíes; and in San Martín Department in Tocache province." (AI, 12 May 2003)

« El MRTA, a pesar del número relativamente menor de acciones realizadas, períodos y lugares del territorio nacional en que actuó, también es responsable de haber contribuido, en ciertos lugares de la amazonía, al clima de terror que provocó el desplazamiento interno de población civil. » (CVR, 28 August 2003, Tomo VI, 1.9)

"In 1984 a second armed opposition group emerged, the Tupac Amaru Revolutionary Movement (MRTA). Unlike the Shining Path, the MRTA started its violent activities in urban centres before gaining control of certain rural areas in Junin, Pasco, Huanuco and San Martín. During the late 1980s the MRTA had lost control over parts of these areas to the Shining Path." (CHR 1 April 1996, para. 18)

"Reports of forced conscription by the MRTA (most of whose surviving members are jailed) and the greatly weakened Sendero Luminoso terrorist groups diminished significantly. However, Sendero Luminoso continued to coerce indigenous people to join its ranks during the year, which resulted in further internal displacement. There is also a large population of indigenous Ashaninkas who have faced not only a terrorist threat, but also the encroachment of oil exploration companies on their tribal lands." (U.S. DOS February 2001, sect.2d)

For more information on the Shining Path and Tupac Amaru Revolutionary Movement see the website of the Truth and Reconciliation Commission, Tomo II, Sección segunda: Los actores del conflicto [\[external link\]](#)

Counter-insurgency strategies: "rondas campesinas" and self-defence committees (2003)

- In response to Shining Path insurgency in Acocro, Huamanga, Ayacucho, the armed forces started organising and arming local communities in 1983
- The Shining Path retaliated attacking civilians and local authorities most of which fled, leaving locals even more un-protected
- In 1990, following the massacre of indigenous leaders by SL, the Asháninkas started organising themselves in armed groups to fight the SL which were called “ronda” or self-defence committee
- The Peruvian army, which reacted to the insurgency in 1991 deployed in the province of Satípo, and in the regions of Rio Ene and Tambo
- The army “recuperated” Asháninkas who had been under SL control and sent them to displacement camps
- In 1993 the army was given full military authority over both the self-defence groups (Rondas) and the self-defence committees

- While being the only source of security, the self-defence committees also carried out illegal activities and led to the militarization of civil society
- About 61% of the returnees joined self-defence committees for their safety
- Under the government of Alberto Fujimori, counter-insurgency strategies were consolidated, antiterrorist legislation adopted and the central intelligence branch of the police was activated
- About 200,000 weapons remain at the hands of the self-defence committees in areas formerly affected by war where state presence is lacking as there are no police stations nor basic education and health services, as of 2003

« A partir del año 1983, se comenzaron a registrar incursiones de Sendero Luminoso en los anexos Ccowisa, Cuchicancha y Parccahuanca (Acocro, Huamanga, Ayacucho), así como reuniones en las que adoctrinaban a la población. Debido a ello, los militares comenzaron a llegar al distrito y procedieron a organizar a las comunidades para enfrentar a la subversión, luego de lo cual se retiraban. En represalia los “senderistas” empezaron a asesinar a las autoridades y las que sobrevivían se escapaban, quedando la población sin sus principales autoridades. Este fue el caso de una declarante, cuyo esposo ejercía el cargo de Teniente Gobernador y que fue asesinado junto a otras autoridades comunales por “senderistas”, los cuales continuaron yendo al pueblo y amenazando a la gente, diciendo “si ustedes conversan con esos perros (los militares) van a bailar con su sangre negra”. Debido a estas amenazas toda la población huyó hacia el monte (a las punas).

[...]

[En 1990] Luego del asesinato de los tres dirigentes indígenas, los Asháninka del Bajo Tambo, y en especial los de la comunidad de Poyeni, deciden levantarse en armas contra del PCP-SL, y organiza un Ejército Asháninka para luchar contra Sendero.

[...]

Posteriormente, después de 1991, con el ingreso del Ejército Peruano y de la Marina de Guerra a la zona, este “Ejército Asháninka” formado en Poyeni pasó a funcionar como “Ronda” o “Comité de Autodefensa”.

[...]

Estos comités han venido realizando desde entonces rondas de vigilancia en la comunidad, así como patrullajes en el monte para detectar columnas senderistas, y poder “recuperar sus tierras y rescatar a sus hermanos”.

[...]

Con esta nueva presencia, el Ejército comienza a realizar una serie de patrullajes en el Tambo y Ene, en los que participan como guías algunos jóvenes Asháninka que habían logrado huir del PCP-SL. Conforme se iba rescatando o “recuperando” a más Asháninkas que estaban bajo el control senderista, los varones se iban integrando a las “Rondas Nativas”. Así se creó, por ejemplo, la Ronda de Puerto Ocopa en 1991 [...].

Los años 1991 y 1992 son años de fuertes y continuos enfrentamientos entre el PCP-SL y las rondas. A partir de 1993, y hasta el año 1995, el número de Asháninkas rescatados del PCP-SL va creciendo. Las personas “recuperadas” eran llevadas a las “comunidades de refugio” o “núcleos poblacionales” [...], donde eran vigiladas de cerca. En muchos casos, las personas “recuperadas” fueron sometidas a intensos interrogatorios por parte de los militares.

Las “comunidades de refugio” eran comunidades Asháninka que iban recibiendo a los desplazados por la violencia y a las personas “recuperadas”, llegando en muchos casos a tener varios cientos de habitantes.» (CVR, 28 August 2003, Tomo VI, 1.9)

«No hay relación censal de la participación en los comités de autodefensa, pero el estudio a profundidad arroja que un 61% de los retornantes participarían en ellos.» (ICRC & PAR, 31 December 2003, p.65)

"Peasants traditionally organized themselves in self-defence groups (rondas) to fight against cattle rustling. In the 1980s the military started providing official recognition and arming these groups in an effort to

consolidate power in rural areas and to fight the armed opposition groups. It also started creating new groups (known as comités de autodefensa, self-defence committees). Some interviewees noted that in the past the security forces practically forced peasants to participate in the self-defence committees and that those who refused to participate were immediately suspect. Full military authority over both the rondas and the self-defence committees was conferred on the army in early 1993. [...]. One NGO estimate places the current number of ronderos at over 100,000; in Ayacucho alone there are 35,000 ronderos and the Political-Military Command was at the time of the mission about to recognize a substantial number of new self-defence committees, some of which belong to returnees. In all the communities the Representative visited, a number of ronderos were present. For the most part they had no uniforms and were lightly armed, sometimes with traditional weapons." (CHR 1 April 1996, para. 23)

"[...] In many instances, in particular in isolated areas and native communities in the selva, the self-defence committees have been the only source of security and the main fighting force against the armed opposition groups. On the other hand, a number of problems have become apparent: the necessity of organizing in self-defence committees has disrupted subsistence activities. In addition, self-defence committees have occasionally been involved in illegal activities, including drug trafficking, or they have used their arms to settle personal disputes. In some cases they have become the nucleus of the communities, militarizing social life and assuming leadership. Members of the Committee on the Elimination of Racial Discrimination (CERD) expressed serious misgivings at the observations made by the Government with regard to these groups and requested more information.[...] Some Ashaninka rondas also complained that they were not being recognized on the same footing as the self-defence committees of the colonos." (CHR 1 April 1996, para. 24)

"[...] With the election of President Alberto Fujimori, the counter-subversive strategies were consolidated, including the organization of the rural population in self-defence committees under the control of the military, and the intensification of police and military control in marginal urban areas. Severe antiterrorist legislation and the activation of the central intelligence branch of the police facilitated the capture of the Shining Path leadership in September 1992 and a number of other major victories." (CHR 1 April 1996, para. 20)

"Por otra parte, las poblaciones rurales que durante las décadas pasadas se vieron afectadas por la violencia política y permanecen en sus localidades de origen, continúan padeciendo las mismas carencias de hace muchos años. Así, pese a la derrota de las huestes subversivas, todavía permanecen en posesión de los Comités de Autodefensa cerca de 200 mil armas destinadas a la protección de sus comunidades, las mismas que en su mayoría serían armas de guerra prohibidas para los civiles. Dicha situación se mantiene, debido a que aún el Estado no ha instalado comisarias u otro tipo de destacamentos policiales en muchas de las zonas que se vieron devastadas por la guerra interna. Esta situación no es sino un ejemplo del grado de lejanía que el Estado peruano tiene frente a este sector de la ciudadanía. Así, la administración de justicia, los servicios básicos de salud y educación, entre otros servicios básicos que el Estado debe proveer a los ciudadanos, se encuentran totalmente ausentes de la realidad de la mayoría de los pueblos afectados por la violencia terrorista." (CNDDHH, 2003)

Causes of displacement

Political violence and counter-insurgency tactics displaced up to one million Peruvians (2003)

- 76% of the IDPs fled due to political violence
- Four direct causes of displacement identified: loss of family member, fear and threat, forced resettlement, and general insecurity

- The political violence in the country displaced between 600,000 and 1,000,000 people and killed as many as 69,000
- Government initially ignored armed insurgency, which mostly affected remote indigenous-populated areas, but in December 1982 a state of emergency was declared in nine provinces
- Conflict sharply escalated after 1988 as terrorist activities expanded to urban centres and civilians stepped up involvement in self-defence committees against the insurgents
- Displacement was an end in itself to fulfil military interests according to the CVR
- Shining Path forcibly displaced Asháninka communities in order to have a captive mass of slaves to serve their army
- People were forced to flee either because of direct attacks, or persistence of generalised violence preventing to generate minimum subsistence needs as well as when ordered by security forces
- IDPs fled human rights violations including assassinations, torture, rape, kidnappings, arbitrary detentions, expropriation and destruction of property
- Violence in the areas of Junín, Huánuco and San Martín prevailed in 2003, as counter-insurgency strategies against Shining Path are still military rather than political

“Aunque el propósito de este trabajo no es explorar las causas del fenómeno –múltiples, complejas y diversas según las zonas y momentos- mencionaremos que, de modo general, se señalan cuatro tipos de causas directas:

- 1) *pérdida de algún familiar,*
 - 2) *recepción de amenazas o sensación de próxima víctima [...],*
 - 3) *reubicación forzada [...],y,*
 - 4) *sensación de inseguridad general (Coral 1996, Reyes 1993).*
- [...]

la mayor parte de hombres y mujeres salió en la década del 80 [...] (72.7% de los hombres y 75.2% de las mujeres) y señalan que el principal motivo fue la violencia política (76.7% varones y 84.9% mujeres). Una significativa proporción de los desplazados salió por decisión familiar (49.3%), mientras que una proporción menor tuvo que hacerlo intempes-tivamente (45%), sobre todo en Ayacucho (57.0%) y en Junín 2 La fuente no permite hacer una distinción entre los desplazados de los prime-ros años y los de finales de la década del ochenta..Los Desplazados en el Perú (51.4%). Dos terceras partes de ellos llegaron a casas de parientes (67.6%), sobre todo cuando el lugar de destino era más lejano: el 83.7% de los desplazados en Lima y 66% de los de Ica versus 51.7% en Apurímac y 54.4% en Ayacucho.” (ICRC &PAR, 31 December 2003, p.25,48)

"The primary cause for the displacement of as many as 1 million Peruvians over the past 15 years has been the conflict between armed opposition groups and the armed forces of the Government. [...]. Vast areas of the country are still relatively isolated, and economic and social divisions among the different ethnic groups persist." (CHR 1 April 1996, para. 124)

"It is estimated that during the [years of political violence], 27,000 Peruvians were killed and almost a million were displaced. [...]"(CHR 1 April 1996, para. 21)

« El día en que la CVR entregó el informe final en la ciudad de Lima, su presidente Salomón Lerner, expresó que « la cifra más probable de víctimas fatales en estos veinte años supera los 69 mil peruanos y peruanas, muertos o desaparecidos a manos de las organizaciones subversivas o por obra de agentes del Estado ».» (CNDDHH, 1 January 2004, Ch.3 p.22)

"Many persons still remain unaccounted for, in particular those who were forcibly recruited by the armed opposition groups. In the central selva, entire communities disappeared. [...]. Many persons have recently reappeared, after escaping from the Shining Path or after being 'retrieved' by the rondas. These so-called recuperados return in a deplorable state of physical and mental health and relate stories of servitude and

inhuman treatment at the hands of the Shining Path. Nevertheless, many are perceived as 'repented terrorists'. Also, there remain outstanding cases of persons 'disappeared' during the war; the Representative met with a number of persons in Ayacucho whose relatives have been 'disappeared', and who have been unable to find out what has happened to them since the early 1980s. They said that initial investigations implicating the military had been blocked and that the prosecutor handling them had fled the country." (UNCHR, 1 April 1996, para. 69)

"[V]iolent incidents have occurred throughout most of the country, the principal areas being the departments of Ayacucho, Huancavelica, Apurímac, and the highlands of the department of Junín, Huánuco, and San Martín; and in Lima, the national capital.

Armed insurgent groups, in particular Sendero Luminoso and - with less intensity and different characteristics - the Tupac Amaru Revolutionary Movement (MRTA) generated violence and terror directed against civilians, with massacres, selective killings, robbery, rape, bombings, arson and forced recruitment. [...] In 1989, the civil defense committees called *rondas* were also responsible for violent actions among the peasant communities, though they gradually came under the control of the community authorities. [...]. Paramilitary groups were also active during the American Popular Revolutionary Alliance (APRA) government of 1985-89. More recently, commandos belonging to the state intelligence service, aiming to intimidate the opposition, have carried out criminal actions. Finally, drug trafficking has been a constant factor complicating the situation of violence in the central and northeastern jungle regions. [...]" (Rebaza 1998, p. 113)

"It is now generally accepted that the State, when first confronted with armed opposition, initially neglected the problem because it affected only remote areas. In December 1982 the Government of Belaunde Terry (1980-1985) placed nine provinces under a state of emergency and entrusted control to a political-military command, which, in the words of one interviewee, operated as an occupation army. This not only did not stem armed opposition activity but gave rise to the first allegations of massive human rights violations committed by the military. The first two years of the Government of Alan García (1985-1990) were hopeful: the military presence in the zones of emergency was restricted and fewer allegations were made. After 1988, however, the area of hostilities expanded significantly, as the armed dissidents escalated their terrorist activities in urban centres, while self-defense committees [...] became increasingly involved in counterinsurgency tactics. Civilians were caught in the cross-fire; the volume of denunciations and the numbers of the displaced spiraled upwards." (CHR 1 April 1996, para. 19)

"Large parts of the country are still affected by violence, despite the Peruvian army's military defeat of Sendero Luminoso in 1992. According to Amnesty International, human rights abuses by armed opposition groups continued to be reported during 1998." (Rebaza 1998, p. 114, AI 1999, p. 276)

"Es preciso hacer mención de una forma particular de movimiento poblacional directamente relacionado a la voluntad de los actores armados: el traslado forzoso de poblaciones. En este caso, un actor armado busca ganar cualquier tipo de presunta ventaja militar obligando a la población a desplazarse en el territorio, sin que así lo exija la seguridad de las personas civiles o sin que existan imperiosas razones militares, y sin tomar las medidas posibles para que la población civil sea acogida en condiciones satisfactorias de alojamiento, salubridad, higiene, seguridad y alimentación. Este tipo de desplazamiento constituye una grave transgresión del derecho internacional humanitario, del derecho penal internacional, de los derechos colectivos y de la normatividad interna.

En el caso del conflicto armado interno vivido en el Perú, la Comisión –como se ha visto en las historias representativas de la violencia que este Informe ha elegido- ha conducido investigaciones que le permiten afirmar que en el caso del pueblo Asháninka y de la zona de "Oreja de perro" en Ayacucho, los miembros del PCP-SL incurrieron en este tipo de conducta, pues obligaron a la población a desplazarse con el único fin de contar con una masa cautiva que trabajara para satisfacer las necesidades logísticas de sus columnas armadas. » (CVR, 28 August 2003, Tomo VI, 1.9)

« Algunos pobladores se desplazaron por haber sido agredidos directamente por los agentes del conflicto armado. En otros casos, los desplazados huyeron porque la persistencia de la violencia modificó radicalmente el entorno de sus comunidades o localidades, impidiendo el normal desarrollo de los procesos de reproducción comunal, e imposibilitando que se logren las condiciones mínimas de subsistencia. También existe referencia a casos en los que los pobladores se desplazan por órdenes de las fuerzas de seguridad (CAJ 1993: 143).

[...]

La Comisión ha recibido abundantes testimonios sobre desplazamiento producido como reacción directa a violaciones específicas de los derechos fundamentales, producidas por los agentes del conflicto armado, incluyendo asesinatos [...], tortura [...], tratos crueles, inhumanos o degradantes [...], violencia contra la mujer [...], secuestros [...], detenciones arbitrarias [...], expropiaciones [...] y destrucción de bienes [...]. De otro lado, se puede considerar como un dato indicativo de esta situación la correlación estadística entre emigración (desplazamiento) y atentados terroristas realizada por el Instituto Nacional de Estadística e Informática (INEI) para el período 1988-93. Dicho estudio halló una correlación estadística alta y positiva [...]" (CVR, 28 August 2003, Tomo VI, 1.9)

“La violencia se mantiene en alrededor de dieciocho distritos, afectando la selva de Junín, Huánuco y San Martín. Han seguido las incursiones y las muertes, generando inseguridad. La población pide en algunos casos la presencia de los militares, en otras, su salida. Conviene señalar que las condiciones de combate a la subversión no se han modificado en cuanto a estrategia, que sigue siendo militar y no política. Sólo se ha atenuado por la magnitud de las circunstancias y porque es imposible –militarmente hablando por ahora– el desarrollo de la estrategia subversiva. Nos parece que la reconciliación obliga a nueva estrategia política y militar en las zonas de conflicto para que no se cometan los viejos errores y para lograr una finalización del conflicto en paz y en el más breve plazo. Esta nueva perspectiva exige la participación en la toma de decisiones para la violencia y la inseguridad aún existente. » (CVR, 28 August 2003, Tomo IX, Ch.1)

Pockets of political violence, forced eradication of coca and drug trafficking-related violence cause displacement (2004)

- Displacement as a result of political violence and violent coca eradication programmes subsist particularly in Alto Huallaga, Central Jungle and in the Sierra
- Political violence, acts of terror and serious human rights violations reported in Ayacucho, Tingo Maria, Valle del Monzon (Alto Huallaga) and the Central High Lands
- Forced coca-eradication campaigns have reportedly displaced population to the cities or to areas controlled by drug traffickers
- This could be addressed through the: 1) establishment of PAR activities in the area, 2) opening of an Office of the Human Rights Ombudsman, 3) strengthening of conciliatory processes with the affected population
- According to the Coordinadora Nacional de Derechos Humanos displacements in Huánuco and in the Central Jungle are the direct result of protracted political violence and forcible coca eradication (2002)
- According to the CNDDHH continued and long-term displacement is the consequence lack of political solutions to the conflict and negotiated peace
- MENADES reported incursions of Sendero Luminoso where young people connected with narcotraffic seem to have been recruited in the department of Junín and Apurímac in early 2003

"Es importante señalar que el problema de los desplazamientos motivados por la violencia política ha dejado de ser un problema masivo, pero aún subsiste. Las zonas del Alto Huallaga, la Selva Central y

algunas localizadas en la Sierra aún son azotadas por la actividad de pequeños grupos subversivos, que se entrecruza con las acciones violentas del Estado para erradicar cultivos prohibidos dejando como saldo el desplazamiento de pobladores hacia las ciudades más próximas.

[...]

La erradicación violenta de cultivos de coca ha generado un nuevo tipo de desplazamiento forzado, esta vez generado únicamente por la acción del Estado. Los pequeños agricultores dedicados a la coca se encuentran en una situación muy difícil debido al alto grado de inseguridad para sus cultivos y la vida de sus familias debido al accionar del Estado. Aparte de ello, las dificultades técnicas y económicas no les permiten cambiar el giro de sus actividades hacia cultivos alternativos lícitos." (CNDDHH, March 2001, Sect.3.2. e)

“La violencia política terrorista ha dejado de ser un problema militar y político de carácter estratégico para el país; sin embargo este se ha focalizado en zonas estructuralmente vulnerables caracterizadas por la pobreza extrema y cultivos ilícitos ligados al narcotráfico, manteniéndose una situación de inseguridad ciudadana, precaria institucionalidad social y estatal, y en general condiciones de vida que imposibilitan el ejercicio de derechos.

Que este problema no puede ser encarado estadísticamente, si no cualitativamente. Se han producido situaciones de asesinatos y desapariciones no esclarecidos en Aucayacu, Tingo María, Valle del Monzón (Alto Huallaga), y Sierra Central, entre otros; y los niveles de violencia social y terrorista permanecen.

En las zonas cocaleras, se viene aplicando una política de erradicación violenta y forzada que ha generado un agudo problema social. La erradicación sin un Plan exitoso de desarrollo alternativo, lo que hace es profundizar el deterioro de las condiciones de vida de la población en esas zona.

La erradicación forzada tienen como consecuencias inmediatas el empobrecimiento a niveles insostenibles, daño ecológico por la implementación de mecanismos de fumigación y guerra ecológica; profundiza la crisis institucional de la zona, como consecuencia de esto genera procesos forzados de migración y/o desplazamiento hacia centros urbanos y/o a zonas de pleno control del narcotráfico por lo que se hace necesario revisar esta situación.

Propuesta:

- 1) La ampliación y adecuada implementación de la oficina del PAR en la zona, con los recursos y personal suficiente que desarrolle políticas y estrategias específicas de prevención, protección y reparación a la población civil afectada por la violencia y la erradicación forzada, en el marco de los Principios Rectores para los Desplazamientos Internos y Sección E de la Plataforma de Beijing.
- 2) Solicitar la apertura de una oficina de la Defensoría del Pueblo en la zona
- 3) Contribuir al fortalecimiento de los procesos de concertación abierto por los productores, desplazados y afectados, la Mesa Regional y organizaciones de Derechos Humanos en la zona.”(MENADES 4 December 2000, p.3-4)

"Una zona donde la violencia se mantiene focalizada es Huánuco, en donde los desplazamientos son consecuencia inmediata de la violencia política y la erradicación forzada de la coca. Los desplazamientos por violencia política, se manifiestan por la imposibilidad de encontrar una salida política al conflicto, pues una de las partes no incluye, en su estrategia, salidas negociadas de paz; y, en la otra, algunos estrategias contrainsurgentes desde, el Estado, consideran que un terrorista debe estar en la cárcel o muerto. Esta perspectiva favorece que el fenómeno de desplazamiento de las poblaciones afectadas por la violencia política, sea un proceso de largo plazo. Le ha tocado a Huánuco y a la selva central, ser el escenario donde esta situación se presenta con fuerza." (CNDH, June 2002, p.94)

"Según datos proporcionados por MENADES, en la región centro oriental aún subsisten problemas derivados del conflicto armado, entre los cuales se distingue la situación del departamento de Huánuco, en el cual se registra alrededor de 25,000 personas desplazadas, siendo las ciudades de Huánuco y Tingo María las principales receptoras." (CNDDHH, March 2001, Sect.3.2. e)

“A inicios del 2003 , al Mesa Nacional de Desplazamiento (MENADES), invitado permanente de la CNDDHH, tomó conocimiento de la incursión de una columna de Sendero Luminoso (SL) en algunas zonas de Satipo. Dichas acciones habrían consistido en el ingreso de militantes de SL a diferentes comunidades donde habrían contratado a algunos jóvenes para labores agrícolas, las mismas que se presume se encontrarán relacionadas con el narcotráfico debido a que son remuneradas en dólares.» (CNDDHH, 1 January 2004, Ch.3, p.42)

Shining Path forcibly displaced indigenous Asháninkas to enslave them (2003)

- Between 1989-1993 about 15,000 Asháninka and Nomatsiguenga were forced to flee their territories in Junín
- About 5,000 people were imprisoned in Shining Path camps where they were used as slaves and military contingent
- Violence against the Asháninkas comes in a context of massive occupation by settlers of the Satipo province
- The SL tried to instore a “new state” wich involved the disappearance of the cultural identity of the Asháninka
- The Asháninkas were forcibly displaced to inaccessible areas where they lived under the totalitarian regime of the SL during the 80s until early 90s
- Indigenous Asháninkas were viewed as "savages and ignorant" reflecting the historical discrimination they have suffered in Peru
- The violence against the Asháninkas was made possible by the total absence of state institutions in the indigenous areas of the Central Selva

« La violencia armada en el caso de la Selva Central (Junín) presenta características particulares. Según información oficial del año 1993, el gran pueblo indígena Asháninka habría estado conformado por aproximadamente 55,000 personas. Entre los años 1989-1993 cerca de 15,000 indígenas asháninkas y nomatsiguengas se habrían sentido obligados a abandonar sus tierras de origen, como consecuencia del conflicto. De dicha cantidad, un estimado de 10,000 se refugiaron en localidades como Puerto Ocopa, Poyeni, Cutivireni, Betania, Valle Esmeralda, Quiteni, etc. Unos 5,000 fueron secuestrados o concentrados forzadamente en los campamentos senderistas, viéndose obligados a formar parte de las denominadas “masas de apoyo”, en calidad de fuerza de trabajo agrícola y/o como contingente militar en las incursiones armadas del PCP-SL28. Esta última fracción de la población es víctima de lo que el derecho internacional humanitario señala inequívocamente como el crimen de guerra de traslado forzoso de poblaciones.

[...]

El fuerte impacto que tuvo la violencia armada sobre este pueblo indígena se produce en el contexto de una ocupación masiva de colonos y a la instalación del PCP-SL dentro de su territorio tradicional. Principalmente en los distritos de Río Tambo y Pangoa, el PCP-SL decidió instaurar el “nuevo estado”, lo cual implicaba la desaparición de la identidad cultural de los Asháninkas y el abandono de parte de sus territorios ancestrales. En el distrito de Río Tambo, por ejemplo, la totalidad de comunidades nativas (incluyendo la zona del río Ene, hasta el Medio Tambo) fueron obligadas a reasentarse en las partes más inaccesibles del bosque donde vivieron bajo un régimen de control totalitario bajo el mando de los líderes senderistas.

[...]

La discriminación social, económica, cultural y política de los grupos indígenas a lo largo de la historia del Perú, se expresa de manera evidente y al mismo tiempo cruel en el accionar y planteamientos del PCP-SL. En general, los Asháninka son vistos por los senderistas como salvajes e ignorantes [...].

[...]

Durante el periodo de violencia política en territorio Asháninka (1985-1993), el Estado, tradicionalmente de escasa presencia, estuvo ausente en esta zona indígena de Selva central: suspendió la asistencia social, las inversiones y no estuvo en condiciones de garantizar los derechos humanos y libertades fundamentales de los ciudadanos, lo que agravó la situación de pobreza extrema de las comunidades. Esta situación, vinculada al accionar del PCP-SL, facilitó la implantación y dominio de este grupo sobre la población asháninka.

[...]

Durante la segunda mitad de la década del ochenta y al inicio de los noventa, muchas comunidades estuvieron en peligro inminente de ataque y fueron proclives a ser “ocupadas” por parte del PCP-SL, en especial aquellas que no contaban con rondas nativas constituidas y en las que la presencia de militares o la policía era esporádica.

Hacia fines del año 1990, el PCP-SL tenía el control de todo el Ene y la parte alta del Tambo, hasta el codo del Tambo, a la altura de la comunidad Poyeni, a la que se llamó “la frontera”» (CVR, 28 August 2003, Tomo VI, 1.9)

Peace efforts

Under Paniagua and Toledo’s administrations the Truth and Reconciliation Commission (CVR) develops (2001- 2004)

- In June 2001 President Paniagua created the Truth and Reconciliation Commission
- According to the Truth and Reconciliation Commission, 69,000 people died or disappeared during the twenty years of war
- The president of the CVR denounced the mass perpetration of coordinated and planned crimes during the 20 years of war
- He also denounced the responsibility of the Armed Forces in systematic violation of human rights and international humanitarian law
- The final recommendations of the CVR include programmes of indemnisation and reparation for the victims of political violence
- Collective and individual reparation will include health and education programs, symbolic and economic indemnisation and provision of identification documents among others
- A High-level Multisectoral Commission was created in February 2004 to design and coordinate the implementation of state policies concerning peace, reconciliation

"Uno de los más importantes aciertos del Gobierno de Transición del presidente Valentín Paniagua, fue la constitución de la Comisión de la Verdad, creada oficialmente el 4 de junio de 2001." (CNDDHH, June 2001, p.11)

“Al término de casi dos años de arduo trabajo y en medio de un ambiente de gran expectativa, el 28 de agosto del 2003 se presentó el Informe Final de la Comisión de la Verdad y Reconciliación (CVR) en la ciudad de Lima.

[...]

El día en que la CVR entregó el informe final en la ciudad de Lima, su presidente Salomón Lerner, expresó que « la cifra más probable de víctimas fatales en estos veinte años supera los 69 mil peruanos y peruanas, muertos o desaparecidos a manos de las organizaciones subversivas o por obra de agentes del Estado ». Respecto a los presuntos responsables señaló : « este informe va, en realidad, más allá del señalamiento de responsabilidades particulares. Hemos encontrado que los crímenes cometidos contra la población

peruana no fueron, por desgracia, atropellos de ciertos sujetos perversos que se apartaban así, de las normas de sus organizaciones. Nuestras investigaciones de campo, sumadas a los testimonios ya mencionados y a un meticuloso análisis documental, nos obligan a denunciar en términos categóricos la perpetración masiva de crímenes coordinados o previstos por las organizaciones o instituciones que intervinieron directamente en el conflicto » (...) la CVR ha llegado « a la convicción » de que « en ciertos períodos y lugares, las Fuerzas Armadas incurrieron en una práctica sistemática o generalizada de violaciones de derechos humanos y que existen fundamentos para señalar la comisión de delitos de lesa humanidad, así como infracciones al derecho internacional humanitario » .» (CNDDHH, 1 January 2004, Ch.3 p.22)

“Respecto a este tema el Informe Final de la CVR propone:

1. Un programa de reparaciones simbólicas, como monumentos, actos públicos y otros a efectos de reconocer públicamente las violaciones cometidas contra las víctimas.
2. Un programa de salud, física y mental, el cual incluye la capacitación del personal necesario para la comprensión del mundo andino.
3. Un programa de educación, en el que se beneficie a quienes debido a la violencia política vieron frustrados sus estudios, otorgándoles becas y exonerándolos del pago de las tasas del sistema educativo público
4. Restitución de derechos ciudadanos, por medio del cual se pretende regularizar la situación jurídica de los peruanos que debido a la violencia política se ven afectados hasta la actualidad por requisitorias, la falta de documentos de identidad, entre otros. Este programa también propone el establecimiento de un proceso para la declaración de ausencia por desaparición forzada en la legislación civil peruana.
5. Reparaciones económicas, que se pueden brindar a la víctimas a través de indemnizaciones o pensiones.

El 06 de febrero del 2004 se creó mediante Decreto Supremo N° 003-2004-JUS, la Comisión Multisectorial de Alto Nivel encargada del seguimiento de las acciones y políticas del estado en el ámbito de la paz, la reparación colectiva y la reconciliación nacional. La mencionada comisión está integrada por representantes de la Presidencia de la República, Ministerio de Economía y Finanzas, Ministerio de la Mujer y Desarrollo Social, Consejo Nacional de Descentralización y un representante de las organizaciones de promoción y defensa de derechos humanos.

Entre algunas de sus funciones, esta comisión deberá diseñar la política de paz, reconciliación y reparación colectiva, la que será aprobada por el Consejo de Ministros. También se encargará de coordinar el cumplimiento de estas políticas, así como promover la colaboración y cooperación de la sociedad civil. » (CNDDHH, 1 January 2004, Ch.3, pp.58-9)

For further information about the work of the Truth Commission, visit their website: [\[External Link\]](#)

POPULATION FIGURES AND PROFILE

Global figures

About 60,000 people remain displaced in Peru (2004)

- As of 2003 there existed no precise and accurate data on internal displacement according to the CVR but concluded that the status of IDP is a matter of fact rather than certification and that the end of the conflict does not entail the end of displacement but rather opens opportunities to resolve its consequences
- Between 1981 and 1993 an estimated 626,506 people migrated in the departments of Ayacucho, Apurímac, Huancavelica, Junín, Huánuco, Ancash, Pasco, Cusco y Puno, of which 20% were economic migrants, thus the CVR estimates about half a million displaced in total
- About 80% of the displaced fled between 1983-1993
- Government agency PAR calculated about half of the IDPs had returned by 2002
- By 2001, USCR decided to no longer consider the number of 60,000 people as displaced, even if many of them have reintegrated nor received compensation
- While USCR still cited government estimates of 60,000 IDPs in 2000, it considered that all had integrated by end of 2001 because the reasons which forced them to flee in the first place had ceased to exist
- In 1999, MENADES estimated about 70,000 people remained displaced
- Despite that many no longer want to be called “displaced”, and rather called themselves “Populations Affected by the Violence” or “Communities in Reconstruction” government agency MENADES still counted them because they still required assistance in 1999
- Some 340,000 Peruvians remained displaced at the end of 1998 and 420,000 at the end of 1997
- In 1997 MENADES revised the total number displaced during conflict down to 430,000 because it removed from its calculations about 180,000 “urban displaced”
- Estimates of displaced at the height of the crisis vary between 600,000 and 1 million

“Con relación a la pregunta que se nos formula sobre el total de desplazados que actualmente existen en el país se calcula que como desplazados propiamente dichos solo permanecen como tal un 10% de total, es decir, 60,000. Esta información no deja de ser una especulación que tendría que ser corroborada con un censo.” (ICRC, email communication, 27 November 2003)

“El gobierno y otros siempre manejan hoy en 2004 la cifra de 60,000 desplazados – no hay cifras actualizadas.” (ICRC, email communication, 4 June 2004).

“La atención a la población desplazada interna encontró obstáculos en la incompreensión de sus necesidades y características. Resulta evidente que la finalización del conflicto armado interno no acarrea la conclusión del fenómeno del desplazamiento interno, sino que abre el reto de resolver sus consecuencias, recuperando en lo posible las condiciones de vida perdidas.

[...]

Es preciso indicar que el concepto de desplazamiento interno contiene dos elementos a destacar: 1) El temor que conduce a la decisión de migrar, que puede o no ser resultado de amenazas o actos de violencia directos de los actores armados; y 2) La permanencia dentro de las fronteras de la propia nación.

Asimismo, se debe relevar que el carácter de desplazados internos no depende de una certificación gubernamental, tal como la declaración de un funcionario autorizado, sino de la realidad objetiva; en consecuencia, el desplazamiento es una situación de hecho [...].

[...]

Hasta la fecha no existen datos precisos sobre el fenómeno del desplazamiento interno que hayan sido aportados por el Estado, salvo referencias indirectas e informaciones muestrales insuficientes de algunos organismos internacionales y organizaciones no gubernamentales que, además, no permiten distinguir entre el desplazamiento interno a causa del conflicto armado interno y el desplazamiento interno por otras causas.

[...]

De acuerdo al cuadro anterior, durante 12 años de violencia, de 1981 a 1993, en los departamentos de Ayacucho, Apurímac, Huancavelica, Junín, Huánuco, Ancash, Pasco, Cusco y Puno, se registra un número adicional de 626,506 migrantes. De dicho total, se ha estimado que aproximadamente un 20 % estaría constituido por migrantes económicos y de otros tipos [...]; si tal estimado fuera fiable, cerca de medio millón de migrantes habrían tomado la decisión de desplazarse como respuesta a la violencia.

[...]

El porcentaje más alto de desplazamiento se habría producido durante el período 1983-1993, llegando aproximadamente al 80 %.” (CVR, 28 August 2003, Tomo VI, 1.9)

“Se considera que hay más de dos millones de migrantes económicos peruanos y producto de la violencia política existen más de seiscientos mil desplazados internos y un número difícil de determinar de refugiados peruanos en distintos países de América y Europa. » (CNDDHH, 1 January 2004, Ch.3, p.40)

“Although the conflict producing their displacement ended years ago (and they are no longer counted by the U.S. Committee for Refugees as internally displaced), an estimated 60,000 people, mostly in the Lima area, have not returned to their homes. Many do not have a home to return to and suffer discrimination for being displaced persons. United Nations and local human rights officials have concluded these people need additional assistance to achieve integration into their chosen communities. The Peruvian Congress passed a law last year, which will target assistance to this population.” (USCR, 2004)

“Although the U.S. Committee for Refugees (USCR) still listed 60,000 persons as internally displaced in 2000, by the end of 2001 it was clear that this population had integrated into the areas in which they lived. Although many among this population continue to seek reparations for past losses or additional assistance to help them better integrate, their reasons for not returning home are no longer directly linked to the conflict and abuses that forced them to flee, but to economic and social considerations. Therefore, as of the end of 2001, USCR no longer considered them to be internally displaced.” (USCR, 2002)

"El PAR estima que ya casi la mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20.900 han recibido ayuda del gobierno anterior." (CNDDHH, June 2002 p.93)

"According to the Ministry for the Promotion of Women and Human Development (PROMUDEH), since 1995 the Program for the Repopulation and Development of Emergency Zones (PAR) has supported the return of between 450,000 and 600,000 displaced persons. The PAR has assisted thousands of these persons to returned to their homes; however, the PAR and NGO's agree that the majority of displaced persons have not returned permanently to their original communities due to various factors, including economic changes and social ties." (US DOS February 2001, sect.2d)

“In 2001, renewed Shining Path activity reportedly caused occasional displacement of indigenous Ashaninka people in remote jungle areas. However, there were no indications that this displacement was permanent.” (USCR, 2002)

“At year’s end [2000], some 60,000 people remained internally displaced within Peru.

[...]

In 1999, the Mesa said that 80 percent of the 350,000 displaced persons who by then had not returned home had settled permanently in their current locations. Although the Mesa said that many “no longer want to be called *displaced*,” it still counted them as displaced because it believed they still required special attention and assistance from the government. Groups that formerly called themselves “Displaced Persons’ Associations” now call themselves “Populations Affected by the Violence” or “Communities in Reconstruction.” These groups demand better government-support services, particularly for urban populations. The Mesa estimated that about 70,000 people remained displaced within Peru in 1999 [...]

According to the government of Peru, in 2000, the *Programa de Apoyo al Repoblamiento* (PAR, Program to Support the Repopulation), the government agency that assists displaced persons to return home, helped ten groups totaling 1,818 persons to return home. The PAR believes, however, that most displaced persons who returned home did so by their own means. Although the PAR did not have concrete data on spontaneous returnees, it estimated that more than 9,000 formerly displaced persons returned home spontaneously in 2000, bringing the total number of returnees during the year to more than 11,000. USCR therefore estimated the displaced population at the end of 2000 to be approximately 60,000." (USCR 2001)

“There were no concrete figures on the number of Peruvians who remained displaced at the end of 1999. The government and NGOs differed in their estimates of the number who returned home following the easing of hostilities (the government's estimate was much higher than that of the NGOs). However, both sides agreed that no less than 20 percent of the displaced (more than 80,000) returned home. A large number of returnees found conditions at home untenable and subsequently migrated back to the cities.” (USCR, 2000)

“Some 340,000 Peruvians remained internally displaced at the end of the 1998.” (USCR, 1999)

“At the end of 1997, more than 350,000 persons remained internally displaced in Peru.” (USCR, 1998)

“Limited assistance and uncertainty about the future discouraged others from going home, however. USCR and local NGOs thought that as many as 30 percent of all of the displaced may have returned home, leaving some 420,000 persons still internally displaced [end 1996].” (USCR, 1997)

Figure at the height of the crisis

“Posteriormente CEPRODEP estima una población de 120 mil familias desplazadas, equivalentes a 600 mil personas [1] [Footnote 1 :De los 600 mil, 86% provendrían de la región central y 300 mil no habrían salido de ella; Lima habría concentrado al 26% de la población desplazada (Rodríguez 1996).] Esta cifra, tomada por cierta sería la referencia oficial y de conocimiento general aceptada por los diversos agentes comprometidos con el problema del desplazamiento como verdadera. Se consideraba además una cifra «conservadora» pues según los cálculos de la OIM (1993), sobre la base de las cifras de población emigrada entre los censos de 1981 y 1993, el número de desplazados podía alcanzar un tope de un millón de personas [2] (Coral 1995: 23; Suyasun 1997:24; APRODEH-FIDTH, 2000: 22). [Footnote 2 :Según los cálculos de la OIM, en los nueve departamentos más afectados se habrían desplazado 625,506 personas, sin incluir la población que se desplazó al interior del departamento; la población emigrada de Ayacucho, Apurímac, Huancavelica y Junín entre 1981 y 1993 ascendió a 314,797 personas (OIM 1993).]

En 1996, se desarrolla un nuevo esfuerzo de cuantificación –referencial- desde la MENADES, en la que luego de distinguir entre desplazados y población afectada y en base a estimaciones elaboradas en diversas localidades se logra un acercamiento numérico más preciso: los desplazados de las principales zonas de expulsión llegarían a 430 mil personas.

[...]

Las cifras estimadas fluctúan entre algo más de 400 mil hasta un millón. La cifra oficialmente aceptada, aproximada al volumen real de población desplazada es la de 600 mil desplazados y tiene hoy connotaciones simbólicas » (ICRC &PAR, 31 December 2003, p.68-9,104)

“Displacement in Peru is a direct consequence of the conflict, the poverty and the ethnic divisions, and a disrespect for human rights. The poorest and most violent departments, Ayacucho, Huancavelica and Apurimac, as well as the selva of the Rio Ene and the Rio Huallaga valleys [...] are those from which people fled in the greatest numbers. [...] There seems to be a general consensus that there are several hundred thousand internally displaced persons. The most commonly quoted figure is 600,000, although some believe it may be as high as 1 million [...]” (UN CHR, 1 April 1996)

“Until mid-1997, Peruvian nongovernmental organizations (NGOs) and the Peruvian government estimated that the conflict had displaced 600,000 people. In July 1997, the *Mesa Nacional sobre Desplazamiento* (National Roundtable on Displacement), an NGO consortium, reassessed the total number displaced during the conflict at 430,000. The *Mesa* noted, however, that as many as 1.6 million people had been "affected" by the conflict.” (USCR, 2000)

“The government also undertook a reassessment in 1997 and reasserted the 600,000 figure. The discrepancy in figures primarily resulted from the government's inclusion of some 180,000 people whom it described as urban *displaced* in its figures. The *Mesa* figure only included people displaced from rural areas.” (USCR, 1999)

Year	Estimated number of IDPs	Source
2004	60,000	The Global IDP Project
2003	60,000	The Global IDP Project
2002	60,000	The Global IDP Project
2001	60,000	The Global IDP Project
2000	60,000	USCR
1999	70,000	MENADES
1998	340,000	USCR
1997	350,000	USCR
1996	420,000	USCR
1995	480,000	USCR
1994	600,000-1,000,000	USCR, UN CHR, April 1996

No clear distinction between migrant worker or forcibly displaced by violence (2003)

- These common 'mobile livelihoods' make it difficult to measure the extent of displacement
- During the first half of the 1990s numbers vary between 310,000 and 600,000
- Displaced people engaged in multiple economic activities involving migration jeopardized NGOs projects, as they risked to lose the IDP identity
- At first displaced people preferred defining their status as migrants because of the violence
- The IDP term was unknown or viewed as an insult until ICVA's visit in 1993
- In the city of Huancayo there was a strong overlap between migrants and IDPs

"Thus the presence of SL and the military resulted first and foremost in a discontinuation of well-established mobile livelihood practices." (Stepputat and Sorensen, 2001, p. 774)

"These forms of mobile livelihoods and displacement make it very difficult to estimate the number of displaced people in Peru during the conflict. Depending on the source, estimated numbers of IDPs in the first half of the 1990s vary between 310,000 and 600,000 (SEPIA, 1997; Stavropoulou, 1998). In the

Central Andes (including the departments of Junín, Huancavelica and Huánuco), NGOs used the working figure of 90,000 IDPs of which 15,000 were supposed to have taken refuge in the Mantaro Valley (SEPAR, 1998). In comparison, the NGOs in Ayacucho estimated that there were 150,000 IDPs in this department (SEPIA, 1997)." (Stepputat and Sorensen, 2001, p. 775)

"However, the 'inherent dispersion and instability of the migrants' – that is, the constant movement of many migrants and in particular of the young who left Huancayo for wage labour elsewhere – jeopardized the attempts to strengthen the identity of the displaced. People engaged in a number of different economic as well as organizational activities within and outside the frameworks set up for them by the NGOs. In particular, relations to the popular or revolutionary movements were deplored by several of the NGOs, who saw this 'multi-participation' as an obstacle for their advocacy since they risked losing 'their identity as displaced, thereby jeopardizing their demanding attitude' ([SEPAR, 1990]: 15-16).

In this perspective we may interpret the organization of the migrants as an attempt to fix them in manageable sites and structures. The evasiveness and instability of the object of assistance and organization, and the apparent fluidity and 'blurredness' of their identity, presented practical as well as analytical problems. Thus, in the minutes from a meeting between the Huancayo-based NGOs in 1990, a number of different terms circulated with reference to the people in need of assistance: they were compulsive migrants (*migrantes compulsivos*), internal refugees, rural refugees, displaced population, displaced, or just migrants.

At this point the NGOs did not mention the lack of a single concept as a problem, but they repeatedly emphasized the need for a 'proper identity' for the forced migrants." (Stepputat and Sorensen, 2001, p. 778)

"When this word *desplazado* appeared ... it was uneasy, it always signaled a certain disdain. We preferred to say that we migrated because of the violence ... In the beginning, the term was an insult, nobody knew what it was... But little by little we got used to it' (quoted in Tanagno, 1998:179. When we asked a group of leaders of *Jatarai Ayllu* to reflect upon the category, they noted that people started using the term after ICVA's visit [in 1993]. Suddenly 'groups of families who did not identify themselves as such, well, suddenly groups and organizations of displaced emerged [all over Peru]'. This was when 'the organizational fever' hit Peru, and the *Jatarai Ayllu* became the model of organization (interview with the Regional Association, March 1999)" (Stepputat and Sorensen, 2001, p. 781)

"As already suggested in the introduction, our research found a certain overlap between migrants and IDPs in the city of Huancayo. The overlap was primarily founded on the following factors: 1) the historically high mobility levels in the region; 2) persons originating in the same rural communities had arrived in the city at differing times (before, during, and after the conflict); and 3) the affiliation with either migrant organizations or organizations of displaced persons was, to some extent, a matter of tactics and /or social networks. Thus, individuals, groups or families were themselves often uncertain as to how they should categorize themselves and rarely identified as *either* migrant *or* displaced person.[...] Many people who had been cut off from the rural assets had forced them to give up social mobility through education." (Stepputat and Sorensen, 2001, p. 783)

Geographical distribution

Seven main areas of displacement in Peru (2004)

- There were some terrorist incursions in the departments of Junín and Apurímac which caused some fear-induced displacements in 2003

- The areas affected by displacement are characterised with high vulnerability to attacks from Shining Path, lack of access making communication and assistance difficult and lack of state presence
- The zones of Ayacucho, Huancavelica, Apurímac, Central sierra and selva, Tingo María zone, Huánuco and Pucallpa represented the 87% of the areas affected by violence
- 23% of the displacements took place between 1983-85 mostly from Ayacucho which was the epicentre of violence
- Between 1985 and 1987 subversive actions increased particularly in Lima and Callao and peaked in 1991 when half of the terrorist attacks nation-wide were recorded
- 45% of all displacements happened between 1986-1989
- The four main expelling departments Ayacucho, Junín, Huancavelica and Ancash also register the highest rate of subversive actions between 1988-1993
- 27% of the displacements take place between 1990-1992
- About 80,000 persons were displaced from Huancavelica following political violence
- 80% displaced from Huancavelica found refuge in Huancayo, Ica, Ayacucho and in Lima

« En lo referente a los desplazados al interior de nuestro territorio, organismos de derechos humanos tuvieron conocimiento de incursiones terroristas en la provincia de Satipo (departamento de Junín y en el centro poblado menor de Ocollo (distrito de Cocharcas, provincia de Chincheros, departamento de Apurímac) las mismas que en su oportunidad generaron el desplazamiento de cierto número de pobladores de las mencionadas zonas en razón al temor que estas acciones les infundieron.

[...]

En el mes de marzo, MENADES fue informada sobre el desplazamiento de aparentes grupos subversivos en Ocollo, sin realizar mayores acciones, lo que sin embargo no dejó de preocupar a lo pobladores de la zona quienes abandonaron las tierras a las que recientemente habían regresado » (CNDDHH, 1 January 2004, Ch.3, pp.42-3)

«

CUADRO N° 3
ZONAS DE CONFLICTO / DESPLAZAMIENTO
ZONAS DE CONFLICTO CARACTERISTICAS
Valle del Alto Huallaga Zona predominantemente cocalera poblada por migrantes parceleros y pequeños comerciantes, con un alto índice de población flotante. En ella Sendero Luminoso alcanzó un importante nivel de injerencia principalmente en base a su posición de control sobre el tráfico de la hoja de coca
Valle del Ene y del Tambo Zona de la selva central poblada por nativos asháninkas, sometida a relativo control militar por Sendero Luminoso
Provincias de la zona norte de Ayacucho, y Huancavelica Zona conformada por las provincias de Huamanga, Huanta y La Mar, relativamente controladas por Comités de Autodefensa
Valle del río Mantaro y la zona de Vizcatán Zona controlada por Comités de Autodefensa
Lima Metropolitana y algunas zonas al norte del departamento de Lima Ciudad con alto índice de asesinatos y atentados terroristas (coches bombas y atentados con explosivos), permanece bajo el control combinado de las Fuerzas Armadas y la Policía Nacional. Fuera de ella, las provincias de la sierra y algunas zonas del norte del departamento de Lima muestran considerable actividad subversiva y contrasubversiva
“Corredor sur-andino” Zona que permitiría la circulación de columnas senderistas desde Apurímac hacia la frontera con Bolivia, atravesando las provincias Alto Andinas de Cusco y Puno
“Corredor norte” Zona que intentaría llegar a la frontera con Ecuador atravesando la sierra de los departamentos de La Libertad y Piura.

Fuente: Comisión Andina de Juristas / Organización de Naciones Unidas

Elaboración: Comisión Andina de Juristas / Organización de Naciones Unidas

[...]

Al interior de estas áreas rurales se combinan: a) altísima intensidad migratoria que se refleja en la permanente movilidad de los asentamientos poblacionales [...] y las personas y grupos familiares; b) alta vulnerabilidad frente a los ataques armados de Sendero Luminoso, cuyas columnas mostraron en esas áreas una disposición a atacar a la población organizada en Comités de Autodefensa, que los subversivos llamaban despectivamente “mesnadas” o “cabezas negras”; c) dificultades de acceso que han hecho prácticamente imposible sostener canales fluidos de comunicación con las ciudades principales de esas zonas y ejecutar programas de capacitación e inversión para la recuperación del campo y el establecimiento de condiciones mínimas de sobrevivencia; y d) gran debilidad institucional, que provoca el permanente riesgo de militarización de la actividad social y dificulta el establecimiento de canales permanentes y consensuales de resolución de conflictos.

[...]

De esta manera se puede sostener que las zonas más afectadas por el desplazamiento fueron Ayacucho, Huancavelica, Apurímac, la sierra y selva central, la zona de Tingo María, Huánuco y Pucallpa. Conforme se aprecia del siguiente cuadro, en el que se consignan estimados de algunos estudiosos del tema, tales lugares en conjunto representarían aproximadamente el 87% de las zonas más afectadas por la violencia en el Perú, y darían cuenta de aproximadamente 430,000 personas desplazadas 1980-1997 (Coronel, 1999; Revollar 1999).

[...]

Según el estudio del INEI, durante los cinco primeros años de la década del '80, los hechos violentos estuvieron focalizados principalmente en el departamento de Ayacucho y en menor medida Junín, Huancavelica, Cusco, Arequipa y Apurímac. Entre 1983-85 se habrían producido el 23% del total de desplazados, esencialmente de procedencia ayacuchana. Según la misma fuente, a partir de 1985 las acciones subversivas se incrementaron de manera alarmante en Lima y Callao, pasando de 16.6% en 1984 a alrededor de 30% en los años 1985, 1986 y 1987. Declina ligeramente los años siguientes y adquiere características dramáticas a partir de 1991, registrando casi la mitad de todos los atentados del país. Entre 1986 y 1989 los desplazamientos se elevan al 45%. La escalada de violencia originada en Ayacucho, se extiende a la Sierra Central (Junín, Huancavelica), Sierra Norte (Ancash) y posteriormente hacia el resto del país. Sostiene el INEI que, entre 1989 y 1993, el promedio anual de atentados subversivos fue de 2,725, significativamente mayor al registrado entre 1981-88, con una media de 1,749. El incremento de las acciones subversivas en este periodo, además de Lima, se opera en Junín, Ayacucho, Ancash, Huancavelica y en menor medida Huanuco. Son precisamente estos 4 últimos departamentos que en el quinquenio 1988-93 expulsan mayor volumen de población. Entre 1990-92 se producen el 27% de desplazados por la violencia. » (CVR, 28 August 2003, Tomo VI, 1.9)

"[T]here are seven main zones of displacement [...]:

(a) The departments of Ayacucho, Huancavelica and Apurímac, in particular the northern provinces of Ayacucho [...]: these were highly conflictive areas, while at the same time among the poorest in the country. Ayacucho in particular was the epicentre of violence and the department in which most displacement occurred. People have fled to the provincial capitals of Huamanga, Huancayo, Huancavelica and Ica, or to Lima. At present, most of these areas are relatively peaceful, although pockets of armed dissidents are still present;

(b) The Alto Huallaga valley [...]: currently, this is one of the most dangerous areas, due to the infiltration of the Shining Path and its increasing control over coca-trafficking. Displacement affects mostly small land-holders and traders. It is estimated that 70 per cent of all displaced from that area have left their homes in the last two years;

(c) The Valley of the Río Mantaro and the zone of Viscatán [...]: for a period of time, this zone was under the virtual command of the armed dissidents. One Shining Path faction still retains a presence. Forced migrations to Huancayo began in 1988 and still continue, although to a lesser extent;

(d) The Valleys of the Río Ene and the Río Tambo [...]: populated by native peoples, in particular the Ashaninkas, this area of the selva came under the control of the Shining Path who practically enslaved the population. Those who managed to escape (approximately 5,000) gathered around the communities that had been able to defend themselves (such as Poyeni), or fled to Huancayo and even Lima;

(e) The so-called corredor norte, which includes areas of various departments in the north of the country [...];

(f) The corredor sur-andino, which covers areas of the Cuzco and Puno departments [...];

(g) Lima, and some areas north of the department of Lima [...], where subversive and countersubversive activity was frequent in the last few years of the conflict.

In each of these areas there are different 'scenarios' of displacement. The protection needs of the displaced and returning communities, as well as needs associated with shelter, food and health, vary from region to region and require specific approaches. [...]"(UN Commission on Human Rights, 1 April 1996, paras. 63, 64)

"Según estimaciones del CEPRODEP, en San Juan de Lurigancho habitan unas 80 mil personas desplazadas por la violencia política vivida en el país entre 1980 y 2000, muchas de ellas viven en la parte alta de SJJ (Huanta I, Huanta II, Cangallo, Montenegro, Cruz de Motupe) y provienen principalmente de los departamentos de Huancavelica, Ayacucho y Apurímac." (CVR, 7 June 2002)

"According to the Mesa de Trabajo con Población Desplazada de Huancavelica, which is comprised by 14 organisations, as many as 15,000 to 16,000 families or about 80,000 persons was displaced from Huancavelica following political violence.

Between 60 and 70% of these people found refuge in Huancayo in Junín, Chíncha and Pasco in Ica, Huanta and Ayacucho in Ayacucho and in Lima. The remaining 15 to 20% of those displaced found refuge in district and provincial capitals in areas close to their places of origin. (PCS 1997, p. 18, 19)

IDPs in Lima (2004)

- The remaining 60,000 people displaced are all believed to live in Lima
- Between 150,000 and 200,000 IDPs are believed to have arrived in Lima during the war

"Although the conflict producing their displacement ended years ago (and they are no longer counted by the U.S. Committee for Refugees as internally displaced), an estimated 60,000 people, mostly in the Lima area, have not returned to their homes. Many do not have a home to return to and suffer discrimination for being displaced persons. United Nations and local human rights officials have concluded these people need additional assistance to achieve integration into their chosen communities. The Peruvian Congress passed a law last year, which will target assistance to this population." (USCR, 2004)

"El PAR estima que ya casi la mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20.900 han recibido ayuda del gobierno anterior. En un estimado, se cree que a Lima llegaron entre 150 mil y 200 mil desplazados que, en su mayoría, ocuparon los distritos de San Juan de Lurigancho, Ate Vitarte, Huachipa, Villa El Salvador, Villa María del Triunfo, Puente Piedra y San Juan Miraflores; el 70% de los desplazados fueron campesinos, el 20% provenía de las zonas urbano marginales y el 10% de los sectores medios y altos." (CNDDHH, June 2002 p.93)

IDPs in Huánuco (2002)

- The department of Huánuco counts approximately 25,000 IDPs between the towns of Huánuco and Tingo María
- Violence particularly persists in Huánuco and in the Central Jungle where displacement is a direct cause of political violence and forcible coca eradication

"Según datos proporcionados por MENADES, en la región centro oriental aún subsisten problemas derivados del conflicto armado, entre los cuales se distingue la situación del departamento de Huánuco, en el cual se registra alrededor de 25,000 personas desplazadas, siendo las ciudades de Huánuco y Tingo María las principales receptoras." (CNDDHH, March 2001, Sect.3.2. e)

"Una zona donde la violencia se mantiene focalizada es Huánuco, en donde los desplazamientos son consecuencia inmediata de la violencia política y la erradicación forzada de la coca. Los desplazamientos por violencia política, se manifiestan por la imposibilidad de encontrar una salida política al conflicto, pues una de las partes no incluye, en su estrategia, salidas negociadas de paz; y, en la otra, algunas estrategias contrainsurgentes desde, el Estado, consideran que un terrorista debe estar en la cárcel o muerto. Esta perspectiva favorece que el fenómeno de desplazamiento de las poblaciones afectadas por la violencia política, sea un proceso de largo plazo. Le ha tocado a Huánuco y a la selva central, ser el escenario donde esta situación se presenta con fuerza." (CNDDHH, June 2002, p.94)

Disaggregated data

70% of the displaced came from rural and indigenous communities with special ties to their land (2003)

- 70% of the IDPs came from rural backgrounds, 20% from urban areas and 10% from elite circles

« En grueso y según este criterio, parece posible distinguir entre tres categorías de origen de la población: 1) campesinos comuneros provenientes de zonas y regiones con diferente grado de integración al mercado y diferentes grados de acceso y comunicación; 2) pobladores «urbanos», comuneros y mestizos residentes en pueblos; y 3) élites locales, residentes en capitales de provincia y departamento (Kirk 1991).

Sobre esta clasificación, Coral (1996) ensaya una proporción entre la población desplazada según estas tres categorías resultando que de acuerdo al origen, los desplazados serían: 70% comuneros, 20% urbanos y 10% élites. Por su parte, los procesos de refugio habrían correspondido también a dichos escalones sociales: los comuneros se dispersaron y algunos se establecieron en grupos; los poblados se integraron y relacionaron con organizaciones de residentes; en tanto que las élites vivieron procesos menos traumáticos (Coronel 1997).» (ICRC & PAR, 31 December 2003, p.18)

« A pesar de no contarse con datos estadísticos precisos, de la información existente en los diversos estudios sobre la materia, es posible afirmar que aproximadamente el 70% de todos los desplazados internos en el Perú pertenecerían a comunidades campesinas, comunidades nativas, de procedencia rural e indígena [...], de grupos étnicos que mantenían una especial relación con sus tierras y territorios (Deng 1995: 23) y que, por lo tanto, vieron afectada radicalmente su forma de vida. » (CVR, 28 August 2003, Tomo VI, 1.9)

Large number of widows and orphans among the displaced population (1996)

- Many families headed by women after men are killed or disappeared
- About 13,3% IDPs were widows or widowers (1996)

"[...] One of the most challenging problems among the displaced is the disintegration of families and communities. Large numbers of widows and orphans was a characteristic of every displaced or returnee community the Representative visited; for instance, in one returnee community of 850 persons, Puerto Ocopa, most of the adults are women and 50 per cent of the population are children; 70 children are orphans. A study in the marginal urban areas of Ayacucho shows that of a total of 1,171 families, 200 are headed by widows and another 95 by mothers whose husbands disappeared or were forcibly recruited. (CHR 1 April 1996, para. 88)

[According to the report of the representative of the Secretary-General, the majority of the displaced are women and children. "[O]ne study undertaken in Lima [1993] showed that out of 180 displaced persons, 118 were women; 13.3 per cent of the displaced were widows or widowers. (CHR 1 April 1996, para. 60)]

PATTERNS OF DISPLACEMENT

General

Displacement chronology (2003)

- Most IDPs who fled to neighbouring communities returned to their areas of origin
- Most IDPs who fled to a capital city sought permanent integration or maintained the strategy of double residence
- Between 1983-5 most IDPs fled suddenly, then between 1986-9 when violence generalised IDPs fled preventively as well as suddenly
- Between 1990-2 displacements were less massive and more planned and the first attempts at return occurred together with the start of assistance
- Between 1993-8 processes of return consolidated and displacements diminished and from 1999-2003 both processes of return and assistance stopped
- Two thirds of the IDPs from Ayacucho fled before 1985 and returned after 1993
- In Apurímac, Ancash and Huancavelica, most displacements occurred between 1986 and 1990
- In Junín, the displacement took place between 1986 and 1993

« El cuadro muestra que cuanto más grande es el lugar de destino, las posibilidades de los desplazados son mayores: aquellos que se desplazan a un anexo o comunidad, pueden quedarse como refugiados por un tiempo, pero lo más probable es que retornen; en cambio aquellos que se dirigieron a una capital departamental pueden optar por la emigración temporal y el retorno pero también ensayar estrategias de doble residencia o de inserción.

[...]

1983-1985: Primeras oleadas del desplazamiento que afectaron principalmente a la población joven y a las élites locales de Ayacucho, Apurímac y Huancavelica (Provincias de Víctor Fajardo, Cangallo, Huanta, Vilcashuamán, Huancavelica, Tayacaja, Churcampá y otras). En este período, la mayoría de las veces se trató de una huida precipitada que no dio lugar a llevar muchas pertenencias y en algunos casos a salir sólo con lo que se tenía puesto.

2. 1986-1989: Generalización del fenómeno a diversas regiones del país donde se combina la salida precipitada predominante en la etapa anterior, con algunos desplazamientos «planeados» de carácter preventivo. El «planeamiento» permitió llevar algo de dinero consigo y encargar a parientes el cuidado de las chacras. En este período se desarrollaron los primeros ensayos y experiencias –por lo general fallidas como en los casos de Huambalpa y Acomarca- de retorno en Ayacucho, Apurímac y Huancavelica [...]

3. 1990-1992: Continúa el desplazamiento pero de carácter menos masivo que en los años anteriores y cada vez más planificado en los espacios ya afectados. Corresponde a esta etapa un desplazamiento de los escenarios hacia las zonas de ceja de selva y donde toma particular relevancia la problemática de los grupos asháninkas. Es el período de las primeras experiencias sostenidas de retorno y de exploración de la posibilidad del mismo, por lo general espontáneas y sin ningún tipo de ayuda externa. Corresponde también al inicio del proceso de creación de asociaciones de desplazados y al desarrollo de programas de ayuda.

4. 1993-1998: Disminución y focalización del proceso de desplazamiento, y consolidación del proceso de retorno espontáneo o asistido, desde las organizaciones de desplazados, el Estado o las ONGs.

5. 1999-2003: Agotamiento de los procesos de desplazamiento y retorno; afianzamiento de estrategias escogidas por los actores hacia sus derroteros específicos. Así, los **insertados** se encuentran ya

consolidados en sus espacios de residencia actual (en ciudades); los **retornantes** se encuentran inmersos en procesos de reconstrucción y de reacomodo social (reconciliación o re estructuración social); y, los **desplazados**, con intereses claros y equilibrados entre los espacios de inserción y el retorno limitado. Este período coincide con el agotamiento del ciclo de las ayudas a desplazados desde las ONGs, con los cambios en las estrategias del PAR y con la crisis de las organizaciones de desplazados que, sin embargo, experimentan un reflujó gracias a la creación de la Comisión de la Verdad y Reconciliación (CVR).

[...]

Así, casi dos terceras partes de los desplazados de la región Ayacucho salieron antes de 1985, retornando en su mayoría después de 1993. En cambio, en Apurímac, Ancash y Huancavelica, el pico del desplazamiento se produjo entre 1986 y 1990, en tanto que en Junín el desplazamiento se habría producido entre 1986 y 1993 y en Huánuco de manera casi constante durante todo el período analizado.” (ICRC & PAR, 31 December 2003, pp.23,26,27,29)

"There have been three major waves of internal displacement due to violence in Peru:

(a) 1983-1986: This period coincided with the outbreak of violence by 'Sendero Luminoso' in the department of Ayacucho and the Government's first attempts to check it. At that early stage displaced persons were mainly from Ayacucho and managed to find places for themselves, albeit with great difficulty, in the marginal zones of the capital cities;

(b) 1987-1989: Terrorist violence increased in response to anti-terrorist activity by the military, the first attempts at popular resistance with the formation of the self-defence 'peasant patrols' and the successful initiative of self-managed grass-roots organizations opposed to violence;

(c) 1990-1992: A new migration flow arose as a result of the so-called 'exemplary actions' and intensification of violence by 'Sendero Luminoso'.

The last two waves of migration have encountered conditions in the receiving areas that make permanent resettlement practically impossible, as virtually all of them have no other solution than to eke out a living in the informal sector, where they are compelled to perform poorly paid work in a highly competitive market. The improved security they had hoped to find in the fringe urban areas proved elusive, conditions being hardly any different from those in the countryside, owing to the change in terrorist strategy, which aimed at greater activity in the cities during 1989-1990 and at eliminating popular resistance by means of selective murders and forcible recruitment.

Displacement has mainly involved Andean and indigenous peasant population (approximately 70 per cent of displaced persons), while about 20 per cent has arisen from fringe urban sectors and rural district capitals and 10 per cent middle and high-level strata." (HRI 27 June 1995, paras. 39-42)

The vast majority of displaced people fled to main cities in particular Lima (2003)

- Most IDPs in majority Quechua-speaking took refuge in urban areas
- Displacements between 1988-1993 are mainly extra-departmental and extra-regional
- 77% of IDPs from Apurímac, Ayacucho y Huancavelica fled outside their departments and only 13% inside
- Lima received 50% of extra-departmental displacements from Apurímac and Ayacucho and 41% of the extra-departmental displacements from Huancavelica
- Most people who moved to urban areas came from the departments of Ayacucho, Apurímac and Huancavelica and ended up in urban areas that today are growing shantytowns

« Quechuahablantes en su gran mayoría, los desplazados buscaron refugio en las ciudades, creando en muy poco tiempo nuevas poblaciones marginales alrededor de los polos urbanos.

[...]

En el período 1988-93, los desplazamientos forzados internos que desencadena la violencia son predominantemente de carácter extradepartamental o extrarregional [...]. De las provincias de 3 departamentos de la sierra centro y sur (Apurímac, Ayacucho y Huancavelica) emigraron 195 mil personas, de las cuales el 77% se desplazó fuera de sus departamentos y sólo el 13% lo hizo dentro. En Apurímac, apenas el 11% de los desplazados es intradepartamental, en Ayacucho, 17%, y en Huancavelica, el 8%. La gran mayoría de desplazamientos intradepartamentales se dirigen hacia las capitales departamentales. El 50% de los desplazados extra departamentales de Apurímac y Ayacucho y el 41% de Huancavelica, se orientan hacia la capital de la República (INEI 1995: 18). » (CVR, 28 August 2003, Tomo VI, 1.9)

"Until the 1940s, roughly 65 per cent of Peru's population lived in the Andes. Today [1995], only 29.6 per cent of the population is rural, while Lima's population has grown by 12 times. [...]"(UNCHR1 April 1996, para. 15)

"The migration and urbanization processes of the past 20 years have been characterized by a higher rate of growth of medium-sized cities as compared with metropolitan Lima. These cities (departmental and provincial capitals) have achieved accelerated growth through migration from the countryside and expectations of finding greater advantages in medium-sized and small cities because of the emergence and vitality of the local and regional markets that make up urban systems in several areas of the country, such as the southern Andean region (Cuzco, Sicuani, Juliaca, Puno), which is linked to a market extending into Bolivia, the northern coast (Piura, Sullana, Tumbes), the southern coast (Arequipa, Moquegua, Ilo, Tacna), and the jungle region (Pucallpa, Tarapoto, Moyobamba)."(CHR 27 June 1995, para. 35)

"It is estimated that between 1970 and 1990, the Peruvian population increased by 60 per cent, largely as a result of natural birth rate. The increase in the available labour force, however, was not matched by GDP growth. In the 1980s, the rate of growth of GDP was in fact negative. International investment stagnated. Salaries dropped significantly between 1973 and 1988 while unemployment and underemployment rose. Poor families became poorer as the economic structure deteriorated. [...]" (UNCHR1 April 1996, para. 11)

"[T]he poorest departments - Ayacucho, Apurímac and Huancavelica - have sent most migrants to the cities and the selva. The first arrivals in the cities invaded empty lots and farm land and built rudimentary structures; today these areas constitute vast shantytowns, constantly expanding to accommodate new arrivals. It is estimated that 70 per cent of the metropolitan population of Lima lives in shantytowns. [...]" (UNCHR1 April 1996, para. 15)

"The growth of the urban population has not occurred as a result of the industrialization process. The period in which the highest growth rate of the urban population occurred, 1961-1970, was not the period of highest growth of the industrial product or even of the total product. It was the precarious rural situation, the result of the dearth of arable land per agricultural worker, the low investment in production infrastructure and the effective loss of capital investment characterizing agriculture for several decades that drove the rural population to the cities on a massive scale, giving rise to pockets of poverty in the main cities." (CHR 27 June 1995, para. 34)

"Another factor contributing to the migration to medium-sized cities is displacement due to the indiscriminate violence perpetrated by terrorist groups. These are forced displacements, people suddenly being obliged to leave their villages of origin or residence and their jobs. (CHR 27 June 1995, para. 37)

Many displaced fled within their own departments to departmental capitals (2003)

- Main areas of reception and refuge were the cities Lima, Junín, Cusco and Ica, and the departments of Ayacucho, Apurímac and Huancavelica receiving 49%, 30% and 21% of the displaced population respectively
- 39% of the displaced in Ayacucho were displaced within the same department
- 28% and 36% of the displacements in Apurímac and Huancavelica respectively were intra-departmental
- Violence-related displacement affected at least two thirds of national territory since the early 1980s, mainly within departments of origin
- Those displaced within the same departments became “itinerants” not settling in the area of refuge but maintaining strong links to their areas of origin
- Until 1986, displacement mainly affected displaced peasants from isolated villages in the southern highlands
- Between 1980 and 1992, displacement was mainly from rural to urban areas, but was also rural-to-rural

“Según el referido estudio del INEI, las áreas de recepción o refugio más importantes de los desplazados después de Lima son Junín, Cusco e Ica, y los mismos departamentos de Huancavelica, Apurímac y Ayacucho. También de acuerdo al INEI, a las provincias de los mismos departamentos Apurímac, Ayacucho y Huancavelica inmigraron más de 80 mil personas, correspondiendo al primero el 30% (24,100), al segundo el 49% (40,000) y al tercero el 21% (17,400). Ayacucho fue el receptor más importante. El 39% de su inmigración procede del mismo departamento, de ésta el 50% se dirige hacia la provincia de Huamanga. El INEI sostiene que el 28% de la inmigración a Apurímac es intradepartamental, orientándose el 69% del mismo a la provincia de Abancay. El 26% de la inmigración a Huancavelica también es intradepartamental, dirigiéndose el 36% a la provincia de Huancavelica. Se puede concluir, que en el período analizado, la inmigración se orienta principalmente hacia el área urbana, especialmente a las capitales departamentales.

[...]

Los estudios sobre desplazamiento coinciden en señalar que el desplazamiento se realizó por etapas: primero desde las zonas rurales, luego hacia las capitales de distrito y después hacia las ciudades principales. Adicionalmente, se ha verificado la existencia de un elevado número de casos de desplazamiento dentro del mismo departamento de origen, dándose así un número no determinado de personas o comunidades itinerantes [24](OIM 1994: 15). [Footnote 24 : Desplazados itinerante son los que se resisten al desplazamiento definitivo, no tienen una ubicación determinada, se mueven en funciones de la intensidad de situaciones de riesgo, buscando mantener nexos con su comunidad.] » (CVR, 28 August 2003, Tomo VI, 1.9)

» (CVR, 28 August 2003, Tomo VI, 1.9)

“As mentioned previously, rural to urban migration and to the selva due to the poverty and marginalization of the rural areas has been extensive in the last 50 years. Increasingly however, especially after 1980, many of the persons who moved did so not only because of the poverty but were compelled to because of the violence and persecution they were facing. In the conflict zones large areas were depopulated and villages and settlements were at best abandoned, and at worst razed to the ground. In the Sierra, the displaced have tended to move first to areas near their communities or to the provincial capitals, and as a last resort to the capital. In the selva they have tended to gather around larger communities. Those with relatives in the cities were among the first to arrive in the shanty towns, creating clusters of families of the same geographical origin. Today, one observes entire neighbourhoods that have maintained many of the customs and community structures of the native regions of their inhabitants.”(UNCHR, 1 April 1996, para. 62)

"Since the early 1980s, the phenomenon of violence-related displacement has affected at least two thirds of the national territory, substantially changing the demographic pattern of the regions and everyday living

conditions. Although it has not yet been possible to assess this phenomenon quantitatively, some 600,000 people (120,000 families) are estimated to have been affected. (HRI 27 June 1995, para. 38)

"Until 1986 most of the displaced came from the southern highlands (zone (1) and were peasants from isolated villages. Some were also town-dwellers and professionals from small towns. After 1986, violence spread to a much wider area displacing people from a variety of ethnic and geographic background." (UNCHR1 April 1996, para. 65)

"During the worst period of political violence in Peru, between 1980 and 1992, there were successive waves of internal displacement, basically from rural to urban area zones. The number of displaced people was estimated to be about 600,000." (Rebaza 1998, p. 113)

"[B]eside this rural-to-urban displacement, there was substantial rural-to-rural migration, as well as many persons whose homes were destroyed and whose lives were disrupted, but who resisted the encroachment of terrorist groups by forming civilian self-defense committees and thereby managed to remain in their home communities. [...]" (U.S. DOS, sect. 2d)

"Recent estimates indicate that approximately 54 per cent of persons displaced during the 12 years of terrorist violence have moved within their department, while the rest have migrated elsewhere. The departments with the most displaced persons are Ayacucho, Huancavelica, Apurimac and Junín. These departments are areas both of expulsion and reception. The departments receiving the most displaced persons are Lima, Ica, Ayacucho, Apurimac and Junín. Ayacucho, the epicentre of the terrorist movement, is the department that produces the most internally displaced persons, most of whom belong to peasant communities. Ayacucho is the department where the situation is the most critical, as it has both the highest expulsion and reception figures, with urban Ayacucho accommodating 30 per cent of all Peru's displaced persons." (HRI 27 June 1995, para. 39)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Human rights violations, mass killings and detentions without trial during political violence (2004)

- The department of Ayacucho was the most affected by massacres and disappearances recording the highest percentage of victims (40%)
- Shining Path is responsible for 54% of all the victims of war according to the Truth and Reconciliation Commission
- State Agents are responsible for 37% of the victims according to the Truth and Reconciliation Commission
- The Truth and Reconciliation Commission concluded that 69,280 people were killed and disappeared during the internal war 1980-2000 much more than during the war of independence and the war against Chile
- The group bearing the highest responsibility for killings and disappearances were first the Sendero Luminoso, the armed forces, third the self-defence committees and last the MRTA
- Mass graves were found in main areas of displacement in Ayacucho and Huancavelica (2001)
- The health ministry denounced Fujimori's campaigns of forced sterilization aiming at reducing the Andean Amazonian populations

« Después de 20 meses de trabajo, la CVR llegó a la conclusión de que el número de muertos y desaparecidos durante los 20 años de guerra interna (1980-2000) fue de 69.280 personas, cifra que supera ampliamente las pérdidas en la guerra de independencia y la guerra con Chile, los dos mayores conflictos en los que se ha visto involucrado Perú.

[...]

El 40% de las víctimas se produjeron en Ayacucho, donde el Partido Comunista de Perú-Sendero Luminoso declaró en mayo de 1980 "la guerra popular" al Estado. El informe final de la CVR estima que el 54% de las víctimas se pueden atribuir "al iniciador del conflicto", Sendero Luminoso, y el 37%, a los agentes del Estado. La mayor secuela del conflicto fue el éxodo masivo de población civil, con medio millón de desplazados. La comisión ha emitido recomendaciones que incluyen reformas institucionales; un plan integral de reparaciones a las víctimas, que combina medidas simbólicas con medidas individuales y colectivas de reparación material; un plan de exhumación e identificación de víctimas, y un mecanismo de seguimiento que establece por ley la creación del Consejo Nacional de Reconciliación. » (El País, 16 March 2004)

« Conviene recordar que a nivel nacional el departamento de Ayacucho fue el más afectado, concentrando la mayor cantidad de muertos y desaparecidos; teniendo como principal responsable de estas muertes al grupo terrorista Sendero Luminoso, seguido por las Fuerzas Armadas, los comités de autodefensa, el Movimiento Revolucionario Túpac Amaru entre otros. » (CNDDHH, 1 January 2004, Ch.1)

"Se estima en 6 mil, el número de desaparecidos en los 20 años de violencia política (1980 – 2000). La mayor parte de los agraviados vivía en Ayacucho y Huancavelica, por lo que es de esperar que esos sean los lugares en los que se encuentre el mayor número de entierros colectivos clandestinos.

A Ayacucho pertenecen las 12 fosas descubiertas en Totos, las 3 fosas de Ayahuanco, las de Hualla, Yanamilla, Roqroqa, Puente Pampa Cruz, Ccochapampa, Vizcachayoc, Oeros, Cuschi, Patapampa, Vinchos, Huarcatán y Huancasancos.

En Huancavelica se denunció la existencia de fosas en Churcampá, Castrovirreyna, Acobamba, Tayacaja. También aparecieron fosas en diversos puntos de Apurímac, Junín y San Martín." (CNDDHH, June 2002, pp.13-14)

"Por otro lado, el tema de las esterilizaciones forzadas, denunciado públicamente por el Ministro de Salud, Luis Solari, demostró la manera cómo el gobierno de Fujimori vejaba el derecho a la salud. La campaña de esterilización femenina cumplía con los objetivos de reducir progresivamente la población en zonas andinas y amazónicas del país, durante dicho régimen." (CNDH, June 2002, p.16)

"In a recently published report, the Legal Defence Institute, IDL, has released the following statistics: 12,000 people died in Peru between 1980 and 2000, of whom 45 to 50% were killed in mysterious circumstances. Around 18,000 innocent people have passed through the country's prisons. Between 1992 (Fujimori's coup d' état) and 2000, 21,795 people were arrested and detained on charges of terrorism and treason. Of these, 6,190 were released before being sent for trial; of those tried by the courts, more than 60% were acquitted. According to the report, 5,000 people disappeared, 11,000 alleged members of rebel groups were killed and 8,000 people declared themselves "repentant" of crimes; another 8,000 were accused of terrorism." (PCS October 2001)

Remnants of Shining Path continue to kill and enslave Asháninkas (2004)

- There were reports that Shining Path still killed and forcibly recruited indigenous people of the Upper Huallaga Valley and the Apurímac and Ene River Valleys
- Shining Path also restricted freedom of movement in these areas setting up roadblocks and levying taxes
- About 160 Asháninka families were still held captive by Shining Path, working in slavery and forced to grow coca crops (2004)
- The IDPs in Junín, Huánuco and San Martín continue to suffer violence the Shining Path and the military counter-insurgency strategy
- Some rural populations ask the military to protect them, while other request their withdrawal
- Populations live in insecurity, and refuse to disarm by fear of retaliation attacks by Shining Path for having fought against them

"The terrorist group Sendero Luminoso continued to commit acts of violence leading to the deaths of civilians as well as military and police officials. Sendero killed eight persons during the year [2003]: five members of the police, two ronderos (members of rural peasant self-defense forces), and a community leader in the Huallaga Valley. [...]

Sendero Luminoso, however, continued to coerce indigenous persons to join its ranks [...].

Sendero Luminoso occasionally interrupted the free movement of persons by setting up roadblocks in sections of the Upper Huallaga Valley and the Apurímac and Ene River Valleys.

[...]

Sendero Luminoso held indigenous families captive in remote areas, using their labor, including that of children, to grow food crops and coca [...].

[...]

Sendero Luminoso continued to be a leading violator of the rights of indigenous people. The terrorist group coerced indigenous peasants into joining its ranks and demanded war taxes. In December 2002, the Government announced that the police would attempt to rescue the members of at least 200 families,

primarily from the Ashaninka indigenous group, who were believed to be held captive by Sendero Luminoso forces in the central jungle areas of Junin and Ayacucho. During the year, police rescued approximately 40 of these families--over 70 persons--from enslavement by Sendero. On September 10, the police freed 24 Ashaninka Indians near Satipo, in Junin Department.” (US DOS, 25 February 2004, sect. 5)

« La violencia se mantiene en alrededor de dieciocho distritos, afectando la selva de Junín, Huánuco y San Martín. Han seguido las incursiones y las muertes, generando inseguridad. La población pide en algunos casos la presencia de los militares, en otras, su salida. Conviene señalar que las condiciones de combate a la subversión no se han modificado en cuanto a estrategia, que sigue siendo militar y no política. Sólo se ha atenuado por la magnitud de las circunstancias y porque es imposible –militarmente hablando por ahora- el desarrollo de la estrategia subversiva. Nos parece que la reconciliación obliga a nueva estrategia política y militar en las zonas de conflicto para que no se cometan los viejos errores y para lograr una finalización del conflicto en paz y en el más breve plazo. Esta nueva perspectiva exige la participación en la toma de decisiones para la violencia y la inseguridad aún existente.

Por otra parte la vida cotidiana está llena de temor y de inseguridad.

[...]

Pero el fenómeno de temor está en varios lugares tanto en Tingo María [...] como en Lima en la expresión de los desplazados. [...]

Lo que genera mucha preocupación es la presencia del PCP-SL:

[...]

Por ello muchos piensan que hay que mantener las armas porque el peligro sigue: [...] Algunos incluso como los Asháninkas piensan que la guerra no ha concluido porque todavía mantienen enfrentamientos con los remanentes del senderismo. Otros piden que no se retiren las bases militares reflejando su inseguridad y su miedo. Los rezagos del PCP-SL siguen por el campo y con ellos se alientan e incrementan el temor y el miedo a una represalia por haber luchado contra ellos en la guerra. » (CVR, 28 August 2003, Tomo IX, ch.1)

Forced displacement, slavery and other crimes against humanity suffered by the Asháninka could constitute crime of genocide (2003)

- 44 communities representing about 10,000 Asháninkas were victims of assassinations, slavery, kidnapping and inhuman living conditions under the SL, which could constitute crimes of genocide according to the CVR
- Asháninka culture and identity were perceived by Shining Path as an obstacle to achieve their totalitarian objectives thus needed to be eliminated
- Most Asháninkas communities were not able to flee to prevent attacks because they were either blockaded under cruel systems of surveillance or were forcibly displaced to SL base camps
- Crimes against humanity committed against the Asháninkas were made possible by the total absence of state institutions in the districts of Río Tambo and Pangoa in the province of Satipo, department of Junín
- Girls and women were used as sex slaves, some pregnant women were massacred and the foetus removed from their wombs, or forced to abort
- Children were forced to take part in armed activity and many people were forced to kill their own family members and friends under death threat

“La Comisión de la Verdad y Reconciliación decidió prestar especial atención a la situación de la población perteneciente a la etnia Asháninka, ubicada en la Selva Central de la amazonia peruana, toda

vez que recibió información consistente sobre los graves abusos que sufrió como pueblo indígena por parte del PCP-SL.

La población indígena asháninka fue víctima de desarraigo de sus comunidades de origen (desplazamiento forzado), asesinatos, sometida a condiciones de vida infrahumanas, secuestro, esclavitud y formas análogas de esclavitud (servidumbre y trabajo forzoso), etc..

Estos actos ilícitos afectaron gravemente derechos fundamentales de los asháninkas, tales como: la vida, libertad, integridad, identidad cultural, a desarrollarse dentro de la propia familia, comunidad y cultura. Las acciones cometidas transgreden normas y principios del Derecho Internacional Humanitario, y, según se reseñan luego, podrían constituir modalidades de genocidio.

[...]

Para el PCP-SL, los Asháninka, aferrados a su propia cultura y modo de vida indígena, constituían una rémora, un obstáculo que era necesario eliminar para poder acceder al “nuevo Estado”. Según el proyecto senderista, los Asháninka tenían que dejar de considerarse un pueblo indígena para asumir su condición de “campesinos pobres”. Los Asháninka que se resistían al cambio, se oponían al proyecto senderista y, por lo tanto, debían ser eliminados.

[...]

En muchos casos, los asesinatos cometidos contra los Asháninkas expresaban una gran crueldad. En el caso de las mujeres, esta crueldad se manifestaba, además de la violación previa a la matanza, en el cercenamiento de los senos, y en el caso de mujeres embarazadas, en el corte del vientre y la extracción de los fetos.

[...]

Existió un patrón en el comportamiento de Sendero Luminoso con los asháninkas: incursión armada (robos, pillaje, quema de casas); etapa de proselitismo con líderes y comuneros; etapa de cambio de autoridades y reorganización comunal; adoctrinamiento de niños en las escuelas de “pioneros”; participación de población en incursiones armadas; muerte a los líderes y comuneros opuestos al partido; traslado forzoso, situaciones de esclavitud dentro o fuera de la comunidad.

[...]

Independientemente de la percepción de las víctimas Asháninkas, durante y después del conflicto armado, existen suficientes testimonios para sostener que el proyecto de Sendero Luminoso implicaba la desaparición cultural, y eventualmente física, de parte de la población asháninka.

[...]

El desplazamiento forzoso se convierte en la mayoría de los casos en una posibilidad trunca desde que el PCP-SL controla el territorio y la movilidad de las personas así como la decisión sobre la vida o muerte de las mismas. Pocas comunidades, familias o individuos se desplazaron de manera preventiva. El desplazamiento o huida se hace imposible por el impedimento de salida y el férreo y cruel sistema de vigilancia. El PCP-SL frecuentemente traslada forzosamente a los nativos hacia sus bases que pueden estar en el monte o en otra comunidad tomada.

[...]

La Comisión de la Verdad y Reconciliación tiene evidencias que le permiten concluir que el PCP-SL, entre los años 1985 y 1993, decidió desarrollar un conjunto de actos ilícitos contra el grupo étnico Asháninka, ubicado en los distritos de Río Tambo y Pangoa, provincia de Satipo, departamento de Junín, como parte de un ataque generalizado y sistemático que tenía como objetivo central, sojuzgarlos para utilizarlos en su estrategia de guerra emprendida contra el Estado peruano. Según la información disponible, es posible sostener que los actos ilícitos cometidos por el PCP-SL habrían afectado a aproximadamente 44 comunidades nativas asháninkas, así como a un estimado de no menos de diez mil personas asháninkas (entre desplazados, asesinados, torturados, sometidos a condiciones infrahumanas, etc.) , asentados en sus territorios ancestrales.

Los actos ilícitos perpetrados por miembros del PCP-SL, de una manera frecuente y variada, como parte de este ataque generalizado y sistemático, fueron los siguientes: a) asesinatos; b) muerte cruel de heridos y enfermos; c) torturas y tratos inhumanos; d) juicios sumarios; e) violencia sexual, incluida la servidumbre sexual que afectó a las mujeres asháninkas; f) secuestro de niños; g) trabajos forzosos; h) infligir castigos colectivos como quema de viviendas y bienes; i) sometimiento masivo de la población a cautiverio,

esclavitud, servidumbre y trabajos forzosos; j) ordenar traslados forzosos; k) provocar desplazamientos forzosos individuales y masivos; etc.

Los delitos antes mencionados fueron perpetrados en el contexto de un control territorial y dominio de la situación como probablemente no logró el PCP-SL en ninguna otra parte del territorio nacional. La razón principal de ello se encuentra en la ausencia del Estado en la zona, durante la mayor parte del conflicto armado y que se revierte recién a partir del año 1991.

Teniendo en cuenta que la esclavitud es el ejercicio de todos o alguno de los atributos del derecho de propiedad sobre una persona, se puede sostener que la población Asháninka, subordinada al PCP-SL, fue esclavizada en la medida en que: a) Fueron tratados como objetos de propiedad del PCP-SL, al ser trasladados a lugares inhóspitos y al coactar el derecho de los Asháninka a la libre circulación y movilidad sin autorización previa del partido; b) Muchas mujeres Asháninka fueron prostituidas y usadas como esclavas sexuales; c) Muchas mujeres, menores de edad, fueron también prostituidas y tratadas como esclavas sexuales; d) Los niños Asháninka fueron obligados a trabajar o fueron obligados a combatir en el conflicto armado; e) Finalmente, el partido podía decidir la vida o la muerte de los Asháninka, en muchos casos obligando incluso a los Asháninka a matar a sus propios familiares, amigos y vecinos.

Teniendo en cuenta que el trabajo forzoso u obligatorio comprende todo trabajo o servicio exigido a un individuo bajo la amenaza de una pena cualquiera y para el cual dicho individuo no se ofrece voluntariamente, es posible afirmar que el PCP-SL conminó, contra de su voluntad y bajo amenaza de muerte o tortura, a un número significativo de la población Asháninka, considerada “masa”, a realizar trabajos forzosos, en condiciones de subordinación y discriminación, para beneficiar a los “mandos” de la indicada organización política.

[...]

Durante los años 1985-1993, durante todo el tiempo que duró el conflicto, como resultado de la grave afectación a los derechos individuales y colectivos de los indígenas asháninkas, éstos se desplazaron de sus tierras: a) huyeron de su comunidad o del lugar de refugio a causa de una situación de temor generalizado producida por el PCP-SL; y b) en otros casos se trasladaron por órdenes del PCP-SL.

[...]

Pueden calificarse de crímenes de lesa humanidad los hechos cometidos por el PCP-SL, en tanto causó intencionalmente durante varios años grandes sufrimientos, graves atentados contra la integridad física, la salud mental y física, del pueblo Asháninka, mediante la ejecución inter alia de los siguientes actos: a) Matanza indiscriminada de personas Asháninkas; b) Comisión de graves lesiones que dañaron la integridad física y mental de los Asháninka sometidos bajo su control; c) La imposición intencional de condiciones de vida y existencia prácticamente inhumanas contra los Asháninkas, que han acarreado la muerte de numerosas personas por desnutrición, hambre y agotamiento físico; d) Abusos sexuales, la promoción por los mandos senderistas de abortos y las amenazas de muerte a las mujeres Asháninkas para evitar que tengan hijos, e incluso el asesinato de muchas mujeres embarazadas; e) Desde un inicio, el PCP-SL separó a niños y niñas de sus familias con la finalidad de que vivan bajo órdenes directas del partido y así poder educarlos y adoctrinarlos según su ideología; f) El ejercicio de los atributos del derecho de propiedad sobre las personas; g) El desplazamiento de las personas, sin motivos autorizados por el derecho internacional; h) La privación grave de derechos en razón de la identidad del grupo étnico Asháninka; etc. » (CVR, 28 August 2003, Tomo VI, 1.9)

IDP women victims of mass rape and domestic violence (2004)

- The Truth and Reconciliation Commission reported that women were victims mass rape
- The CVR reports that 83% of rapes were committed by the armed forces
- The insurgent groups Shining Path and MRTA are responsible for 11% of the sexual abuses
- Insurgents were responsible for forced abortions and sexual slavery

- Women in refuge areas targets of abuse and sexual aggression
- Domestic violence among displaced and returnee families due to alcoholism and unemployment
- Few denunciations as sexual abuse socially stigmatizes women

« Las denuncias de violaciones sexuales proceden en muchos casos de familiares de las víctimas, pero no de las afectadas, que se resisten a hablar, según constataron los equipos de la CVR. Pese a los pocos testimonios recibidos, hay muchos indicios que permiten deducir que las violaciones fueron una práctica masiva, sobre todo por parte de las Fuerzas Armadas. Los datos recogidos por la CVR indican que el 83% de los actos de violación sexual son imputables al Estado, y cerca del 11% corresponde a los grupos subversivos (Sendero Luminoso y Movimiento Revolucionario Tupac Amaru, MRTA). Estos últimos fueron responsables de abortos forzados, uniones forzadas y servidumbre sexual. Durante las incursiones militares en comunidades campesinas en busca de senderistas era habitual torturar a los varones y violar a las mujeres. El Estado no tiene específicamente una política para atender las secuelas producidas por las violaciones. Las políticas sociales han dado prioridad a los desplazados, huérfanos... » (El País, 16 March 2004)

"Since the beginning of the war, women have been perceived as 'less useful' or 'dangerous' by the agents of violence. On the other hand, many women have been in the forefront of the fight for better protection of the human rights of their husbands, sons or daughters, and many have had to pay dearly for this. [...]. Information received by the Representative indicates that in areas of refuge, women are continuously exposed to abuse and sexual aggression. [...] During the first decade of the conflict both sides to the conflict raped and abused women during incursions in the emergency zones or during detentions and interrogations. [...] In some areas, women who work in the fields still face significant security risks. Women belonging to indigenous and native communities, human rights activists, members of teachers' or students' unions and leaders of displaced communities are at high risk of being targeted and victimized by both sides to the conflict.

Domestic violence among displaced and returnee families was routinely mentioned as a problem during the Representative's visit, even though the topic is extremely sensitive among the indigenous and peasant communities. Women attributed such violence to the unemployment of their husbands and to alcoholism. Alcoholism and violence among children are becoming increasingly evident; of particular concern is the extremely aggressive behaviour of minors who were forcibly recruited by the armed opposition groups or the self-defence committees.

Rape and domestic violence were, and continue to be, chronic problems. However, there have been very few denunciations filed at the office of the Fiscalía. This is probably due to the strong social stigmas that are attached to the victims of such acts. In the case of the Ashaninka traditions, for instance, sexual relations out of wedlock are prohibited, which is the reason why women are married as early as 13 or 14." (UNCHR1 April 1996, paras. 69-73)

Arrests on grounds of alleged terrorist ties (requisición) (2004)

- In 2003 the anti-terrorist law dictated under Fujimori in 1992 was declared unconstitutional by the Constitutional Tribunal
- However, a decree passed in 2003 hardening the penitentiary system taking measures similar as those applied under the anti-terrorist law was incoherent with the ruling of the Tribunal
- Between 1992 and 2000, about 22,000 Peruvians mostly from displacement areas were imprisoned under false claims of terrorism and betrayal to the nation, and only 6000 had been released as of 2003

- The inefficacy of the registry and documentation system and the inaccuracy with which the warrants of arrests were issued all contributed to arbitrary detentions
- As of 2004, 4000 persons had detention orders pending on alleged terrorist charges
- The Institute of Legal Defence, the specialized terrorism chamber of the Superior Court of Lima and ICRC recommended the removal of 4,411 cases because they were already detained, had multiple orders of arrest issued against them, or had already been pardoned
- Under Fujimori 21,795 people detained on charges of terrorism and treason of those who were tried, 60% were acquitted
- Minister of Justice considers compensating victims of illegitimate terrorist accusations and detainment
- Most of the people arrested under false charges speak only Quechua, which decreases their ability to appeal for due process

«A inicios del 2003, el Tribunal Constitucional emitió una sentencia sobre la inconstitucionalidad de las normas antiterroristas dictadas en 1992, durante la dictadura de Alberto Fujimori, y que a la postre generaron el injusto encarcelamiento de cientos de peruanos por falsos cargos de terrorismo y traición a la patria.

[...]

Pese que a principios del 2003, el Poder Ejecutivo emitió el Decreto Legislativo No.927, por el que se permite a los condenados por terrorismo el acceso a beneficios penitenciarios, en julio del mismo año dicho poder del Estado presentó una iniciativa legislativa signada con el número 7603/2002-CR [...], proponiendo el endurecimiento del régimen penitenciario para los procesados y condenados por terrorismo. La mencionada iniciativa contempla normas similares a las establecidas en 1992, como la reducción del confinamiento del interno a su delda por 21 horas diarias, la restricción de las visitas, el trabajo y la educación, entre otras.

[...]

En nuestro país hay un considerable número de personas requisitorias por diversos delitos, uno de esos delitos es el de terrorismo y traición a la patria. La mayor cantidad de personas que se encuentran bajo esta condición provienen de las zonas donde la violencia política tuvo su mayor índice. La falta de un eficaz y actual medio de documentación que se encuentre intercomunicado entre sí a nivel nacional, ocasiona que ésta sea una de las causas de las detenciones arbitrarias en nuestro país ; a esta falencia se suma el deficiente registro de las órdenes de captura emitidas por los jueces penales. » (CNDDHH, 1 January 2004, Ch.3, p.37,39)

"Although official figures are not always available, according to reports, between 1992 and 1993 the number of detainees rose from 713 to over 4,200 cases. In total from 1992 to 2000, 21,855 people were detained on charges of "terrorism" in Peru.(4) Of those detained between 1992 and 2000, 6,075 were released by the police or the armed forces because their investigations showed no evidence of them having had any links to the armed opposition." (AI, 12 May 2003)

“Many detention orders remained pending against approximately 4,000 persons allegedly forced to join terrorist groups; however, in May 2001, Congress passed a law that allowed the detention orders to be changed to summonses to appear in court if requested by the person named in the order. Legal experts and NGOs reported that the law was not effective, and fewer than 50 individuals had appeared before the court to make the request, reportedly because they were distrustful of the judicial process and feared arrest. The TRC recommended providing legal assistance to those people against whom erroneous detention orders are pending. The judiciary acknowledged this situation, but lacked resources to launch a program. The Institute of Legal Defense initiated a study of these cases. It reviewed almost 4,411 cases in coordination with the ICRC and the specialized terrorism chamber of the Superior Court of Lima. It recommended the removal of these persons from the list because they were already detained, had multiple orders of arrest issued against them, or had already been pardoned.” (US DOS, 25 February 2004, Sect.1)

"Another unresolved problem related to the displaced persons are pending arrests warrants against approximately 5,000 such persons, who fall into the category of "requisitoriados"--persons who were forced to join terrorist groups and who were accused falsely of voluntarily joining such groups and continue to have outstanding detention orders against them. Judges from the special Terrorism Court traveled from Lima and dismissed 300 such warrants during the year. The pending legal status of such persons, along with the fact that the majority of these individuals speak only Quechua, increases their vulnerability and reduces even further their capacity for economic and social integration into urban areas." (U.S. DOS February 2001, sect.2d)

"President Alberto Fujimori and the political party he leads, Change 90-New Majority (Cambio 90-Nueva Mayoría, C90-NM), continued to undermine the rule of law and independence of the judiciary during 1998. At the same time, they impeded the exercise of political rights. Although political violence and human rights violations associated with counterinsurgency continued to decline, the incidence of criminal violence increased, provoking the C90-NM-controlled Congress to delegate powers to the executive branch to impose tough new anti-crime decrees likely to lead to violations of the rights of criminal suspects. The decrees permitted the use of military courts to try serious crimes, systematic restrictions of suspects' rights and due process guarantees, and a special coordinating role for the abusive National Intelligence Service, which was responsible for grave human rights violations committed in combatting leftist insurgencies." (HRW 1999, p. 138, 139)

"Taken together, the decrees eroded the due process guarantees of criminal suspects in numerous ways, opened the doors to arbitrary prosecutions. At the same time, they transferred powers to enforce law and order away from civilian courts and the National Police (Policía Nacional, PN) to military tribunals and the SIN. Decree No. 895, for instance, created a new crime of 'aggravated terrorism', applicable to those who 'belong to or are accomplices of a gang, association, or criminal grouping that carries or uses combat weapons, grenades, or explosives to carry out a robbery, kidnapping, extortion, or other crime...' Police were allowed to detain suspects without charge for up to fifteen days, and no pre-trial release would be permitted for any reason. Civilians accused of aggravated terrorism were to be tried by military courts, including minors between the ages of sixteen and eighteen, who would previously have been tried by specialized juvenile courts. Military courts, which already have jurisdiction over civilians accused of treason, are made up of serving military officers without adequate judicial training, and they have been consistently criticized by international human rights bodies for systematic denial of due process. [...]" (HRW 1999, p. 140)

"In June [1998], the executive passed a set of Decree Laws which defined certain serious common crimes as 'aggravated terrorism'. Under this legislation those accused can be held incommunicado for up to 10 days and tried by military courts. The Decree Laws, widely regarded as being modelled on Peru's 1992 anti-terrorism legislation, were severely criticized by jurists and human rights organizations." (AI 1999, p. 275)

Leaders of IDP organizations have been targets of attacks (2001)

- Leaders of displaced persons organizations and of local NGOs have been regularly threatened, targeted and in many cases killed
- Government members have issued statements implying that human rights activists and social leaders are implicated with 'terrorists'
- Insurgent forces like the Shining Path have killed members of church organizations helping the internally displaced

"Leaders of displaced persons organizations and of local NGOs have been regularly threatened, targeted and in many cases killed. There is a deep suspicion of the watchdog role independent organizations try to play in the countries affected by internal displacement [...] In Peru, government members have also issued

statements implying that human rights activists, academics, NGOs, and political and social leaders are implicated with 'terrorists', thereby increasing the chances that they will be persecuted or prosecuted unfairly.[...] insurgent forces like the Shining Path have condemned human rights activists as being 'reactionary' and 'bourgeois' parts of the establishment. They have also killed members of church organizations helping the internally displaced. In 1996, the Shining Path is reported to have assassinated 124 persons, including community leaders in areas of returning refugees and internally displaced persons." (Cohen and Sanchez-Garzoli May 2001, pp.13-14)

SUBSISTENCE NEEDS

General

Half of the Peruvians live in poverty and the rate doubles in areas where IDPs originate from (2004)

- While in the interior many IDPs might still suffer from the consequences of displacement: living in extreme poverty, without any basic services, jobs requiring low education and capital, the situation has slightly improved over the past years
- IDPs surveyed in 1994 and 2001 in main departmental capitals show clear progresses in integration
- In Peru, 54,8% of the population lived in poverty, and 24,4% in extreme poverty in 2001
- In the highland Amazon areas, where IDPs come from, poverty rates are twice as high as in coastal areas

“La imagen que suele proyectarse acerca de los desplazados es la de una población en carencia absoluta: condiciones de hacinamiento y precariedad, ausencia de servicios; actividades laborales que requieren baja escolaridad y escaso capital (como guardianes, vendedores ambulantes, jardineros y otros empleos similares); sub alimentación y exposición permanente a una serie de enfermedades (TBC, IRAs, EDAs); bajos niveles de educación, problemas de aprendizaje e integración; y por último, desprotección legal por carencia de documentos.

Si ello puede haber sido cierto en las etapas iniciales, y puede corresponder aún a la situación de muchos desplazados en el interior del país, los datos recogidos por dos encuestas aplicadas en varias ciudades refugio (Lima, Huamanga, Huanta, Huancayo, Ica, Abancay) en 1994 y en el 2001, muestran que la situación ha evolucionado, evidenciando que se han producido procesos de inserción en las ciudades. » (ICRC & PAR, 31 December 2003, p.48)

“Since 1997, poverty levels have been on the rise in Peru. In 2001, 54.8 per cent of the population were in poverty and 24.4 per cent in extreme poverty. The situation is much worse in rural areas in the highland or Amazon, where the incidence of poverty is almost twice that of the coastal areas. Rural-to-urban migration in search of job opportunities and better life prospects has exerted enormous pressure on the availability of land and services. The result has been the rapid growth of informal settlements over occupied lands in which most of these poor people live in overcrowded and substandard quality housing with no security of tenure and access to services. The Special Rapporteur was able to view this situation first-hand in visits to numerous rural and urban areas in the country.” (UN CHR, 11 February 2004, para.17)

Food

Food assistance to IDPs increased between 1997-2001 from about 50% to about 70% (2003)

- 42% of returning IDPs had access to state milk allocation in 1997

- In 2001 returning IDPs' access to state milk was 81%, in addition 75% of the returned displaced participated in mothers' clubs and 31% had access to popular soups
- Among integrated IDPs in urban centres percentages were similar with between 70-80% milk, and 60-70% of people participating in mothers' clubs

« En lo que respecta al acceso a servicios del Estado, en particular a los de salud y al reparto de alimentos (comedores y programa de vaso de leche), los retornantes tenían poco acceso en 1997. En promedio 42.1% accedía al vaso de leche, aunque con gran variación de acuerdo a los departamentos: había más acceso en Apurímac (57.5%) y mucho menor acceso en Ancash (15.4%). Estos porcentajes podrían haberse incrementado pues el estudio a profundidad del 2001 señala un 81% de cobertura del vaso de leche y un 75% de participación en clubes de madres (más un 31% en comedores populares). Si estas cifras son generalizables, ello igualaría a los retornantes con los insertados en el acceso a alimentos, pues los últimos registran, según las ciudades, una cobertura entre el 70% y 80% en vaso de leche y entre 60% y 70% en clubes de madres. » (ICRC & PAR, 31 December 2003, p.65)

Water and sanitation

Most IDPs in Lima have only access to trucked water which costs seven times more than piped water (2004)

- Lack of water and sanitation was a top-priority concern for all poor communities visited
- In the poorest region of Peru in the Loreto Province of the Amazon, between 50-60% of the residents of the Belen community (most of them IDPs) had no access to water and sanitation services, as a result infant mortality rate was 4.9%
- Water from the river deservng the Belen community is contaminated by mercury from companies exploiting gold on the Brazilian side of the river
- Despite Loreto being the poorest region, only 2.4% of government budget is allocated to the area
- According to recent surveys, 80% of settled IDPs have electricity, 70% have drinking water and 40% have sanitation services
- IDPs who settled in towns have three times better access to services such as drinking water compared to those who returned
- 44% of the returnees in Ayacucho have access to drinking water and 24% to latrines thanks to state assistance

“Lack of adequate water and sanitation was a top-priority concern for almost all the poor communities that the Special Rapporteur visited. Over the years, large numbers of people have been displaced owing to political violence. Informal settlements have mushroomed, largely fuelled by poverty. [...] In many poor communities in Lima, people only have access to water through tanker trucks, which cost them as much as seven times the rates for piped water. This type of discrimination against poor communities should be tackled immediately. Furthermore, resettlement policies should ensure that the rights of people are protected. In many communities in Lima visited by the Special Rapporteur, people have been resettled in areas very far from where they used to live and have no civic services or employment.

[...]

While the average resident in Lima pays 40 cents per cubic metre for water from their taps, the poor in informal settlements around Lima are paying up to US\$ 3 per cubic metre for low-quality water delivered by a water truck.

[...]

To obtain a better appreciation of housing and living conditions in rural areas, the Special Rapporteur visited Belen community in Iquitos, in the Amazon province of Loreto, one of the poorest regions in Peru. Loreto Province is also home to a large number of indigenous people. Many of them have been displaced from the jungle due to terrorism in the past or the economic activities of private companies. The population of Iquitos, the capital of Loreto, has thus grown rapidly from approximately 50,000 to 386,000 over the last 15 years. However, the economy remains underdeveloped, because of its isolated geographical position surrounded by the jungle with few transportation links to other parts of the country, and general neglect in the past by the central Government.

In Belen, one of the poorest communities in Iquitos, residents live in overcrowded housing in very precarious conditions, elevated from the ground due to constant flooding from the Amazon and the Nanay rivers. As 50 to 60 per cent of the residents have no access to water and sanitation services, water-borne diseases are rampant, affecting children the most. The infant mortality rate in Iquitos is 4.9 per cent. Furthermore, the river water is reportedly contaminated with mercury from the companies dredging for gold on the other side of the Nanay river in Brazil. The poor housing and living conditions and lack of employment have also led to a number of other social problems in Belen, such as crime and youth delinquency, prostitution, street children, sexual abuse of women and children, and the spread of HIV/AIDS.

[...]

Despite Loreto being the largest and one of the poorest regions, only 2.4 per cent of the central Government's budget is allocated to Loreto" (UN CHR, 11 February 2004, paras. 23, 27, 28,29)

"Dados los niveles de carencia registrados en 1994, la situación del acceso a servicios también ha mejorado significativamente. Más de las dos terceras partes (80.8%) de los insertados tienen ahora acceso a energía eléctrica y a agua potable (70.3%) y algo más de un tercio (40.6%) tiene instalaciones de desagüe, cifras que contrastan con los altos niveles de carencia registrados en 1994.

[...]

En cambio, en el acceso a servicios hay una clara ventaja del lado de los insertados en proporción de tres a uno tanto en acceso al agua potable como a la energía eléctrica, con brechas mayores en algunos departamentos como en Ayacucho. Cabe señalar que en los últimos años, el trabajo del PAR estaría revirtiendo la situación o en todo caso reduciendo la brecha. De hecho, en las comunidades de retornantes ayacuchanas apoyadas por el Estado, el 44% de la población accede al agua potable y 24% cuenta con letrinas (Del Pino 2001). » (ICRC &PAR, 31 December 2003, p.53,65)

Shelter and non-food items

About 200,000 people in Lima live in shacks 17 years after displacement (2004)

- Peru has a housing deficit estimated at 1.2 million units, of which 300,000 need to be built anew and 900,000 improved, according to the Special Rapporteur on Housing
- The most serious problems are lack of land titles, civic services and secure tenure
- Housing programmes are not reaching the extremely poor, representing 25% of the population among which many are female-headed households, and indigenous people
- There is a lack of prioritisation to improve the housing situation in rural and less developed areas and government assistance is disaster-orientated
- The housing situation in Peru has degenerated due to the neglect of rural areas which led to uncontrollable migration to urban areas where people live on unsafe terrain, with precarious houses, no water and sanitation nor electricity
- IDPs settled in these peripheries with no access roads nor basic services

- Fujimori removed right to housing from the Constitution in 1993
- One third of the IDPs have settled in Lima (about 200,000) and after 17 years they still lived in shacks receiving no assistance to upgrade their houses
- 32% of the IDPs declare having a brick house and in Lima 23% had a house made up of improvised materials
- The majority of returnees (81,9%) declare having their own house
- In Apurímac and Junín, IDPs who chose local integration lacked shelter

“The Special Rapporteur found the housing situation in Peru very grave. The housing deficit is currently estimated at 1.2 million units, of which 300,000 new housing units are needed and 900,000 units are in need of improvement. During the mission, he received numerous petitions and information on impediments that people face, such as: lack of title, civic services (particularly water) and secure tenure; houses built in high risk-zones and the collapse of land from mining activities; families and communities facing evictions; provision of title without the attendant civic services; and pollution of natural resources, particularly water and air.

[...]

The Special Rapporteur recognizes the efforts of the Government in tackling housing problems, but these have not addressed all aspects of the problem. For example, his assessment is that various housing programmes are not reaching the very poor, who represent 25 per cent of the population, living in the most precarious conditions with no capacity either to save or pay a contribution to participate in these programmes. There is a need for more focus on subsidy policies for the poor and for more flexibility in such housing programmes. There also needs to be much greater stress in housing and other policies on women’s rights to land and housing, such as protection of female-headed households. Other groups should also be focused on, such as children, persons with disabilities and indigenous people.

[...]

There seems to be a lack of priority and few resources given to improving the situation of housing in rural and less developed areas. The responsibility for rural development, including housing, falls within the purview of a relatively small government agency whose assistance focuses mostly on areas affected by natural disasters.

[...]

The housing sector in Peru for poor people, who constitute more than half of the population, is under intense pressure due to several factors, including diverse geographical features, long-standing neglect in the rural areas, and uncontrollable migration flow from rural to urban areas. These poor people often live on sand dunes and barren lands at the periphery of large cities, with precarious houses made of mats or woods, with no water supply, sewage, electricity or telephone. They do not have access roads, community centres, education or health services.

[...]

The absence of a housing policy during the last decade is also symbolized in the Constitutional revision of 1993 that had removed the reference to the right to adequate housing. Compared to other sectors such as health and education, housing had been accorded less priority in the allocation of resources and development of institutional networks, reflecting the general lack of political will.

[...]

Economic motives, however, were not the only factor in this rural-to-urban migration trend. It is estimated that the political violence which prevailed in the country between 1980 and 1993 produced around 600,000 internal displaced persons from the conflict areas. One third of these people have settled in the vicinity of Lima, often in areas without access to services and without security of tenure. For example, residents of the Project Kuelap in El Agustino District of Lima, where the Special Rapporteur visited, have been living for 17 years after displacement in rented shacks without security of tenure, access to services or financial credit to upgrade their houses.” (UN CHR, 11 February 2004, paras.6,7,18)

“El cambio más significativo, que muestra cierta ca-pacidad de «acumulación» o de mejora, son los materiales de las viviendas. En 1994, sólo el 8% tenía casas construidas pre-dominantemente con material

noble; en el 2001, 32% declara tener casas con paredes de ladrillo. Sin embargo, en Lima quedaría un remanente importante de familias pobres pues un tercio señala que el material de las paredes de sus viviendas es madera (22,4%), esteras (1,4%) o material improvisado (23.8%).

[...]

La mayor parte de los retornantes declara contar con vivienda propia (81.9%), porcentaje que podría haberse incrementado por el tiempo transcurrido sumado a las políticas de apoyo al repoblamiento de parte del Estado y ONGs. El informe del 2001 señala que en el norte de Ayacucho el 95% de la población tiene vivienda propia, en tanto que en el sur las cifras son bastante menores (entre 55% y 87%). En promedio, los insertados se encuentran en una situación similar respecto a la vivienda, sin embargo, en algunos departamentos hay diferencias: en Ayacucho retornantes e insertados estarían aproximadamente en la misma situación, en tanto que en Apurímac y Junín, los desplazados insertados sufren carencia de vivienda, lo que no ocurre entre los retornantes. (ICRC & PAR, 31 December 2003, p.53, 64)

ACCESS TO EDUCATION

General

Low education levels and poor mastery of Spanish language were obstacles for IDPs to adapt to urban context (2003)

- The majority of the displaced populations in the three main urban areas of refuge (Lima, Ica and Huancayo) speak both Quechua and Spanish
- 25% of IDPs speak only Quechua
- 42,8% of IDPs in Lima were illiterate and only 35% had completed primary education according to a survey conducted in 1993
- A survey comparing education levels of IDPs integrated in towns from 1994 and 2001 shows an increase of people who know both Quechua and Spanish as well as an increase in the levels of education
- The majority of returnees (57.6%) had primary education level, only a fifth had access to secondary education
- Of the very few which have superior education, the ratio for men is double that of women

« La comparación de la encuesta de 1994 con la del 2001 muestra un cambio en el nivel educativo de los desplazados/insertados en las ciudades (ver cuadro 14). En el dominio lingüístico hay un cambio en los idiomas que declaran conocer, destacando una sensible disminución de quienes reconocen hablar quechua. Así, si en 1994, en Ayacucho lo hacía el 97.9%, en el 2001 sólo lo declara el 79.1%. También se reduce el porcentaje de quienes hablan sólo quechua de 20.2% a 4.9% y sucede lo mismo en Lima en donde además se incrementa ligeramente el porcentaje de castellano hablantes (de 93.2% a 96.8%).

Hay también un incremento en el nivel educativo general de la población desplazada/insertada, aunque con sensibles diferencias por género. Actualmente, el nivel promedio de formación de los padres de familia es la educación secundaria y de las madres, la primaria. El porcentaje de población con educación secundaria crece del 16.8% -en general-, al 44.9% para los varones y al 23.3% de las mujeres, en tanto que la educación superior pasa del 2.0% al 8.9% para los varones y 5% para las mujeres (ver cuadros 15 y 16). Estas cifras revelan que, sin duda, por lo menos para los varones, el espacio urbano ha significado mejores posibilidades de acceso a la educación. Por otro lado, el aumento en el nivel de instrucción en el ámbito familiar se da como efecto de la mayor formación de los hijos de los desplazados.

[...]

La mayor parte de los retornantes tiene, en el mejor de los casos, educación primaria (57.6%). Sólo una quinta parte alcanza un nivel secundario y una pequeñísima porción ha cursado estudios superiores –los hombres el doble que las mujeres-. » (ICRC & PAR, 31 December 2003, p.49)

« En Lima, en cuanto a la variable idioma, el sector mayoritario lo conforman personas bilingües, que hablan español y quechua a la vez. Sin embargo, cabe señalar que por lo general en este grupo están incluidas personas cuya lengua originaria es el quechua y que hablan el español muy limitadamente. De igual manera que en el caso de Lima, en Ica la mayoría de los desplazados son bilingües (quechua-español), y representan el 72.2 % del total. Cabe recordar que siendo el quechua su lengua originaria, estas personas bilingües no necesariamente hablan el español correctamente. De otro lado, es significativo el porcentaje de las personas que sólo hablan quechua (25.0 %), es decir, la cuarta parte del total. De

manera similar que Lima e Ica, en Huancayo se trata de población desplazada mayoritariamente bilingüe (quechua-español): 49.4 % del total que equivale a casi la mitad de las personas.

[...]

En un estudio realizado en Lima se demostró que un 42,8% de los desplazados eran analfabetos y otro 35% sólo había completado el ciclo de enseñanza primaria. Por consiguiente, los desplazados tienen graves dificultades para adaptarse a la vida en las zonas de refugio, especialmente en las ciudades (Rodríguez 1993: 15). » (CVR, 28 August 2003, Tomo VI, 1.9)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Displaced populations face major obstacles when trying to access the urban labour market (2003)

- The majority of head of household were construction workers (49%), 35% of women were housewives
- Nearly the double of women worked as street vendors compared with men
- The majority of the returnees are independent workers (88,9%9, and 52% are workers in the primary sector
- Most displaced people who settled in cities were inserted in the lowest social strata and suffered from discrimination
- Most IDPs arrived in urban settings with agricultural skills hardly transferable to the urban labour market
- IDPs are often poorly qualified for the jobs available in the cities and lack access to start-up funds
- They also have difficulties complying with the bureaucratic requirements to start up businesses
- Many IDPs work more than 14 hours per day in street trading and temporary jobs
- The difficult economic situation for displaced families forces many displaced children to look for work, sometimes in hazardous environments
- If IDPs manage to find employment, it is in the informal sector where they are easily exploited
- Women face particular difficulties in seeking employment since they in general have a low level of education and do not speak Spanish

« Por su parte, la encuesta del 2001 no incluye la situación laboral general, pero sí la actividad principal del padre y de la madre de familia. Según sus cifras (ver cuadro 23), la mayor parte de los jefes de hogar son obreros (49.1%), en tanto que la mayoría de las mujeres se ocupan en primer lugar de su hogar (35.8%). Ser comerciante es la segunda opción de ocupación tanto para hombres como para mujeres (11.2% y 22.1%, respectivamente). Hay más varones empleados que mujeres (9.2% contra 4.9%) -y hay más empleo en Lima-, pero más ambulantes mujeres que varones (10.6% contra 6.2%).

[...]

La mayor parte de los retornantes encuestados en 1997 aparecen como «trabajadores independientes» (88.9%) y en segundo lugar como obreros (3%), dedicándose mayoritariamente a actividades primarias (52%), seguidas de comerciales (14%) y construcción (13%), un porcentaje bastante menor (6%) se dedicaría a «manu-factura» (artesanía)” (ICRC &PAR, 31 December 2003, p.57,63)

“El asentamiento de los desplazados en las ciudades los ubicó en los lugares más bajos de la escala social, agravando su situación de pobreza, en condiciones de competencia laboral precaria se incorporaron al sector informal de la economía, siendo pasibles de discriminación étnica y cultural. » (CVR, 28 August 2003, Tomo VI, 1.9)

“Las familias presentan grandes desventajas para incorporarse al mercado laboral debido a la baja calificación de su mano de obra y nivel de capacitación para desarrollar servicios o actividades productivas en la ciudad. La ausencia de un capital mínimo les impide: implementar una actividad

independiente y acceder al mercado. Además, encuentran dificultades para cumplir con los requisitos de formalización de la actividad productiva o de comercio.

La mayoría de los desplazados se encuentran subempleados, con trabajos eventuales, o dedicados a la venta ambulatoria, teniendo bajos ingresos, y prolongadas jornadas de trabajo que superan, en muchos casos, catorce horas diarias.

La población infantil de familias desplazadas se ve obligada a contribuir con la economía del hogar desarrollando trabajos nocivos para su salud integral.

Por último, la población afectada señala que el principal factor para la no solución a este problema es la ausencia de una política de promoción del empleo desde el Estado y de protección de los derechos laborales.”(MENADES 16 September 1999, p. 1-2)

"[...] Unemployment is a major problem affecting the displaced. They usually have no access to credit, so it is difficult to start up any sort of business to generate income. When they are able to find work, it is in the informal sector, where they are easily exploited. According to one NGO working in Huachipa, many displaced persons, including children, work in mud brick factories, where salaries reach US\$ 22-50 per week, for 12-hour working days. Others work in construction. In fact, those who find such jobs are considered to be fortunate, since they have an income. [...]" (UN Commission on Human Rights, 1 April 1996, para. 91)

According to the report of the Representative of the Secretary-General, women face specific "[m]arginalization and discrimination, especially in finding employment, in particular because they usually have no education and no command of Spanish. One study undertaken in a Lima slum showed, for instance, that 89 per cent of the displaced who were completely illiterate were women. [...]. Most of these women remain isolated in the shanty towns. [...]. NGOs providing assistance to the displaced note that the cultural barriers between them and the displaced women are hard to break, making it difficult to provide psychosocial support." [...] (UNCHR1 April 1996, para. 68)

The label of 'internally displaced people' may not be representative of common livelihood strategies (2001)

- The label of IDP tends to undermine 'mobile livelihoods' which offer the best opportunity for sustainable development among economically vulnerable populations
- The experience of war transformed previous patterns of mobility by constricting people to one place and/or forcibly displacing communities to other sites
- People displaced away from their lands became seasonal labourers, street vendors or domestic servants
- These common 'mobile livelihoods' make it difficult to measure the extent of displacement

"We suggest that a shift in analytical focus will help us to imagine such 'useful development initiatives' among refugees and IDPs. While the deeply engrained assumption that the lives of refugees and IDPs are marked by profound discontinuities is valid in many cases, it also produces a certain analytical blindness, with the inherent risk of misconceiving interventions on their behalf. We believe that a greater perceptiveness of the role of mobility (or lack of mobility) prior to, during and after violent conflicts will often show that places of refuge are not necessarily new to people fleeing violence, whilst spatial constriction appears to be a common, and often devastating, condition during violent conflict whether people are 'displaced', 'migrants' or 'stayees'." (Stepputat and Sorensen, 2001, p. 772)

"During the 1960s and 1970s migration increased, including new groups of poorer households. While extending their spaces of livelihood, these households faced less secure economic conditions and were unable to buy property in the cities. For both groups, the central lowlands became a new site of settlement as more and more highland peasants acquired additional land at the edge of the Amazonas from the 1950s onwards.

These well-established mobile livelihoods were severely changed by the outbreak of civil war. The arrival of *Sendero Luminosos* in the rural communities of the valley and the surrounding mountain areas during the 1980s forced the inhabitants to change their mobile lives for at least two reasons: either to follow the demands of SL, not to leave the villages at all (to prevent villagers from informing the Peruvian military about SL's presence), or to abandon their fields and livestock and flee to safer (urban or not yet 'liberated' rural areas), hereby displacing themselves on a more permanent basis. The latter strategy was also a response to the military presence in what soon became declared *zona roja* – the red zone – by the Peruvian government". (Stepputat and Sorensen, 2001, p. 774)

"Thus the presence of SL and the military resulted first and foremost in a discontinuation of well-established mobile livelihood practices." (Stepputat and Sorensen, 2001, p. 774)

"People who had to develop new livelihoods away from their land and pasture either entered the agricultural sector in the Mantaro Valley, which had a high demand for cheap seasonal labour, or they tried to make a living as street vendors or in domestic services. Seasonal labour in sugar, coffee or cotton plantations at the lower altitudes was a necessity for most of the poorer families, and it was very common for Huancayo-based households to have at least one member looking for wage labour or other opportunities in Lima. Establishment in Lima was facilitated to a great extent by established networks of kin or community, such as the 'confederations of households'." (Stepputat and Sorensen, 2001, p. 775)

Public participation

Crimes suffered by the Andean communities: never heard due to deep-rooted racism in Peru (2004)

- The Final Report of the Truth and Reconciliation Commission (CVR), confirmed that the main victims of political violence were from rural Andean communities (79%), Quechua-speaking (75%) and poor and uneducated
- The CVR reported that crimes against the Andean community were common because they have historically been treated like second-class citizens without rights, whose lives had no value
- Racial discrimination against “el mestizo, el indio, el negro” is so deeply rooted in Peruvian society that Andean communities were unable to denounce when their rights were violated

“El Informe Final de la Comisión de la Verdad y Reconciliación he revelado una verdad histórica , por muchos años en nuestro país la mayor parted e pobladores han sido ignorados por las elites políticas. Según este informe las principales víctimas de la violencia política fueron los integrantes de la población rural andina o selvática (79%), quechuahablantes (75%), pobres y con niveles de educación inferiores o en su mayor parte, inexistentes. El reso del país vivió de espaldas a esta realidad y desconoció o no aumió la tragedia, la muerte, la desaparición o la tortura sufrida por estos compatriotas.

[...]

Los crímenes que se cometieron contra la población andina se explican en buena medida porque tradicionalmente fueron vistos como seres sin derechos personas cuya ciudadanía nunca ha sido una ciudadanía real sino imaginaria, mostrando que en el país algunas vidas valen mas que otras.

[...]

El biotipo racial « blanco » es considerado como ideal de hermosura y es asociado a las posibilidades de « éxito », en contraste el cholo, el mestizo, el indio, el negro, son considerados poco agraciados.

[...]

Sin embargo la ausencia de denuncias demuestra que esta situación está fuertemente arraigada en el imaginario de la población y afecta seriamente la autoestima de las personas, disminuyendo la capacidad de ejercicio de la ciudadanía, por lo que las víctimas no se atreven a denunciar actos discriminatorios a pesar de ser considerados como delito en el sistema penal (Art. 323 del Código Penal).» (CNDDHH, 1 January 2004, Ch.3, p.90)

“Una de las principales consecuencias del desplazamiento es la generación de un importante sector de indocumentados. De acuerdo a datos brindados por la Mesa Nacional de Desplazados (MENADES), integrante de la CNDDHH, el Programa de Apoyo al Repoblamiento (PAR), registra 700 mil personas afectadas por este fenómeno, de las cuales un 60% serían jóvenes que se encuentran en calidad de omisos a la inscripción militar y, por lo tanto, sin posibilidades de tramitar su Documento Nacional de Identidad (DNI), lo que los coloca en un limbo jurídico y les impide de ejercer sus principales derechos políticos.” (CNDDHH, 2003)

Hundreds of thousand of displaced could not exercise their civil and political rights (2004)

- IDPs preferred to abstain from voting and requesting identification documents in 2000 by fear of being detained
- No candidate to the presidency addressed the IDP issue in 2000
- About 700,000 people registered by PAR lacking identity documents and have been by the same token deprived from their civil and political rights for years

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"Al ser el 2000 un año electoral, miles de desplazados, que a su vez sufren el problema de cargar sobre sí una requisitoria, se vieron impedidos materialmente de ejercer su derecho al sufragio en vista de su temor a ser detenidos, pese a que la norma electoral prohíbe las detenciones el mismo día de las elecciones. Lamentablemente, las poblaciones desplazadas no han podido ver plasmada su problemática en ninguno de los discursos políticos de los candidatos presidenciales." (CNDDHH, March 2001, Sect.3.2. e)

Displaced persons labeled as politically ‘subversive’ (2001)

- Displaced persons are in danger of being seen as politically ‘subversive’, unless displaced people joined government defence patrols against the insurgency
- Although some displaced voluntarily joined the Maoist insurgency most of them were forced to do so or were killed otherwise
- Many of those who fled political violence were imprisoned for suspected terrorist ties

"Internally displaced persons in the Americas are not only drawn disproportionately from the more marginalized sectors of the society but must also shoulder the danger of being labeled politically 'subversive'.

[...] And in Peru, persons displaced by the brutal Sendero Luminoso (Shining Path) were often denounced as supporters of this self-described 'Maoist' insurgency and faced the threat of requisition or arrest for suspected terrorist ties. Some displaced persons, to be sure, voluntarily joined Sendero and took part in their attacks, but many were forced to do so. The Ashaninkas of the Amazonia, for example, in the mid-1980s were forced by Shining Path guerrillas to join them or be killed. Thousands as a result fled the area, abandoning their farms, but many still faced summary trials and prison terms for suspected terrorist ties. Unless the displaced from these areas joined government defense patrols against the insurgency, they would be treated as subversive by the army." (Cohen and Sanchez-Garzoli May 2001, p.6)

DOCUMENTATION NEEDS AND CITIZENSHIP

General

Many displaced persons lack basic documentation (2003)

- National Commission on Human Rights reported that among the 700,000 people registered without documentation, 60% were conscientious objectors
- Most IDPs do not have birth certificates and voter registration cards
- PAR provided documentation to IDPs which could be used to request government assistance to return and then to apply for a national ID
- Without basic documents displaced people cannot legally hold jobs, conduct bank transactions, or register their children at school
- IDPs without ID were at risk of detention and forced conscription
- Many IDPs were not entitled to apply for permanent documents because they had not completed military's service
- In 1998 the government started to provide provisional identity documents to more than 356,000 people, many of whom IDPs, but only 21,000 applied for and received permanent documentation due to distrust towards authorities
- By 2000, over 764,907 persons were registered for documentation, 400,000 of whom were military objectors
- The Program for Provisional identity established in 1989 in order to issue provisional identity documents to more than half a million Peruvians did not reach its targets and was not recognized by other state institutions

“Una de las principales consecuencias del desplazamiento es la generación de un importante sector de indocumentados. De acuerdo a datos brindados por la Mesa Nacional de Desplazados (MENADES), integrante de la CNDDHH, el Programa de Apoyo al Repoblamiento (PAR), registra 700 mil personas afectadas por este fenómeno, de las cuales un 60% serían jóvenes que se encuentran en calidad de omisos a la inscripción militar y, por lo tanto, sin posibilidades de tramitar su Documento Nacional de Identidad (DNI), lo que los coloca en un limbo jurídico y les impide de ejercer sus principales derechos políticos.” (CNDDHH, 2003)

"Political violence in the 1980's and early 1990's resulted in the internal displacement of hundreds of thousands of persons and massive migration. Despite government and NGO efforts, many internally displaced persons (IDP's) lack basic documentation, such as birth certificates and voter registration cards. The Government's program for the Repopulation and Development of Emergency Zones (PAR) provides documentation that can be used both to request PAR assistance to return to one's community of origin and to apply for a national identity card" (US DOS, 4 March 2002, Sect.2 para d).

"In Peru, especially in the mid 1990s, many displaced persons did not have basic documents, in particular birth certificates, the libreta electoral to record participation in elections or the libreta military, a military registration card. Without these, they could not legally hold jobs, conduct bank transactions, or even in some cases register their children in school. Nor could they prove their title to land or property. And they risked arbitrary detention, false charges and conscription by the armed forces." (Cohen and Sanchez-Garzoli May 2001, p.8)

“El Programa de documentación del PAR es el más importante por la cobertura que alcanzó y su significación política. Incorporar a 764,907 ciudadanos al ejercicio de sus derechos ciudadanos habla por sí solo, dado que esta cifra equivale al 6% de la PEA y a la población electoral de 8 departamentos del país y ha sido el principal contingente de nuevos votantes entre las elecciones municipales y el proceso electoral último.

El programa se aplicó con un alto grado de centralización y confidencialidad lo cual hizo imposible mecanismos eficaces de fiscalización en tan delicado asunto. Municipios, Iglesias, Ministerios, que según la ley podían contribuir a potenciar el programa nunca fueron convocados.

Los resultados hasta donde nos ha sido posible analizar han hecho evidente dos grandes problemas sociales:

- a) La existencia de un vasto movimiento de resistencia civil en relación al servicio militar obligatorio durante el desarrollo de la guerra ya que más de 400 mil jóvenes omisos han sido los principales beneficiarios.
- b) La indocumentación es un mal endémico en el país que tiene bases estructurales que hace que de manera permanente se generen el problema de la indocumentación.”(MENADES 4 December 2000, p.1-2)

" In Peru, in 1999, the government with prodding from international organizations and NGOs provided provisional identity documents to more than 356,000 people, many of whom were displaced. However, only 21,000 of those then applied for and received permanent documents. One reason was that a large number of displaced men had not completed their mandatory military service and without proof of having performed this service, could not apply for permanent documents. Another reason was the continuing fear and distrust of the displaced by government officials. Here, NGOs could help mitigate the problem since they have regular direct contact with the displaced and could encourage them to apply. Their inclusion in the implementation of the program would doubtless increase the numbers of displaced with permanent documents."(Cohen and Sanchez-Garzoli May 2001, p.9)

“According to the Mesa, that was primarily because a large number of displaced people in particular had not completed Peru's mandatory military service. Many had objected to the military's role in the conflict. Without proof of military service, males could not apply for the permanent identity document.” (USCR, 1999)

"[T]he identity document it provides, despite the fact that it is free, has not reached as many people as hoped and, just as importantly, has not gained the recognition of other state agencies, military or judicial authorities. The document is also not accepted by private entities such as banks. Displaced persons thus suffer double discrimination as a result of a law that was supposed to protect those who did not have documents. This is evidence of the necessity to publicize this program more widely so that its benefits will become available to the majority of displaced persons and particularly to those living in the most remote rural areas. To reach this goal, it is necessary to open specific channels for participation by the civilian population and, particularly, to assure that peasant communities, local government, the churches, and NGOs participate in this effort." (CNDH 1997, section 3.3)

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Displaced people commonly face problems related to family desintegration

- Disintegration of families is the main problem facing the displaced, but they also face problems like antisocial behavior of children and hostility from the resident population in urban settings

"[...] One of the most challenging problems among the displaced is the disintegration of families and communities. Large numbers of widows and orphans was a characteristic of every displaced or returnee community the Representative visited; for instance, in one returnee community of 850 persons, Puerto Ocopa, most of the adults are women and 50 per cent of the population are children; 70 children are orphans. A study in the marginal urban areas of Ayacucho shows that of a total of 1,171 families, 200 are headed by widows and another 95 by mothers whose husbands disappeared or were forcibly recruited. [...]. Many children have lost one or both parents, either because they have died or because the family has been scattered. Some orphans are taken care of in institutions sponsored by the Catholic Church, or in State-sponsored orphanages. However, these institutions exist only in major cities. It appears that practically no assistance is available from the State in the rural areas.

On the social and family levels the repercussions of displacement for children include antisocial and secretive behaviour and, owing to the culture shock they go through and the discrimination they encounter, they experience shamefulness of their origin or their language. The family environment has also been influenced by the climate of insecurity, fear and frequent absence of the father. [...].

Conflicts have arisen between the returnees and those who never fled or between the recuperados and their families. In group therapy workshops in Lima displaced women lamented the indifference and hostility they were experiencing in the urban setting even in the midst of their own communities. On the other hand, numerous communities have more or less remained together through displacement, and have maintained many of their cultural traditions. This helps to alleviate to some extent the acute problems of loss of family and community and facilitates the process of return to the areas of origin. Because of displacement, some communities now have greater access to the State and feel more integrated. The involvement of the military in the rural areas contributed to the erosion of the community authorities in the area of law and justice. Traditional leadership structures have changed and in some cases have become surprisingly more democratic. [...]" (UN Commission on Human Rights 1 April 1996, paras. 88-90)

PROPERTY ISSUES

General

Displaced indigenous populations deprived from access to their traditional lands (2004)

- Most of the 300,000 indigenous people of the Amazon have spiritual ties to their land and ownership is communal, and land is not a marketable commodity
- The only law defending indigenous rights to land is that it is not possible to assign the land to a non-indigenous person, however, it can be sold and bought
- Rising conflicts between indigenous communities and mining companies caused by the fact that indigenous people have no rights on the subsoil
- IDP agriculturalists unable to regain their lost lands as settlers secured titles in their absence
- Only an estimate 30% of displaced who own land hold titles
- Displaced people have no way to substantiate their land rights, as land was owned communally, they did not possess titles before fleeing and also lack proper documents
- Lands left fallow declared abandoned under the Constitution regardless of sustainable forest agriculture requiring seasonal migration and shifting types of cultivation
- Rising conflict between displaced and non-displaced over property rights as the stayees see those who fled as "deserters"

“The native population of the Amazon region, estimated at between 200,000 and 300,000 persons, faced pervasive discrimination and social prejudice. In accordance with local culture and traditions, most of the native communities have a spiritual relationship with their land, and the concept of land as a marketable commodity is alien to them. Nevertheless, according to the director of the Human Rights Ombudsman's Native Communities Program, the only right still statutorily set aside for this native population with respect to its land is that of "unassignability," which prevents the title to such lands from being reassigned to some nonindigenous tenant by right of tenure. However, the marketing and sale of the lands are no longer prohibited.

Indigenous groups continued to resist encroachment on their native lands by oil exploration and drilling interests. Many indigenous persons did not have title to the land on which they lived. For those who did, title to land does not include mineral or other subsoil rights, which belong to the State; this problem led to conflicts between mining interests and indigenous communities. Indigenous groups asserted that such encroachment often can damage the environment and negatively affect the health of the native people.” (US DOS, 25 February 2004, sect. 5)

"Entre los problemas que afectan a los desplazados que regresaron a su antiguas ubicaciones se encuentran los litigios que se han visto obligados a sostener con los actuales poseedores de sus propiedades. Es importante señalar aquí que si muchos de los desplazados eran agricultores y que casi la totalidad de su patrimonio eran las tierras que cultivaban antes de ser abandonadas, y que al haber transcurrido alrededor de 20 años desde que se inició la etapa de la violencia, los actuales poseedores de aquellos terrenos pueden haber ganado la propiedad de los mismos por prescripción adquisitiva de dominio, lo que implicaría que los desplazados habrían perdido gran parte de su patrimonio." (CNDDHH, March 2001, Sect.3.2. e)

"The issue of land was repeatedly raised during the Representative's mission. According to article 88 of the Constitution, the State protects the right to own land. Some, however, believe that land reforms still have to be carried through. In addition, abandoned lands become State property and can be sold. Lands that are abandoned because of violence also become State property, unless an exemption is granted by the regional agrarian authority. [...]. To obtain such an exemption, a certification by a military or police authority about the violent incident is required, as well as proof of title; frequently, though, those fleeing cannot obtain the documents. In addition, there is no systematized information about the status of many lands since 1980. It is estimated that only 30 per cent of those who own lands hold titles to them. Some of the displaced have moved into the property of others, and are threatened with eviction; some of those who did not flee have taken over the land of those who did flee. Many displaced have no way of proving their property rights; many cases are pending before the courts, but the problems are not being solved promptly or efficiently.

Under the old constitutional regime, lands belonging to communities rather than individual owners were excluded from the registration and ownership regimes. Under the new Constitution, this is no longer the case. As a consequence, communal lands can also be declared abandoned if not farmed for more than two years. According to the native communities the Representative met with, this legal regime does not take into account that the type of forest agriculture that is sustainable in the selva requires a migratory or shifting type of cultivation. In addition, law 26505, promulgated on 18 July 1995, allows these lands to be sold. Some fear that the poorest communities will be tempted to sell for cash, and thus lose their most important resource.

Indigenous communities in Peru have preserved to a large extent their traditional living patterns and customs. In the past decades, however, the war and the displacement have disrupted the traditional patterns of land use and have led to greater deterioration of the environment and a significant decrease in agricultural production. A government report, for instance, notes that communal labour is a very important component of farming, one of the main features and economic activities of the indigenous communities of the sierra. Communal labour is a form of labour that stems from the Inca period and consists of an equal exchange of services and goods. It has traditionally been used for the construction and maintenance of a complex system of 'terracing' that prevents soil erosion and enables farming in the highlands.[...].

The native communities feel that the authorities do not take into account their ancestral land and their property rights and that they take no interest in the preservation of their cultural heritage. They feel in some cases that the construction of roads and other infrastructure projects have the potential of further eroding their communities. Such fears were pervasive in the case of the native communities of the selva who have had traditionally and for ecological reasons communitarian ownership of their lands. Mineral exploitation remains a prerogative of the State. Paradoxically, the communities with which the Representative met expressed a desire for strengthened Government presence. The infrastructure that this requires, however, will bring with it a number of adverse consequences, such as increased in-migration and pressure on land."(UNCHR1 April 1996, para. 99)

"One serious problem is the perception by some of those who remained in their areas that those who fled are deserters. There are those who feel that they defended their lands through the worst of the war, and that they now have claims over the property of those who took 'the easy way out'. [...] The displaced, on the other hand, feel that they fled for legitimate reasons and that their flight should not affect their property rights. Questions also remain with regard to the future of the lands of those not returning at this stage to their communities. It is unclear whether they would retain their property, at least for some time, or whether the lands in question would be redistributed. [...]"(UNCHR,1 April 1996, para. 99)

Asháninkas lands occupied by “colonos” or settlers during conflict (2003)

- Asháninkas communities did not receive adequate assistance from the state when returning to their homes

- While PAR promoted the return of about 870 Asháninkas families, many had their lands invaded by "colonos" or settlers who migrated from the Sierra in search of more fertile lands
- As many of the native lands were unregistered, settlers have been able to move in and title their the lands, therefore many Asháninkas were unable to return or regain their ancestral property
- The abuses suffered by the Asháninkas must be understood in a context of fierce rivalry between indigenous and colonos
- Asháninkas were since long discriminated against and perceived as “lazy” people who appropriate the lands of others
- Some colonos who appropriated Asháninka land in Río Tambo and Río Ene, started growing coca and formed alliances with the armed opposition groups (1996)

“ Los indígenas asháninkas tendían a desplazarse dentro de su propio espacio rural, en torno a comunidades más grandes o hacia poblados menores. A partir de 1995, los indígenas asháninkas de selva central comenzaron retornar a sus comunidades y territorios ancestrales, o a reasentarse entro de la misma región, a pesar de no contar con el suficiente apoyo de las entidades estatales para garantizar el repoblamiento de sus comunidades.

El PAR habría promovido el retorno de aproximadamente ochocientos setenta familias en distintas zonas de la selva central, sin embargo, el abandono momentáneo de sus territorios tradicionales favoreció que muchas áreas fueran invadidas por colonos, lo que ha creado problemas que afectan gravemente los derechos de la población indígena (Coronel 1999: 600-601).

[...]

Por ello, no resulta extraño que algunos Asháninka que fueron secuestrados y esclavizados afirmen: “Si, efectivamente yo pienso de que hay un plan siniestro por medio de todo esto para eliminar a los Asháninkas, ustedes saben muy bien de la rivalidad que existe de los colonos y de los Asháninkas podrían ser uno de los motivos de repente que han conllevado a hacer este tipos de tratos y maltratos a la gente Asháninka, porque como se decía que los Asháninkas tienen terrenos y no trabajan, acaparan las tierras, podrían ser uno de los motivos que han llevado a los subversivos para eliminar a los Asháninkas” [...].

No es descabellado, pues, afirmar que para Sendero Luminoso los Asháninka tenían que desaparecer como tales.» (CVR, 28 August 2003, Tomo VI, 1.9)

“One of the most serious problems evidenced by the Representative during his visit to the Río Tambo and Río Ene valleys was the incipient conflict between the Ashaninka communities and the colonos, or settlers, who have migrated from the Sierra in search of more fertile lands. As many of the native lands remain unregistered, settlers have been able to move in and take possession of them. This may mean that some of the Ashaninka communities may not be able to return there. Some of the settlers have started growing coca plants and have become involved with drug-trafficking, in some cases forming alliances with the armed opposition groups. Such is the case in particular in the Alto Huallaga valley, and the Ashaninkas fear that drugs and crime might move into the central selva as well. One reason for which the colonos are actually more involved with illegal coca growing may be that they are not familiar with the farming technology suitable for the tropical ecology of the selva areas. New conflictual situations that would cause displacement cannot be excluded. Government officials also identified health problems that both the colonos were facing in the selva and the disequilibrium they caused in the environment which created health risks for the native communities. The authorities in Satipo acknowledged the enormity of the problem but mentioned that some first steps were now being taken to organize a consultation process to find solutions.” (UNCHR, 1 April 1996, paras. 83-87)

State-granted land titles deprived hundreds of thousands of families from their lands on which they lived for over 20 years (2004)

- 36% of IDPs declare they have abandoned their lands
- 2.3% of IDPs have arrangements with thirds who work their lands
- Most displaced seem to believe they have rights over land which are not necessarily coherent with existing legislation
- In 1997, 98.7% of returning IDPs possessed some property (land or animals), however, the rate was lower than before the violence and many managed to produce only half the quantity of crops they used to
- The fact that there are several different institutions granting land titles leads to serious confusions
- Under Fujimori, state agency COFOPRI granted land titles to certain families, by taking land away from hundreds of thousands of families who had occupied it peacefully for over 20 years
- Some people were granted titles by authorities on lands unsafe and unsuitable for habitation and therefore no services were provided by the state
- Homeless squatters who erected makeshift shelters in Lima were attacked and some killed by armed gangs hired by the property-owners in 2000
- President Fujimori accused of offering the squatters plots of land in return for their vote in 2000

« Al respecto, la encuesta de 1994 brinda alguna información pero no las respuestas que necesitamos (ver cuadro 24): 91.6% de los desplazados que declara poseer tierras se considera propietario (si fuera cierto, habría un mayor retorno o visitas por este concepto, por lo que dicha respuesta debe ser matizada) y el 52% de la tierra estaría siendo trabajada por familiares, por lo que es de suponer que se trata de tierras sobre las que se tienen derechos reclamables pero no «actuales». Ello equivale a decir que algunos de los desplazado/insertados asumen tener una serie de derechos de propiedad que probablemente no serían reconocidos por los actuales ocupantes de las mismas. En cambio, sí es posible pensar en propiedad real sobre las tierras declaradas abandonadas (36%) y sobre todo sobre las tierras conducidas por terceros de acuerdo a algún arreglo (2.3%). En general, los desplazados/ insertados señalan conservar tierras en propiedad 4 («nadie ha perdido su tierra»), trabajadas por parientes y a las que se retorna periódicamente en épocas de siembra y sobre todo de cosecha, pero no proporcionan información suficiente sobre el status legal de las mismas (Diez 2001).

[...]

Según la encuesta de 1997, 98.7% de los retornantes posee propiedades (94% tierras y 20% ganado). Sin embargo, el estudio a profundidad muestra que su situación es más precaria que al inicio de la violencia política, y que la población retornante no alcanza aún sus niveles anteriores de productividad y capitalización. Los retornantes sólo alcanzan a sembrar la mitad de lo que sembraban antes de la violencia – lo que corresponde en promedio a dos yugadas de terreno frente a las cuatro que era lo habitual (Del Pino 2001). Este nivel de producción reducido ha contado ya con cierto apoyo de agentes externos al menos en un 21% de los casos (13% de parte de ONGs y 8% del Par). » (ICRC &PAR, 31 December 2003, p.59, 66)

“Lack of tenurial rights among the poor poses an enormous challenge in Peru. There still remains significant confusion among the different institutions granting titles, including the State, COFOPRI and the local authorities. COFOPRI has been under criticism for its alleged involvement in granting titles under political influence during the regime of former president Alberto Fujimori. There is a constitutional challenge against COFOPRI for the titles it granted to certain families, taking away land from hundreds of thousands of families who had been occupying these lands in a peaceful manner, in some cases for more than 20 years. These people have had to sue for the possession of their plots against those owner-acquired titles between 1998 and 2001, which meant that it has not yet been possible to regularize the physical and legal possession of a vast area surrounding the capital.

[...]

In some cases, people received titles from COFOPRI or local authorities, although clearly the land they live on is not safe or suitable for habitation and therefore no services are provided.” (UN CHR, 11 February 2004, paras.33,35)

"Clashes between squatters and property-owners in a shantytown near the Peruvian capital, Lima, left at least four people dead and at least 10 injured on January 27, 2000 according to BBC News. The violence took place in the area of Villa el Salvador when homeless people who took over plots of land and erected makeshift homes confronted with gangs of men, armed with guns, iron bars and knives. Some said they had decided to pay groups of men to get rid of the squatters by force. Opposition parties accused President Fujimori of offering the squatters plots of land in return for their vote in the upcoming presidential election. They claimed that many of the squatters erected banners supporting 'Peru 2000', a slogan used by the ruling alliance. Squatter Ises Sulca said they had called their township 'Peru 2000' 'because we need the government to help us and with this name they are bound to do so'. President Fujimori said he condemned the violence, but said police would not take action to remove the families." (COHRE 2000)

Widows face discriminatory access to land (1997)

- Widows lack access to land or are allocated less fertile gardens
- This problem is particularly acute in la Sierra where violent conflicts left a high proportion of widows

"Aunque tradicionalmente se respeta el derecho de las viudas a mantener una porción de tierras en posesión, de modo de poder sostenerse ella y mantener a sus hijos, se pueden encontrar también casos en los cuales les asignan derechos menores, restringiendo su acceso a pocas tierras, a tierras malas y, eventualmente, sin reconocérsele derecho a poseer una parcela. El problema se plantea de manera significativa en las zonas de la Sierra que fueron afectadas por la violencia social y política, donde el número de viudas es bastante alto. Con el proceso de retorno de las comunidades, el tema adquiere actualidad" (Coordinadora Nacional de Comunidades Campesinas, June 1997)

PATTERNS OF RETURN AND RESETTLEMENT

General

Only about 15.91% of the IDPs have returned between 1980-1997 according to the CVR (2003)

- IDPs from Ancash were the first to return to their areas of origin
- One third of all IDPs returned between 1991-1993 and the majority returned from 1993
- The majority of returns were spontaneous (89%) without assistance
- Among the IDPs who returned from far away, 33,6% did so to regain their property, and 29,3% because of work
- The main areas of return were Ayacucho, Huancavelica and Selva Central
- Returnees report difficulties in reintegrating in their areas of origin due to resentment by local residents who stayed and stigmatisation on alleged claims of terrorism
- According authoritative surveys only about 68,464 IDPs have returned to their areas of origin between 1980-1997
- Most IDPs returned between 1994-6 mainly due to language barriers and discriminations suffered in towns
- Government agency PAR estimates that almost half of the IDPs returned out of which only 20.900 have received assistance (2002)
- In 1999 NGOs and government agreed that about 80,000 people displaced had returned to their areas of origin and about 350,000 people remained displaced
- The government estimated about 220,000 IDPs had returned by 1998, leaving 340,000 IDPs
- More than 11,000 returned to their areas of origin in 2000, 9,000 of whom spontaneously
- By end 2000, all but some 60,000 displaced had either returned or decided to settle permanently in their current location, according to the government

«Del lado del retorno, los ancashinos fueron los primeros en regresar, cerca de un tercio de los desplazados de Junín, Apurímac y Huancavelica retornaron entre 1991 y 1993, en tanto que en todas las regiones es a partir de dicha fecha que se produce el grueso de los retornos.

[...]

De hecho, los mayores retornos registrados han sido desde ciudades menores a las comunidades de origen, con las que mantuvieron relaciones estrechas todo el tiempo y que explicaría el 89% de retornantes espontáneos (INEI: 1998).

Los retornos desde otras zonas más lejanas y para poblaciones desplazadas por períodos más largos de tiempo necesitan ser explicados por otras razones; así, la segunda respuesta más frecuente es «para recuperar propiedades» (33.6%) –cifra que alcanza hasta el 50% en algunos departamentos– y la tercera «por trabajo» (29,3%). En menor medida, para el retorno se aduce el tener familia en la zona de origen. Así, en resumen y parafraseando a Isabel Coral, retornarían: los que tienen más bienes y recursos en sus comunidades, los de desplazamiento más reciente y los más indígenas –es decir, los que tuvieron más problemas de adaptación– (1995: 28).

[...]

Las zonas de retorno más importantes son Ayacucho, Huancavelica y la Selva Central, y en menor medida Apurímac y Ancash.

[...]

No existe información agregada sobre el número de retornos apoyados desde las Organizaciones no Gubernamentales o las Iglesias.

[...]

Por otro lado, los retornantes refieren tener dificultades para ser aceptados y reconocidos nuevamente en sus comunidades debido en parte al resentimiento que existe por parte de las personas que se quedaron y por la natural desconfianza hacia aquellas personas a las que se señala como pertenecientes a las organizaciones terroristas que actuaron en la zona. Ello denota que aún existe recelo entre comunidades que se acusan mutuamente de haber apoyado a Sendero y al Ejército. » (ICRC & PAR, 31 December 2003, pp. 30, 36,37,117)

“En el caso de los pobladores de Ayacucho, Apurímac, Huancavelica, Huanuco y Junín, muchos migraron hacia Lima escapando de la violencia. Para esta población los procesos de inserción en la ciudad fueron traumáticos, porque tuvieron que enfrentar la marginación, el desempleo, los prejuicios y la extrema pobreza, y –en muchos casos- cuando pudieron retornar a sus comunidades de origen lo hicieron por cuenta propia, sin apoyo estatal [...].

En cuanto a la población desplazada que habría retornado a sus lugares de origen, sólo se ha podido encontrar algunos estimados (Coronel 1999: 212). Así, la magnitud de los desplazados retornantes, en el período 1980-1997, ascenderían aproximadamente a 68,464 personas, que representarían sólo el 15.91 % del total de la población civil desplazada

CUADRO N° 7

POBLACIÓN DESPLAZADA Y RETORNANTE EN EL PERÚ

MAYO 1980-JUNIO 1997

Zonas de expulsión	N° de Desplazados	N° de Retornantes
Ayacucho	156,575	32,984
Huancavelica	70,000	2,200
Apurímac	66,000	7,791
Sierra Central	90,000	9,250
Selva Central	15,000	4,350
Otros	32,500	11,439
TOTAL	430,075	68,464 (15.91 %)

Fuente: J. Coronel

Elaboración: J. Coronel

[...]

En cuanto a los desplazados en proceso de retorno, cuyos picos más altos se produjeron entre 1994-1996, se señala como factores que explicarían dicha opción la ausencia de experiencia migratoria previa a la violencia, el desconocimiento o conocimiento deficiente del idioma castellano, la conciencia de ser objeto de discriminación étnica y la vigencia del referente comunal. (Coronel 1999: 595-604).” (CVR, 28 August 2003, Tomo VI, 1.9)

"El PAR estima que ya casi la mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20.900 han recibido ayuda del gobierno anterior." (CNDDHH, June 2002 p.93)

Organized Returns : 1995 – August 2000

Year	No.of Returns	----- Attended Population-----			
		Men	Women	Total	CC.PP.
1995	2	128	102	230	2
1996	21	2,982	2,548	5,530	24

1997	26	3,757	3,321	7,078	94
1998	18	1,374	1,400	2,774	39
1999	32	1,937	1,939	3,876	51
2000	8	693	749	1,442	11

	107	10,871	10,059	20,930	221

* More than 50% of the population (350,000), already returned voluntarily to their places of origin:

- Individually or by family (62%)
- Under organized programmes (PAR + others: 38%)” (PROMUDEH 2000 “Logros en siete años”)

"According to the Ministry for the Promotion of Women and Human Development (PROMUDEH), since 1995 the Program for the Repopulation and Development of Emergency Zones (PAR) has supported the return of between 450,000 and 600,000 displaced persons." (US DOS February 2001, sect.2d)

“A Peruvian government agency, the Program to Support the Repopulation (PAR), assisted about 20,000 displaced people in returning home between 1994 and 2000. Thousands of other displaced people returned home by their own means during that period.” (USCR, 2002)

“At year’s end [2000], some 60,000 people remained internally displaced within Peru [...] According to the government of Peru, in 2000, the *Programa de Apoyo al Repoblamiento* (PAR, Program to Support the Repopulation), the government agency that assists displaced persons to return home, helped ten groups totaling 1,818 persons to return home. The PAR believes, however, that most displaced persons who returned home did so by their own means. Although the PAR did not have concrete data on spontaneous returnees, it estimated that more than 9,000 formerly displaced persons returned home spontaneously in 2000, bringing the total number of returnees during the year to more than 11,000. USCR therefore estimated the displaced population at the end of 2000 to be approximately 60,000.” (USCR 2001)

“The government and the *Mesa* also differed in their estimates of the number of displaced persons who returned home. In 1997, the *Mesa* estimated the cumulative number of returnees at only some 69,000. It reported that about 2,200 displaced families (13,000 people) returned to their homes during 1998. According to the *Mesa’s* figures, therefore, some 347,000 Peruvians remained displaced at the end of 1998. According to the government, however, a cumulative total of 220,000 displaced persons had returned home by the end of 1998, leaving 340,000 displaced.” (USCR, 1999)

“By 1994, Communist Party of Peru (“Shining Path”) insurgents had lost much of their strength, and more than 80,000 of the displaced returned home.” (USCR, 2001)

The majority of IDPs have not returned permanently to their areas of origin (2003)

- Many IDPs maintain a double residence: in town and rural areas, in some cases, only part of the family returned and the rest stayed in towns
- The IDPs from Ayacucho are those who most used the double residence strategy
- Government agency PAR estimated that almost half of the IDPs returned out of which only 20.900 received assistance
- Although government agencies estimated between 450,000 and 600,000 displaced were supported to return by PAR in 2000, both NGOs and government organisations agree that most of the IDPs have not returned permanently
- 40% of returnees have not re-established themselves permanently in their areas of origin

« El retorno es entendido de manera diversa por las familias de las diversas comunidades, apareciendo tres alternativas:

- 1) el establecimiento de doble residencia familiar, en el lugar de refugio y en la localidad de origen;*
- 2) el desdoblamiento de la familia: retornando sólo algunos y estableciéndose el resto en la ciudad; y,*
- 3) el retorno a la localidad propiamente dicho [...].*

[...]

las estrategias «a dos pies» serían las dominantes en el ámbito ayacuchano. » (ICRC &PAR, 31 December 2003, pp. 94)

« A pesar de la migración y en la medida en que la situación de seguridad lo permitiera, la población no cortó sus vínculos con sus lugares de origen: la mayoría mantiene contacto y realiza visitas periódicas, que en algunos casos implican un desplazamiento constante entre la ciudad de residencia y la comunidad o zona de origen por motivos familiares y afectivos, así como por motivos económicos y laborales.» (CVR, 28 August 2003, Tomo VI, 1.9)

"According to the Ministry for the Promotion of Women and Human Development (PROMUDEH), since 1995 the Program for the Repopulation and Development of Emergency Zones (PAR) has supported the return of between 450,000 and 600,000 displaced persons. The PAR has assisted thousands of these persons to returned to their homes; however, the PAR and NGO's agree that the majority of displaced persons have not returned permanently to their original communities due to various factors, including economic changes and social ties." (US DOS February 2001, sect.2d)

"There were no concrete figures on the number of Peruvians who remained displaced at the end of 1999. The government and NGOs differed in their estimates of the number who returned home following the easing of hostilities (the government's estimate was much higher than that of the NGOs). However, both sides agreed that no less than 20 percent of the displaced (more than 80,000) returned home. A large number of returnees found conditions at home untenable and subsequently migrated back to the cities." (USCR, 2000)

"In addition, approximately 40 percent of the returnees have not reestablished themselves firmly in their communities of origin and tend to migrate back and forth between their original homes and displacement homes." (U.S.DOS 1999, section 2d)

The case of Asháninka displacement and return processes (2003)

- Asháninka IDPs always wished to return to their ancestral lands, therefore they did not flee far from their areas of origin or to urban centres and never opted for local integration
- Over 80% of the Asháninkas wished to return
- About 500 Asháninka IDPs started returning and were assisted by the state and the armed forces in 1994
- Many returns were complicated because PAR programmes did not involve the local residents in areas of origin and because many lands had been occupied by settlers who often grew coca crops
- Asháninkas requested the government agency PAR to assist them in re-integrating in their communities rather than only help to physically return

« Los mayores desplazamientos de población se habrían producido entre 1988 –inicio del conflicto con el MRTA- y 1995, cuando empieza a disminuir el número de refugiados llegados a los «núcleos poblacionales» (CAAAP 1997: 7). Sobre el particular, los asháninkas experimentaron tres formas de desplazamiento:

- 1) migración colectiva en busca de zonas de seguridad ante el conflicto;*

2) desplazamiento forzoso, por parte de Sendero y el MRTA que esclavizaron nativos y secuestraron como bases de apoyo; y,

3) migración de refugio por rescate, cuando la población anterior fue recuperada por el Ejército y las rondas nativas, y reubicada temporalmente en zonas seguras¹¹. Por las experiencias vividas, parte de los desplazados asháninka –como los de Chamiriari- llegaron a los centros de refugio en estado de shock.

[...]

Y finalmente, porque no buscaron construir nuevas ni mejores condiciones de vida, toda vez que su desplazamiento se concibió como temporal y por ello tuvo una alta vocación al retorno una vez superada la etapa de emergencia (Voz indígena 1995: 85). De ahí que los asháninka no hayan emigrado a centros poblados grandes alejados de sus territorios y zonas tradicionales, tampoco hayan optado por la inserción y la gran mayoría haya mantenido siempre la intención de retornar a sus propias tierras (CAAAP 1997: 9).

[...]

Sobre la población consultada, más del 80% esperaba retornar cuando fuera posible.

[...]

Los retornos asháninka se han desarrollado bajo dos modalidades: por el impulso estatal o por iniciativa de las propias comunidades. Los primeros se iniciaron en setiembre de 1994, como parte de una campaña impulsada por el Estado y las Fuerzas Armadas, llamado por los medios de comunicación «la gran marcha asháninka», que congregó aproximadamente 500 personas. Por otro lado, para el retorno comunitario, grupos o comunidades se organizaron colectivamente para volver a sus tierras originales, incluso cuando su desplazamiento había sido familiar y no comunal [...]

[...]

101 Por lo general, los programas desarrollados por el Estado para promover el retorno asháninka no tomaron en cuenta el marco cultural en el que ellos se desarrollaron. Algunas de las acciones cívicas del PAR fueron consideradas por los asháninka como simbólicas e insuficientes y algunos de los retornos organizados resultaron en algunos casos como colonizaciones pues no siempre involucraron a quienes habitaban originalmente los lugares de destino. De hecho, éste es un problema frecuente –e independiente de las acciones del PAR- pues en algunos casos las áreas desocupadas con el desplazamiento fueron ocupadas por colonos cocaleros cuya presencia perturbó las condiciones de retorno, sea éste espontáneo o no (Voz indígena 1995: 82).

[...]

Entre las principales demandas se solicitó que el PAR sea un programa de reinserción –apoyando a la población ya retornada- y no una organización para fomentar el retorno. A ello se sumaron los reclamos para que la ayuda (estatal y no estatal) tome en cuenta el marco cultural asháninka proveyendo soluciones apropiadas a su particular cultura y forma de vida. » (ICRC &PAR, 31 December 2003, pp. 97,101-2)

Resettlement

Integration in urban areas is the most prevalent option chosen (2003)

- Lima was the principal destination for IDPs because people were used to migrate there before the conflict in search of seasonal work
- 92% of IDPs had not intended to return according to a survey conducted in 2001
- The choice of IDPs not to return was mostly based on the lack of resources to reconstruct their livelihoods in areas of return and the integration of their children in urban areas
- Other factors explaining the choice not to return include psychological trauma to return and socio-political and economic marginality of areas of origin
- IDPs in Lima mostly request assistance for education
- Some IDPs from Ayacucho who took refuge in Huamange decided not to return to their area of origin and resettled where self-defence committees were well organised

- The vast majority of IDPs opts for integration in urban areas where they took refuge due to perceived better opportunities in towns for their children and fear of Shining Path activity
- 22% of IDPs chose to return and resettle in Lima, and nearly all displaced from Ancash settled in Lima
- 21% of IDPs chose to resettle in another department
- Two-thirds of IDPs from Junín decided to stay in their province and half of those from Ayacucho and Huanuco stayed in their province

« Lima terminó siendo el destino principal de los desplazados porque ya lo había sido para anteriores oleadas de migración generadas por motivos económicos.

[...]

Se estima que no menos de 120 mil personas desplazadas por la violencia política se asentaron en Lima, el principal destino de los desplazados extraregionales.» (ICRC & PAR, 31 December 2003, p.83,83)

« Aunque en todas partes los desplazados muestran tendencias tanto a la inserción como al retorno, los trabajos consultados coinciden en que en las grandes ciudades (Lima, Huancayo, Ica) se impone la tendencia a establecerse definitivamente [...]. En ellas, y especialmente en Lima, la mayoría habría optado por la inserción tal como se muestra en la encuesta aplicada en el 2001, donde 92% de los desplazados señala no haber intentado el retorno (86% en Lima, 94% en Ica y 97% en Junín).

Aunque algunos textos explican ello por el temor de las secuelas de violencia y las condiciones de extrema pobreza, marginalidad social, cultural, económica o política –por lo general anteriores al desplazamiento- (II Seminario 1995), lo más probable es que ello responda también a condiciones «actuales» como la socialización urbana de los hijos o falta de recursos para la reconstrucción en los lugares de origen (Coronel 1990). A ello se suma la inversión ya realizada y los logros obtenidos en la ciudad (en 1990 se estimaba que el 50% de los desplazados en Lima contaba ya con vivienda propia), así como las mayores expectativas de desarrollo familiar que brindan los espacios urbanos particularmente para las mujeres y los hijos.

[...]

La inserción en los espacios urbanos se aprecia en varios indicadores de diverso tipo. Por un lado, por las referencias a los niveles educativos señalados líneas arriba, el acceso a los servicios de salud (50% en 1994) pero también por los grados de pertenencia y participación en organizaciones locales con base vecinal y comunal, como los comités del vaso de leche o los clubes de madres, en los que se aprecia prácticamente una duplicación en la participación entre 1994 y el 2001[...]

[...]

Los desplazados en Lima solicitan ante todo apoyo en educación, incluida la educación de adultos, pero no señalan la necesidad de ayuda psicológica. Incluyen también demandas por justicia y seguridad.» (ICRC & PAR, 31 December 2003, pp.85,120)

« Comuneros desplazados que se reubicaron en un lugar distinto al de origen y de recepción, fueron los de San Juan de Viñaca (San José de Ticllas, Huamanga, Ayacucho), que se asentaron provisionalmente en Huamanga y luego regresaron al distrito al que pertenecía su comunidad de origen, pero se ubicaron en un lugar diferente, en el anexo Simpapata, donde “...los Comités de Autodefensa se encontraban bien organizados por disposición del militar conocido como Centurión”. [...]

Respecto a los desplazados en proceso de inserción urbana definitiva, se estima que dicha opción en la actualidad es absolutamente mayoritaria, confluendo para ello diversos factores, tales como el prolongado período de permanencia en las ciudades, la socialización urbana de los hijos, la visión de un proyecto familiar con mayores oportunidades en el espacio urbano, el temor a la reactivación del accionar senderista, la pobreza de recursos para reconstruir sus comunidades, etc. » (CVR, 28 August 2003, Tomo VI, 1.9)

« Por otro lado, los destinos varían de acuerdo a las zonas. Lima fue el lugar escogido por el 22% de los desplazados-retornantes; 21% se desplazó a otro departamento en tanto que 22% lo hizo a otro distrito de su provincia de origen. Hay gran variación de acuerdo a las zonas: dos terceras partes de los desplazados en Junín se quedaron en su provincia igual que la mitad de los ayacuchanos y huanuqueños; en tanto que más de dos terceras partes de los apurimeños y huancavelicanos y la tercera parte de los ayacuchanos se dirigieron a otro departamento; los ancashinos se desplazaron casi íntegramente a Lima. » (ICRC &PAR, 31 December 2003, p.30)

Return and resettlement programmes

Government Program in Support of Repopulation targetted only IDPs who settled permanently overlooking survival strategies (2003)

- PAR organised its programmes of assisted return on wrong estimated numbers of IDPs, according to several researchers
- PAR under-estimated inter-regional returns and overestimated intra-departmental returns from departmental capitals
- According to government estimates half of the IDPs were willing to return
- Government census on who wished to return included 37% of IDPs who opted for dual residence (city-urban) and 18% who put conditions on returning
- According to researchers in 1994, 84,3% of the IDPs in capital cities had opted for local integration
- Most of IDPs registered for organised returns hoped to receive assistance but not necessarily to give up their dual residence, thus IDPs then went back to their areas of refuge
- PAR ignored that IDPs survival strategies were based on “dual residence”
- Although some displaced might have owned some property in town they still needed to have a link with farming activity to sustain their urban livelihoods
- IDPs argued they needed to stay in the cities to be able to send their children to school
- In the Andes the practice of seasonal migration pre-dates war-induced displacement and only extremely impoverished families have no dual residence
- Many displaced families have adopted a strategy of partial return, where men return to work the land while women and children stay in the cities
- In order to avoid new conflicts assistance should target at the same time IDPs, impoverished migrants and the “stayees”

« La mayor parte de retornos asistidos habrían sido organizados por el PAR sobre la base de una política general construida –según el análisis de Coronel (1999)- a partir de una lectura incorrecta de sus propias cifras. En efecto, la lectura de las respuestas sobre la intención de retorno habría subestimado la importancia del retorno interzonal y sobrevaluado la del retorno desde las capitales de departamento. Así, al incluir entre los potenciales retornantes al 37% que respondió que retornaría sin dejar la ciudad y al 18% que retornaría con condiciones, se habría interpretado tendenciosamente las cifras de la encuesta de 1994 para justificar una política de apoyo al retorno desde las ciudades, que resultaba más impactante en términos de imagen y propaganda. Según la interpretación oficial, más de la mitad de los desplazados habría estado esperando la posibilidad de retornar. Sin embargo, leída correctamente, la misma encuesta muestra en cambio que para 1994, el 84,3% [12] de la población desplazada residente en las ciudades de Lima, Huancayo, Ica, Abancay y Huamanga, ya había optado por la inserción (Coronel 1997). [Footnote

12: La cifra incluye la población que en 1994 declaró que: 1) no retornaría, 2) retornaría sin dejar la ciudad o, 3) retornaría con condiciones (Coronel 1997: 602).

[...]

Es lugar común afirmar que la mayor parte de los retornos organizados por el Estado fracasó en la medida en que buena parte de dicha población retornante volvió a las ciudades-refugio para reasentarse luego de un breve período de residencia en sus lugares de origen (y se suelen citar por ejemplo, casos como los de Culluchaca en 1996 o de Iquicha en 1997). Ello se explica porque buena parte de los retornos organizados estuvieron fundados en la expectativa de recibir apoyo oficial pero probablemente en muchos casos no hubo nunca la intención de abandonar definitivamente los nuevos espacios de residencia (por los que ya se había optado, por las razones antedichas líneas arriba). Por lo demás, si creemos a los encuestados, el apoyo estatal se limitó sobre todo al transporte y en el caso de la reconstrucción de viviendas y provisión de enseres a una mínima y limitada ayuda (ver cuadro 8). » (ICRC & PAR, 31 December 2003, p.41,2)

"Interviews also showed that many had in fact signed up for the PAR-return in order to get access to what they saw as the only available development fund for this group of urban dwellers. Several owned property in the city, but they felt that only renewed access to farmland and livestock could secure a future urban living. Thus their vision of return was not a permanent settlement in the rural communities but rather a livelihood based on dual residence. For this vision to materialize, in fact, they felt they were less in need of assisted return than of an improvement and extension of the infrastructure, in particular the road system connecting villages with market towns, and the development of irrigation systems. In sum, if the state provided public works (roads, irrigation, and electricity), they felt quite confident that they could manage the rest as private entrepreneurs." (Stepputat and Sorensen, 2001, pp. 784)

"This case of return neatly demonstrates at least three points. First, a lack of urban development funds makes the resources available in the relief fund attached to the state-sponsored return of repopulation programmes, if not attractive, then the only option left for impoverished city dwellers. Second, the self-initiated mobile livelihood strategies embarked upon by large numbers of people – strategies which to a large extent have secured their survival in times of war as well as in deteriorating economic conditions – are totally ignored in the state's vision of future development. In order to qualify for state-sponsored return programmes, people need to stay put in one place. Finally, the case demonstrates that the categories of migrants and IDPs tend to lose their meaning and analytical applicability when complex processes of violence and migration generated by civil war combine with already established patterns of migration." (Stepputat and Sorensen, 2001, pp. 786)

"In order to avoid the fuelling of new social conflicts it may nevertheless be a better idea to consider IDPs, impoverished migrants and those who stayed in the rural communities not as separate categories with different entitlements but as part and parcel of a common recuperation and reconciliation process." (Stepputat and Sorensen, 2001, pp. 787)

« El tema principal de la discusión es la condición del gobierno de que solo las familias que se vayan con el objeto de asentarse permanentemente en la aldea y se conviertan en "comuneros activos" recibirán apoyo. En varios de los destinos de retorno, los retornados han sido catalogados como "turistas", ya que no se quedaron en las aldeas sino que regresaron a las ciudades. En la reunión, las madres argumentan que han tenido que quedarse en la ciudad donde sus niños asisten a la escuela. Todos saben de la calidad inferior de las escuelas de aldea y es difícil encontrar escuelas secundarias. Los hombres quieren poder salir de la aldea para distintas tareas.

Sin embargo, el oficial insiste: "padre, madre, hijos, el grupo completo – eso es lo que llamamos una familia... este es el objetivo." Por ende, argumenta, los retornantes no tendrán éxito en desarrollar los medios de subsistencia en su aldea, ni recibirán apoyo del gobierno para ello, a menos que las familias se asienten de forma permanente y juntas ejerzan presión para mejorar la escuela y otros servicios. El oficial afirma que habrán más retornos posteriormente. "Sí, claro", se ríen las mujeres, "retornos a la ciudad".

[...]

Un problema menos obvio, sin embargo, es la común subestimación del grado en el cual la movilidad forma parte de las estrategias para subsistencia en general, y en particular en los Andes.

[...]

Hoy, solo las familias más pobres no llevan a cabo migraciones de temporada, y la mayoría de las familias influyentes tienen doble residencia.

[...]

En concordancia con esta larga tradición, muchos de ellos que planean ahora regresar, no pretenden hacerlo de forma permanente. En vez de ello, intentarían re-establecer e incorporar elementos rurales a sus estrategias de subsistencia, mientras mantienen sus lazos y bases en la ciudad.

[...]

Por lo tanto, en vez de referirse al desplazamiento y retorno como movimientos absolutos, en una sola dirección, en la vida de las personas, el enfocarse en redes y modos de subsistencia móviles puede ser una mejor manera de ayudar a la gente afectada por conflictos violentos, a ir más allá del alivio de emergencia.

La dinámica post-conflicto en el Perú rural, como en muchas otras regiones, es altamente compleja; el retorno asistido de los desplazados internos se suma a esta complejidad y tiene el riesgo de provocar nuevos conflictos sociales. Para evitar esto, podría ser una mejor idea el apoyar a los desplazados internos, migrantes empobrecidos y los "permanecientes", no como categorías separadas sino como parte de un proceso común de recuperación y reconciliación. » (Stepputat & Sorensen, 1 March 2003)

"In a number of families, the parents and young children return, and the older children who are working or in school stay in the city. In other families, the men return to work on the land, and the wives and children remain in the city. After the harvest, the men sell their crops and return to the city with the money, or sell part of their crop and take the rest with them to their family. [...]" (USCR 1996, p. 193)

PAR return projects did not assist IDPs willing to settle in urban areas where they took refuge (2004)

- About 60,000 IDPs in Lima had not returned and were in need of assistance to reintegrate locally as of 2004
- PAR estimates that between 150,000-200,000 IDPs arrived in Lima during the conflict
- 84% of the remaining IDPs preferred to settle permanently in their areas of refuge according to a 1998 survey
- In 2003, the IDPs living on the outskirts of Lima, were living in poverty without access to proper shelter, medical and psychological care, nor formal employment, nor assistance
- The PAR project would only assist those willing to permanently return to their areas of origin and the rest were to be assisted through poverty-alleviation programmes
- Displaced persons lacking formal qualifications and knowledge of Spanish tend to return to their communities of origin due to lack of job and integration openings
- "Return and resistance" are options that rise when IDPs try to exit urban poverty by returning to their areas of origin, where they are often stigmatized as alleged accomplices of terrorist groups
- The second phase or return is characterized by marginalization and lack of access to rights as well as illegal cultivation of coca crops as last resort. Many of the returnees moved back to the cities where they had taken refuge due to unsustainable conditions in areas of return as of 1999
- By 1999, 80% of the 350,000 IDPs who had not returned in their areas of origin (280,000 people), had permanently settled in new locations, according to MENADES

"El proceso de desplazamiento se divide en dos fases:

La inserción, que se refleja en el crecimiento acelerado de ciudades, como en la selva, desde la generalización de la violencia en 1984. Para esta fase, se debe tener en cuenta los siguientes factores: a) al ser una zona de colonización, la identidad rural está en construcción y al interrumpirse este proceso por la violencia y trasladarse la población a las ciudades, las estrategias de resistencia son básicamente familiares, a diferencia de la sierra, donde todo el proceso gira en torno a la comunidad; b) Los desplazados fueron excluidos de las tardías políticas de apoyo, argumentando imposibilidad de diferenciarlos de la población de las ciudades. Cosa totalmente contradictoria con la existencia de la Asociación de Desplazados San José, que cuenta con 685 familias empadronadas (4000 personas aproximadamente.) que han optado por la inserción en Huánuco, los que no se encuentran abandonados; c) El olvido del Estado de sus derechos básicos: vivienda, trabajo, educación, en un afán de hacerlos invisibles.

Retorno y Resistencia. Los resistentes son los que, como salida a la crisis de las ciudades, han optado por mantenerse en las "zonas de guerra", en condiciones de inseguridad y son vistos por el Estado, como cómplices de Sendero Luminoso. El retorno tiene las características siguientes: a) La estrategia familiar de resistencia, pues no existen retornos colectivos, se da en forma lenta y anónima; b) La propiedad de la tierra que tuvieron que abandonar y que desean conservar; c) La marginalidad, pues la institucionalidad social y estatal en las áreas rurales está afectada, cosa que la ocasionado la debilidad en el ejercicio de los derechos, d) el retorno a la ilegalidad con el cultivo de la coca, ya que los productos de panllevar son de maduración lenta y con precios bajos, lo que trae como consecuencia una mayor inestabilidad e inseguridad; e) erradicación forzada de la producción y comercialización de la coca, que perjudica a los productores, que son el último eslabón de la cadena que protesta contra el gobierno central; f) empobrecimiento extremo como consecuencia de la erradicación forzada de los sembríos ilegales que, en vista de la situación, es considerada la salida más útil; g) grave daño ecológico, pues se utiliza métodos químicos y biológicos para su erradicación, dañando el equilibrio ecológico; h) Inviabilidad de ejercer derechos como consecuencia de lo ya descrito; i) Clima de inseguridad social, que se arrastra de las acciones que realizan las partes implicadas (erradicación-protestas) [...]" (CNDDHH, June 2002, p.94-95)

"Although the conflict producing their displacement ended years ago (and they are no longer counted by the U.S. Committee for Refugees as internally displaced), an estimated 60,000 people, mostly in the Lima area, have not returned to their homes. Many do not have a home to return to and suffer discrimination for being displaced persons. United Nations and local human rights officials have concluded these people need additional assistance to achieve integration into their chosen communities. The Peruvian Congress passed a law last year, which will target assistance to this population." (USCR, 2004)

« En un estimado, se cree que a Lima llegaron entre 150 mil y 200 mil desplazados que, en su mayoría, ocuparon los distritos de San Juan de Lurigancho, Ate Vitarte, Huachipa, Villa El Salvador, Cilla María del Triunfo, Puente Piedra y San Juan de Miraflores; el 70% de los desplazados fueron campesinos, el 20% provenía de las zonas urbano marginales y el 10% de los sectores medios y altos.[...]» (CNDH, June 2002, p.93)

"I understand that internally displaced persons living in the outskirts of Lima, for example, continue to live in poverty without access to proper shelter, medical and psychological care and formal employment. Although these displaced persons have managed to survive in sub-standard conditions as best as possible, many wish to become productive self-reliant members of Peruvian society. And while the desire to integrate is strong among urban displaced persons many, in particular older displaced persons, do not receive assistance or have the means to better their situation". (UN R S-G on IDPs, 4 July 2003)

"Although PAR represented the first official recognition of the existence of displaced persons in Peru, the programme was only directed towards those who wanted to return: 'We have determined that the best option for the displaced would be for them to return to their areas of origin – with the necessary help' (PAR representative quoted in USCR, 1996:11). In principle, the rest of the displaced population would be assisted through general programmes for poverty alleviation." (Stepputat and Sorensen, 2001, pp. 784-785)

"In 1999, the Mesa said that 80 percent of the 350,000 displaced persons who by then had not returned home had settled permanently in their current locations. Although the Mesa said that many "no longer want to be called *displaced*," it still counted them as displaced because it believed they still required special attention and assistance from the government. Groups that formerly called themselves "Displaced Persons' Associations" now call themselves "Populations Affected by the Violence" or "Communities in Reconstruction." These groups demand better government-support services, particularly for urban populations. The Mesa estimated that about 70,000 people remained displaced within Peru in 1999." (USCR 2001)

"At year's end [2000], some 60,000 people remained internally displaced within Peru [...] According to the government of Peru, in 2000, the *Programa de Apoyo al Repoblamiento* (PAR, Program to Support the Repopulation), the government agency that assists displaced persons to return home, helped ten groups totaling 1,818 persons to return home. The PAR believes, however, that most displaced persons who returned home did so by their own means. Although the PAR did not have concrete data on spontaneous returnees, it estimated that more than 9,000 formerly displaced persons returned home spontaneously in 2000, bringing the total number of returnees during the year to more than 11,000. USCR therefore estimated the displaced population at the end of 2000 to be approximately 60,000." (USCR 2001)

"There were no concrete figures on the number of Peruvians who remained displaced at the end of 1999. The government and NGOs differed in their estimates of the number who returned home following the easing of hostilities (the government's estimate was much higher than that of the NGOs). However, both sides agreed that no less than 20 percent of the displaced (more than 80,000) returned home. A large number of returnees found conditions at home untenable and subsequently migrated back to the cities." (USCR, 2000)

"The PAR tends to concentrate on infrastructure development in the communities to which displaced persons are destined to return, building roads, bridges, utility lines, schools, health centers, and the like. The PAR also provides returnees with an initial supply of agricultural tools, seeds, food, medicines, blankets, and kitchen utensils. The NGO's, on the other hand, focus on the training of the returnees in self-advocacy and on the development of vocational skills. The PAR provides no direct financial assistance to those displaced persons who chose not to return to their original communities." (US DOS February 25 2000, p. 22)

"The Foreign Minister, meanwhile, announced that he would give priority to the establishment of a Peruvian International Cooperation Agency. This decentralised public institution would be in charge of gathering as many resources as possible for the war on poverty and for efforts to promote the rights of women and indigenous communities, among others." (PCS, August 2001)

"According to a study by the MNDP, 84 percent of the approximately 360,000 persons who remain displaced do not plan to return to their areas of origin but prefer to settle permanently in their areas of refuge." (USCR 1998, p. 236)

"On August 17, a total of 452 people returned to the communities of Vinchos, Paccha, Opancca, Patahuasi and Parxxahuanca, located in Huamanga, Ayacucho, with support from the National Programme to Support Repopulation, PAR. The returnees said that they had decided to return to their communities of origin because they had not been able to find jobs in the cities. Most of them do not have formal qualifications and speak little Spanish, all of which has made it difficult for them to adapt to urban life." (PCS, AUGUST 2000)

"Due to the fact that the Government does not have a program for assisting those displaced who want to integrate in the cities, many IDPs are living under precarious conditions. "[M]any are still traumatized by the violence they endured. Most lack the skills to earn a living. Many are illiterate. Some cannot afford to send their children to the public schools. [...]"

According to the U.S. Committee for Refugees, the Government lacks the resources to implement programs of assistance aimed at both returnees and those who want to integrate. Those IDPs, it argues, are able to benefit from social services provided to the poor in general. USCR claims that those displaced who choose to integrate "[a]re likely to fade into Peru's tragic underclass, remaining the most marginal of that nation's dispossessed. [...]" (USCR 1996, p. 192, 193)

Return processes undermined by lack of assistance (2002)

- PAR estimated that about half of the displaced by war had returned to their areas of origin by 2001, but that only about 20,930 had received government assistance
- The PAR ('Project in Support of Repopulation') established in 1993 focuses its activities on infrastructural reconstruction in areas of origin
- PAR assisted IDPs who applied for support directly rather than through organizations (church, NGOs) working with the displaced
- Returns hampered by insecurity and unsustainable living conditions
- IDPs forced to return due to intolerable living conditions in areas of refuge and fear that abandoned land would be seized and redistributed
- The main return movement is from rural centres of refuge towards the places of origin of the displaced
- PAR has assisted approximately 18,000 people while 300,000 returned on their own
- Up to 20% of returnees went back to the areas where they took refuge due to lack of assistance in their areas of origin

"A Medios del mes de mayo de 2001 la jefa del PAR, Isabel Coral, comentó la falta de solidaridad y ayuda por parte de esta institución, puesto que focalizaba la ayuda hacia determinadas zonas, además de la ausencia de una política de estado coherente con estos casos, cosa que originó la división del país, instrumentado el programa para la propaganda política del presidente Alberto Fujimori. El PAR estima que ya casi al mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20,900 han recibido ayuda del gobierno anterior." (CNDH, June 2002, p.93)

"The return was facilitated and supported by the government agency, PAR, the 'Project in Support of Repopulation' which was established in 1993. [Note:] PAR started operating in 1994. In 1996 it was turned into a Presidential 'Programme for Repopulation', and later in 1996 it became the 'Programme for support to the repopulation and development of the emergency zones' (PROMUDEH). [End of Note] The programme came into existence after the national (and international) mobilization for the plight of the IDPs, but the organization of the IDPs was probably only one of several factors behind the creation of PAR." (Stepputat and Sorensen, 2001, pp. 784-785)

"PAR received substantial funds from UNDP, EU and others, and through co-ordination with other agencies of the Peruvian government, PAR's support for return and resettlement – the emergency phase – was to be complemented by governmental funds for development for the rural areas. 'In this way', a PAR document sets forth '[the multisectoral coordination] makes possible the extension of the State's services... to the most remote population centres' (PROMUDEH, 1997). Thus, the return of the displaced population was envisaged as a vehicle for the state institutions to establish themselves in the rural areas. While the 'base organizations' were supposed to participate in the 'definition and implementation of the actions', PAR seldom had contact with the formal organizations of *desplazados*, or with the NGOs and churches working in the field. Like many other governmental funds, PAR preferred to work directly with small groups of *desplazados* who applied for support." (Stepputat and Sorensen, 2001, pp. 784-785)

"[...] A significant return trend is evident in Peru that has been fully encouraged by the Government and the donor community. However, lack of security and sustainable living conditions often inhibit return, impair return projects and cause new displacements. Lack of education in the return areas, in particular, was identified as a serious disincentive to return. Such risks are compounded by the traditionally high mobility of the population for farming or other purposes, difficulties in access and the institutional weakness of the State, which is not in a position to prevent the militarization of social activities." (UN Commission on Human Rights, 1 April 1996 para. 94)

"The general weakening of the strength of the Sendero Luminoso after the capture of Abimael Guzmán in 1992 together with intolerable living conditions in some cities of refuge encouraged many displaced to return to their places of origin, or at least to start making plans for return. Those displaced most willing to return have been people who remained close to their homes or who had not been displaced for a long time. Furthermore, some displaced families returned home because of fear that their abandoned land would be seized and redistributed. Others had expected more assistance from the PAR than they received and therefore some families, who returned home prematurely, were unable to sustain themselves, and again had to leave their homes in search of a livelihood. In most areas of return, returnees set up civil defense patrols to defend themselves from continued rebel threats. Most returns have taken place in the departments of Ayacucho and Huancavelica, but also in Ayacucho and Junín." (UN CHR, 1 April 1996, para. 66; USCR 1995, p. 185)

"With the decrease in terrorist violence since 1995, many displaced persons began to return to their rural homes. The PAR, which provides a number of basic services to accelerate returnee self-sufficiency, has assisted 18,000 persons to return and estimates that another 300,000 have returned on their own. NGO's differ on the total number of returnees and estimate generally that less than 100,000 have returned to their communities of origin. However, NGO's and the PAR agree that only 15 to 20 percent of returnees leave after resettling in their original communities, due to dissatisfaction with the arrangements that awaited them in their home communities. An even higher percentage of returnees have yet to reestablish themselves permanently and instead travel back and forth between their original and their displacement homes." (US DOS February 25 2000, p. 22)

NATIONAL AND INTERNATIONAL RESPONSES

National response

Chronology of response 1984-2004

- Between 1984-1992 is mostly emergency assistance provided by church institutions as well as the ICRC
- It is at the turn of the 1990s that the displaced start organising themselves in assistance committees
- Between 1992-4 starts the recognition of IDPs rights and NGOs and international cooperation agencies assist IDPs and a national coordination forum is created in 1993
- In the early 1990s assistance focuses on the restitution of rights such as documentation campaigns, legal advice for accused innocents and mental health
- From 1994 to 1998 the state creates programmes of return and reintegration and the Program of Support for Repopulation was created in 1993
- From 1998 to today, most of the organisations who used to assist IDPs, implement programmes of poverty-alleviation targeting a much broader group

« En grueso, el ciclo del apoyo a los desplazados en el Perú, habría pasado por cuatro etapas:

- 1) la atención de la emergencia (1984-1992);
- 2) la restitución y reconocimiento de derechos (1992-1994);
- 3) el apoyo promocional a la inserción urbana y al retorno (1994- 1998);
- 4) el desplazamiento de la problemática hacia otros sujetos de interés (1998 a la actualidad).

El primer período corresponde a los años de la violencia, cuando se proveía de ayuda de emergencia, limitada a pequeños grupos y canalizada principalmente por instituciones de iglesia como CEAS y CONEP. CEAS empieza a preocuparse tempranamente por la problemática: en 1984 atendía unas 90 familias y en 1990 ya se ocupaba de 600. Ante el crecimiento del fenómeno, hacia fines del período muchas instituciones se han sumado a la ayuda a familias de desplazados como el Comité Internacional de la Cruz Roja, y a la vuelta de los 90 se les suman las asociaciones de desplazados (primero Hatary Ayllu en Huancayo 1985; mucho más adelante ASFADEL en Lima, 1991).

Hacia 1992, la problemática de los desplazados era ya parte de la agenda de muchas instituciones: iglesias, ONGs, asociaciones civiles, organizaciones humanitarias y también de las agencias de cooperación internacional. Existía incluso una comisión técnica para el tratamiento del problema, luego se crearían una mesa de coordinación en Lima y luego en el ámbito nacional (1993). Sin descuidar los apoyos en ayuda humanitaria, que aunque redefiniéndose serían constantes a lo largo del tiempo, se empezó a tratar la problemática en términos de restitución de derechos, abriéndose además un proceso consultivo a nivel internacional (ICVA 1992-1993). Buena parte de las acciones de la cooperación y apoyos se enfocaron en las tareas de restitución de derechos (comenzando por el de identidad ciudadana), presionando hacia el tratamiento de la problemática por el Estado. Corresponden al período las campañas pro indocumentados, la defensa legal de inculpados inocentes, las mesas de salud mental y los primeros talleres y encuentros de asociaciones de desplazados.

Hacia mediados del período se crea el Programa de Apoyo al Repoblamiento, PAR creado en 1993 en el Mipre-Inade. El nuevo organismo entra en funciones desde 1995 desde el Ministerio de la Presidencia y un

año después es transferido al Ministerio de la Mujer como Programa Nacional de Apoyo a la Población Desplazada; finalmente, fue rebautizado en 1998 como Programa de Apoyo al Repoblamiento y Desarrollo de Zonas de Emergencia. Los cambios en su denominación marcan de alguna manera la serie de cambios en la estrategia y el enfoque que caracterizarán el accionar del PAR a lo largo de sus diez años de existencia.

Según Francke, hasta el 2001 el PAR habría pasado por tres etapas:

- 1) entre 1993 y 1995 era concebido como un soporte y apoyo a la estrategia de pacificación implementada desde el Ejército, constituyéndose como un núcleo de coordinación de acciones entre diversas agencias del Estado;
- 2) entre 1996 y 1997, cambia sus prioridades orientándose hacia acciones de repoblación y desarrollo de los pueblos afectados, concibiendo este apoyo básicamente como de construcción de infraestructura, lo que representaba el 80% de su presupuesto; y,
- 3) entre 1998 y el 2000, se orienta más hacia acciones de corte social y de reparación y reconstrucción institucional de las poblaciones afectadas, vinculándose con ONGs (Francke 2001).

El tercer período es el de las acciones orientadas por grupos institucionalizados, de un lado las organizaciones de la sociedad civil y del otro, el Estado, y corresponde a dos formas de accionar, relativamente aisladas -y en ocasiones contrapuestas- una de la otra: de un lado las acciones coordinadas de las agencias de apoyo a los desplazados, centradas en la promoción, la organización y la restitución de derechos; del otro, el trabajo del Estado promoviendo fundamentalmente el retorno de las poblaciones desplazadas.

[...]

Finalmente, el período actual parece ser de redefinición del trabajo de atención a la población desplazada. Incluso aquellas ONGs y asociaciones que se dedican específicamente al tema (como Suyasun o la MENADES, incluso ASFADEL), empiezan a ampliar los horizontes atendiendo tanto la problemática global de los afectados por la violencia política como, y sobre todo, ocupándose cada vez más de la atención a pobladores urbanos en términos más amplios, hacia la autogestión y la ciudadanía en sus espacios de residencia.

[...]

En el contexto actual, la mayor parte de las agencias que en algún momento se dedicaron a la atención de poblaciones desplazadas han dejado de ocuparse directamente de ellas (buena parte ha vuelto a sus acciones o poblaciones objetivo originales) atendiendo a poblaciones más amplias en términos de lucha contra la pobreza, desarrollo de la autogestión y la participación en espacios locales pero sobre todo derivando hacia acciones más generales, de naturaleza y cobertura política y social como la reconciliación nacional o la Comisión de la Verdad y Reconciliación. » (ICRC & PAR, 31 December 2003, p.75-7)

Law recognising the status of internally displaced persons promulgated 19 May 2004

- Law No. 28223 recognizes the special status of internally displaced people and the specific problems they face
- Building on UN's Guiding Principles on Internal Displacement, the law defines the rights of citizens with regard to protection against forced displacement, assistance during displacement for a period of six months, and during the return, resettlement and integration phases
- Article 9 stresses state's responsibility to prevent displacement particularly of indigenous and Andean communities who have special ties to their land
- Art. 23 dictates the need to set up a database for the collection of IDP-related information
- Implementation of the law falls on the responsibility of the Ministry of Women and Social Development (MIMDES)

- The law follows up to the recommendations of the CVR, and will do justice to over 600,000 IDPs who never received any reparation according to president Toledo
- The project of law for IDPs presented by Member of Congress Dora Núñez was approved by Congress in July 2003
- The project was not discussed in plenary in November 2003 because it was criticised for being a copy of the Guiding Principles on Internal Displacement and for "duplicating" the Peruvian Constitution

“Artículo 1°.- Objeto

El reconocimiento por el Estado peruano del estatus específico de “Desplazado”, su naturaleza legal y la atención de los diversos problemas jurídicos, no regularizados por las normas marco hasta el momento expedidas.

Esta norma tiene por objeto definir los derechos y garantías pertinentes para la protección de las personas contra el desplazamiento forzado (y para su protección) la asistencia durante el desplazamiento y durante el retorno o el reasentamiento e integración.

[...]

Artículo 7°.- Desplazamientos arbitrarios

7.1 Todo ser humano tiene derecho a la protección contra desplazamientos arbitrarios que le alejen de su hogar o de su lugar de residencia habitual.

7.2 La prohibición de los desplazamientos arbitrarios incluye los desplazamientos:

- a) Basados en políticas cuyo objeto o cuyo resultado sea la alteración de la composición étnica, religiosa, racial, social o política y apartheid y/o limpieza étnica de la población afectada;*
- b) En situaciones de conflicto armado, a menos que así lo requiera la seguridad de la población civil afectada o razones militares imperativas;*
- c) En casos de proyectos de desarrollo en gran escala, que no estén justificados por un interés público superior o primordial;*
- d) Cuando se utilicen como castigo colectivo.*

7.3 Los desplazamientos no tendrán una duración superior a la impuesta por las circunstancias.

[...]

Artículo 9°.- Pueblos indígenas, minorías, campesinos y otros grupos

El Estado tiene la obligación de tomar medidas de protección contra los desplazamientos de pueblos indígenas andinos, nativos de etnias en la amazonía, minorías campesinas y otros grupos que tengan una dependencia especial con su tierra o un apego particular a la misma.

[...]

Artículo 10°.- Asistencia Humanitaria

La asistencia humanitaria se presta de conformidad con los principios de humanidad e imparcialidad y sin discriminación alguna, por un plazo que no exceda de seis (6) meses, a partir de que se empiece a brindar la asistencia humanitaria. Los casos especiales que así lo requieran, se tratan de manera individual.

No se desvía la asistencia humanitaria destinada a los desplazados internos, ni siquiera por razones políticas o militares. La labor de fiscalización de la asistencia humanitaria que se otorgue está a cargo del Ministerio de la Mujer y Desarrollo Social.

[...]

Artículo 14°.- Condiciones para el regreso, reasentamiento y reintegración

Las autoridades competentes tienen la obligación y responsabilidad de establecer las condiciones y proporcionar los medios que permitan el regreso voluntario, seguro y digno de los desplazados internos a su hogar o su lugar de residencia habitual, o su reasentamiento voluntario en otra parte del país. Esas autoridades tratan de facilitar la reintegración de los desplazados internos que han regresado o se han reasentado en otra parte.

En la medida de lo posible se asegura la plena participación de los desplazados internos en la planificación y gestión de su regreso o de su reasentamiento y reintegración.

Artículo 15°.- Los proyectos de retorno

El retorno a los lugares de residencia habitual deben ser voluntarios. Los proyectos de retorno deben reunir los componentes siguientes:

- a) Selección de los posibles retornados;
- b) Selección de las comunidades cuyo retorno debe promoverse, teniendo en cuenta el grado de seguridad en la zona y las condiciones mínimas para la reconstrucción de la infraestructura y del tejido social;
- c) Implantación de un programa de salud antes del retorno;
- d) Inicio de asistencia psicológica y emocional antes del retorno;
- e) Promoción de los derechos humanos;
- f) Traslado organizado de las comunidades;
- g) Reinserción en los lugares de origen previa evaluación (a cargo de las autoridades de la comunidad y las entidades ejecutivas, públicas y privadas) de las condiciones mínimas de autosuficiencia y autoprotección, así como de la posibilidad de detectar conflictos inminentes;
- h) Continuación de la enseñanza;
- i) Atención médica;
- j) Realización de obras de reconstrucción de la comunidad;
- k) Asistencia técnica para la producción agrícola;
- l) Reforzamiento de las relaciones sociales por medio de los órganos de solución de controversias;
- m) Integración de programas de desarrollo a mediano plazo para mitigar la pobreza.

[...]

Artículo 17°.- De las Autoridades respecto de los desplazados

Los desplazados internos que regresen a su hogar o a su lugar de residencia habitual o que se hayan reasentado en otra parte del país, no son objeto de discriminación alguna basada en su desplazamiento. Tienen derecho a participar de manera plena e igualitaria en los asuntos públicos a todos los niveles y a disponer de acceso en condiciones de igualdad a los servicios públicos.

Las diferentes entidades y servicios del Estado tienen la obligación y la responsabilidad de prestar asistencia a los desplazados internos que hayan regresado o se hayan reasentado en otra parte, para la recuperación, en la medida de lo posible, de las propiedades o posesiones que abandonaron o de las que fueron desposeídos cuando se desplazaron.

[...]

Artículo 21°.- Asistencia a la población desplazada

El Ministerio de la Mujer y Desarrollo Social, tiene entre sus funciones, asesorar, capacitar y atender, según sea el caso, a la población desplazada, de acuerdo a su presupuesto y con la colaboración de otras entidades del Estado, para lo cual puede, mediante un decreto supremo, encargar dichas funciones a una dependencia interna o a uno de sus Organismos Públicos Descentralizados.

[...]

Artículo 23°.- Del Registro Nacional para las Personas Desplazadas

El Ministerio de la Mujer y Desarrollo Social, elabora un Registro Único, a fin de asegurar el conocimiento por parte del Estado del número de desplazados, sus características y necesidades de los mismos.

A nivel Regional y Municipal dicho registro puede tener desarrollos especiales en atención a las necesidades y características del desplazamiento.

Las autoridades competentes para recabar la información individual de desplazados son: los Gobiernos Regionales, las Municipalidades y la Defensoría del Pueblo. En caso de desplazamientos masivos, dichas autoridades, bajo responsabilidad, pueden solicitar la cooperación de otras entidades e instituciones del Estado o de la Sociedad Civil.

DISPOSICIONES TRANSITORIAS

PRIMERA.- Del Tratamiento a los Desplazados

El tratamiento dado a los desplazados por el Estado y la Sociedad Civil debe ser revisado a fin de buscar mecanismos para favorecer el regreso, reasentamiento y reintegración.

SEGUNDA.- De la Base de Datos

La base de datos de la Comisión de la Verdad y Reconciliación en materia de desplazados, en aquellos aspectos que no recojan información confidencial, debe ser incorporada a la base de datos del Registro Nacional para las Personas Desplazadas consignado en el artículo 23° de la presente Ley.

TERCERA.- De la Capacitación y especialización del personal

El Ministerio de la Mujer y Desarrollo Social promueve el desarrollo de un programa de capacitación, formación y especialización para el personal encargado de aplicar la presente Ley y vela por establecer mecanismos de coordinación constantes para su efectiva aplicación. Los organismos no gubernamentales y la sociedad civil pueden facilitar las actividades de promoción, coordinación y ejecución de la presente Ley.

CUARTA.- Del Reglamento

El Ministerio de la Mujer y Desarrollo Social (MIMDES) debe emitir el Reglamento correspondiente dentro de los 60 días posteriores a la entrada en vigencia de la presente Ley. » (GOP, 19 May 2004)

« Toledo expresó que esta norma hace justicia a más de 600 mil desplazados, y que el Perú ha sentado un precedente en la región, debido a que nunca antes estas personas fueron objeto de reparaciones, las que sólo llegaban a los detenidos, huérfanos y familiares de los desaparecidos. » (El Peruano, 20 May 2004)

« Si bien es cierto que la iniciativa legislativa de la congresista Dora Núñez, el Proyecto de Ley de Desplazamiento, que definiría en la legislación peruana los derechos y las garantías de las personas contra el desplazamiento forzado, para su protección y asistencia durante el traslado y durante el retorno, reasentamiento y reintegración, fue aprobada por el Congreso el 9 de julio del 2003, el Poder Ejecutivo, en ejercicio de sus facultades constitucionales, observó la norma entre otras razones por que la referida ley ordenaba la desactivación del Programa de Apoyo al Repoblamiento (PAR), a cargo del Ministerio de la Mujer y Desarrollo.

[...]

En octubre desde la Comisión de Justicia y Derechos Humanos del Congreso se incorporó al PAR como ente ejecutor. El 13 de noviembre, el proyecto de ley no fue discutido en el pleno porque la bancada aprista presentó una moción previa, señalando que la propuesta era una copia de los principios rectores incluidos en las leyes y que repite en sus artículos lo que ya está señalado en la Constitución. Por esta razón la mencionada iniciativa fue pasada a la Comisión de Constitución. El 9 de diciembre, luego de alonzarse el consenso al interior de la Comisión de Constitución, el pleno del Congreso no votó por falta de quórum. » (CNDDHH, 1 January 2004, Ch.3, p.43)

Truth and Reconciliation Commission hears the displaced (2003)

- The CVR held public hearings from people forcibly displaced by political violence in December 2002
- The final report of the CVR underlines that the end of the conflict is by far the end of the displacement problem but calls for solving its consequences
- The state is responsible for the forced displacement of populations particularly between 1983-4 in Ayacucho
- While the state is also responsible to guarantee the respect of existing norms it did not prevent displacement nor protected those displaced but tolerated human rights violations
- Government response was limited to promoting return, although only a minority of IDPs opted to return, according to the CVR
- The CVR recommended the creation of a state entity responsible to uphold the rights of IDPs as put forward by the Guiding Principles in Internal Displacement

“El 12 de diciembre del 2002, la Comisión de la Verdad y Reconciliación realizó una audiencia pública acerca de la problemática de los desplazados, titulada “Violencia Política y Desplazamiento Forzado”, que contó con la participación Mesa Nacional de Desplazados (MENADES); el Comité Internacional de la Cruz Roja; Centro Amazónico de Antropología Aplicada (CAAAP); y la Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú (CONDECOREP). En esta audiencia se tuvo no sólo la oportunidad de escuchar los testimonios de integrantes de diversas comunidades desplazadas, sino también fue presentado un diagnóstico sobre la actual situación del fenómeno y una serie de propuestas al respecto.” (CNDDHH, 2003)

« La atención a la población desplazada interna encontró obstáculos en la comprensión de sus necesidades y características. Resulta evidente que la finalización del conflicto armado interno no acarrea la conclusión del fenómeno del desplazamiento interno, sino que abre el reto de resolver sus consecuencias, recuperando en lo posible las condiciones de vida perdidas.

[...]

La CVR considera que el movimiento poblacional que denominamos desplazamiento interno, en cuanto se realiza a causa de la inseguridad existente provocada por la violencia armada en las localidades de quienes se desplazan, constituye aún después de producida, una situación contraria a las normas del Derecho Internacional de los Derechos Humanos, que expone gravemente a la población a la comisión de conductas tipificadas por el Derecho Internacional Humanitario, el Derecho Penal Internacional y el Derecho Interno.

[...]

• La responsabilidad del Estado en el desplazamiento interno, es particularmente importante durante 1983 y 1984 en el departamento de Ayacucho, a causa de hechos y prácticas violatorias de los derechos humanos y del derecho internacional humanitario.

• El Estado, de otra parte, en virtud de su obligación de velar por el respeto de las normas vigentes de derechos humanos y de derecho internacional humanitario que protegen diversos derechos de la población civil que no participa en las hostilidades, debió adoptar medidas para prevenir, brindar asistencia y reparar a las personas y grupos, antes, durante y después de producido el desplazamiento. En tal sentido, se requiere de una norma legal que, tomando como referencia a los Principios Rectores de Naciones Unidas en esta materia, reconozca y proteja los derechos específicos de los desplazados internos durante todo el proceso, cualquiera que fuera la causa que motive este fenómeno poblacional y la alternativa final de asentamiento que elijan voluntariamente.

• El Estado no respondió oportuna y racionalmente a su deber de protección y a su deber de prevención frente a las violaciones de los derechos humanos de la población civil realizadas por sus agentes, las cuales más bien fueron toleradas determinando un factor de desplazamiento. Debe tenerse en

consideración que las organizaciones de autodefensa, cuando incurrieron en abusos, se convirtieron también en agentes promotores del desplazamiento.

• El Estado, como garante del derecho colectivo de las comunidades indígenas a no ser desplazadas de sus territorios tradicionales, tiene la obligación de contribuir a reparar las afectaciones sufridas por estas comunidades.

• La respuesta del Estado al fenómeno social del desplazamiento generado, cuando amainó el conflicto a partir de 1994, aunque necesaria fue limitada, centrada en la promoción del retorno, que era la opción de un número relativamente menor de los desplazados. De esta manera, urge la creación de un ente estatal responsable del tema de los desplazados internos, descentralizado, con suficiente autonomía económica, administrativa, técnica, funcional y normativa que se ocupe de hacer efectivo los derechos reconocidos a los desplazados en los Principios Rectores de Naciones Unidas en esta materia. » (CVR, 28 August 2003, Tomo VI, 1.9)

The Peruvian displaced will benefit from integral reparation programmes as recommended by the CVR (2003)

- The displaced are considered victims of violations of international humanitarian law and human rights, by action or omission, thus are eligible for reparation
- Eligible for reparation are individuals displaced but also displaced groups who are organized and did not return, but settled in areas of refuge
- All the nation will benefit from symbolic reparation programmes through public recognition of the violations suffered, memorials and processes of reconciliation
- The IDPs will also benefit from mental and physical health reparation programme including clinical attention and health insurance
- IDPs will benefit from free education programmes including grants and adult education
- Programme of restitution of civil rights will include legal advice, juridical regularisation of people who were jailed on false charges of terrorism, all free from charges
- The CVR also recommends a mass documentation programme free from charges including amnesties for military objectors and information campaigns for IDPs and people from violence zones to obtain documents
- Economic compensations will include pensions for the families of dead and disappeared persons, those handicapped totally or in part, those jailed on false charges, victims of sexual abuses and their children as well as preferential access to housing and jobs
- Reconstruction of institutions, infrastructures and livelihoods (through job-generation programmes) will also benefit the IDPs who did not return and settled in areas of refuge

«Según el derecho internacional de los Derechos Humanos (DIDH), la responsabilidad del Estado se plantea cuando éste no cumple su obligación primaria de respetar y hacer respetar derechos humanos internacionalmente reconocidos. Dicha obligación incluye el deber de garantía, que se refiere al deber jurídico de prevenir las violaciones de los Derechos Humanos, de investigar seriamente las violaciones que se hayan cometido dentro del ámbito de su jurisdicción a fin de identificar a los responsables, de imponer las sanciones pertinentes y *el deber de proporcionar reparación a las víctimas*. [...]

[The beneficiaries]

Para efectos del PIR, la CVR entiende por colectivos humanos beneficiarios:

a) a las comunidades campesinas, comunidades nativas y otros centros poblados afectados por el conflicto armado interno. Para su identificación, la CVR recomienda los siguientes criterios (o una combinación de los mismos):

[...]

Desplazamiento forzoso;

[...]

b) a los grupos organizados de desplazados no retornantes provenientes de las comunidades afectadas, en sus lugares de inserción. [...]

[Symbolic reparations]

El objetivo fundamental del Programa de Reparaciones Simbólicas es contribuir a restaurar el lazo social quebrado por la violencia entre el Estado y las personas y entre las personas mismas, a través del reconocimiento público del daño que les infligió la acción de los grupos subversivos y la acción u omisión del Estado, en la búsqueda de favorecer la reconciliación nacional y el fortalecimiento de un sentimiento de solidaridad del conjunto de la sociedad peruana hacia las víctimas.

[...]

Los componentes propuestos son aquellos que se recomienda al Estado asumir desde los diversos niveles de gobierno. Comprenderán:

1. Gestos públicos
2. Actos de reconocimiento
3. Recordatorios o lugares de la memoria
4. Actos que conduzcan hacia la reconciliación [...]

[Reparation for mental and physical health]

El objetivo de este programa es contribuir a que la población afectada por el conflicto armado interno recupere la salud mental y física, que se reconstituyan las redes de soporte social y se fortalezcan las capacidades para el desarrollo personal y social.

[...]

Tomando en cuenta que en el ámbito nacional y particularmente en las zonas andinas y amazónicas, hay grandes limitaciones y escasez de personal profesional de salud y más aún de especialistas en salud mental, resulta esencial la capacitación del personal médico existente y la de los auxiliares, promotores y personal de otras disciplinas que puedan colaborar. Para ampliar las capacidades existentes, la CVR recomienda

[...]

El componente de intervención clínica está específicamente dirigido a los beneficiarios individuales cuyas dificultades psicosociales y/o físicas como producto o consecuencia del conflicto armado interno, afectan su desempeño cotidiano o que son identificadas como personas en riesgo por las instancias comunitarias o los servicios de salud.

[...]

Por la vulnerabilidad en la salud de las víctimas que dejó el conflicto armado interno, la CVR recomienda que las personas, comprendidas dentro del universo de beneficiarios individuales, que padecen algún problema físico y prioritariamente los/as discapacitados/as permanentes, parcial o totalmente, cuya discapacidad es producto de violaciones sexuales, torturas, heridas o lesiones tipificadas por la CVR y ocurridas durante el periodo del conflicto, sean consideradas dentro del ámbito y la cobertura del Seguro Integral de Salud. [...]

[Programme of reparation for education]

El objetivo general del Programa de reparaciones en el ámbito educativo es dar facilidades y brindar nuevas o mejores oportunidades de acceso a las personas que como producto del conflicto armado interno perdieron la posibilidad de recibir una adecuada educación o de culminar sus estudios.

[...]

La CVR recomienda que el Poder Ejecutivo, a través de un Decreto Supremo establezca la exoneración de los pagos de matrícula y pensiones, incluyendo los derechos de examen de ingreso, en las escuelas primarias y secundarias, en las Universidades, los Institutos Superiores, los Centros Educativos Ocupacionales (CEOs), los Programas no escolarizados de educación inicial (PRNOEIs) y las demás instituciones educativas del Estado, así como los pagos de ingreso o reingreso a dichos centros de educación. Dicha exoneración incluye los derechos correspondientes a la obtención de certificados de estudios, constancia de egresados, grados académicos y títulos profesionales.

[...]

Adicionalmente a las exoneraciones de pagos, la CVR recomienda la implementación por el Ministerio de Educación, y en lo pertinente a través del Instituto Nacional de Becas y Crédito Educativo (INABEC), de un programa de becas integrales, concursable (con cuotas, por regiones y por tipo de carrera profesional), para estudios superiores, tanto técnicos (contabilidad, pedagogía, técnicos sanitarios, agropecuarios, de enfermería, etc).

[...]

La CVR recomienda la ampliación o el establecimiento por el Ministerio de Educación de programas de educación de adultos a través de su Programa Nacional de Alfabetización, en aquellas zonas de mayor incidencia de la violencia tanto urbanas como rurales [...]

[Programme of reparation for the restitution of civil rights]

El objetivo general del Programa consiste en restablecer en el ejercicio pleno y efectivo de sus derechos ciudadanos, civiles y políticos, a la población afectada por acción u omisión del Estado durante el conflicto armado interno, buscando su rehabilitación jurídica. Desde esa perspectiva, se trata de crear accesos preferenciales o tratamientos prioritarios para un sector de la sociedad garantizándole una situación de igualdad en el ejercicio de sus derechos ante sus otros conciudadanos.

[...]

Para solucionar los problemas legales generados por la desaparición forzada, y en aras de determinar una condición jurídica firme para quienes fueron objeto de una desaparición, que permita a sus deudos el ejercicio pleno de sus derechos, la CVR recomienda modificar el Código civil para establecer una figura legal especial.

[...]

Para regularizar la situación legal de quienes se encuentran requisitoriados indebidamente por los delitos de terrorismo o traición a la patria, la CVR recomienda que se continúe el proyecto de depuración de requisitorias por los delitos de terrorismo y traición a la patria a cargo de la Sala Nacional de Terrorismo

[...]

La CVR recomienda que el Poder Ejecutivo promueva el establecimiento de un programa masivo de documentación y regularización de la documentación para las personas que por consecuencia del conflicto armado se encuentran indocumentadas, con el fin de permitirles el acceso a sus derechos de identidad y ciudadanía, así como a programas del PIR en los cuales estén reconocidos como beneficiarios.

[...]

- amnistiar a los omisos al Servicio Militar Obligatorio y a los omisos a la Inscripción al Servicio Militar durante el periodo de mayo de 1980 a noviembre del 2000;

- informar a los desplazados y a los pobladores de zonas de violencia sobre sus derechos a la identidad y sobre las modalidades de acceso al programa de documentación.

[...]

La CVR recomienda prestar asesoría especial a los beneficiarios de las medidas del Programa de restitución de derechos ciudadanos, pues aunque en muchos casos, el marco normativo (regularización de la situación de requisitoria, anulación de antecedentes, regularización de los indocumentados, ...etc) existe, siempre faltará conocimiento e información.

[...]

Para el conjunto de las medidas planteadas en el Programa de restitución de derechos ciudadanos, la CVR recomienda que, por su propio efecto reparador, acceder a ellas no debe de constituir una carga adicional para la economía de los beneficiarios. [...]

[Programme for economic reparation]

Los objetivos del Programa de reparaciones económicas consisten en compensar económicamente los daños morales y materiales ocasionados a las víctimas y sus familiares como producto del conflicto armado interno, contribuyendo a que las víctimas y sus familiares tengan una proyección de vida hacia delante y un futuro en condiciones de dignidad y bienestar.

[...]

Medida 1: Para familiares de muertos y desaparecidos: Indemnización familiar, pensión para viudas/os mayores de 50 años, pensión para hijos/as hasta los 18 años. [...] Medida 2: Para los/as discapacitados/as físicos y/o mentales permanentes parcial o total [...]

Medida 3: Para las personas injustamente presas [...] Medida 4: Para víctimas de violación sexual [...] Medida 5: Para los hijos producto de violación sexual

[...]

Adicionalmente a las indemnizaciones y pensiones antes señaladas, se considera conveniente otorgar a las víctimas y familiares beneficiarios del PIR servicios complementarios, como parte de las reparaciones. Estos servicios están orientados a otorgar un acceso preferente a los programas del Estado relacionados con el tema de la vivienda y el empleo. [...]

[Programme for collective reparation]

Contribuir a la reconstrucción y consolidación de la institucionalidad colectiva de las comunidades, asentamientos humanos y otros centros poblados que como consecuencia del período de violencia perdieron parcial o totalmente su infraestructura social y física, y compensar la descapitalización sufrida por poblaciones enteras, poniendo a su alcance recursos técnicos y de capital para su reconstrucción integral.

[...]

- a los grupos organizados de desplazados no retornantes provenientes de las comunidades afectadas, en sus lugares de inserción.

[...]

Consolidación institucional

[...]

Recuperación y reconstrucción de la infraestructura productiva

El conflicto armado interno trajo como consecuencia la descapitalización de las poblaciones, particularmente comunidades campesinas y nativas que sufrieron la pérdida de sus ganados y cosechas, y la emergencia de poblaciones desplazadas que al migrar en búsqueda de seguridad y supervivencia tuvieron que dejar sus tierras y pertenencias.

[...]

Recuperación y ampliación de servicios básicos

[...]

La CVR recomienda un componente de empleo y generación de ingresos que proporcione capacitación técnica y en gestión empresarial, asistencia técnica y asesoría empresarial y financiera a comunidades y grupos de desplazados que hayan identificado oportunidades de negocios. El componente impulsará el acceso de estos grupos a créditos de la banca privada, de programas de cajas comunales u otros programas de crédito de ONGs destinadas al apoyo a la micro y pequeña empresa. [...]

[Funding]

La CVR recomienda la creación de un *Fondo Nacional de Reparaciones* destinado a financiar los componentes y las acciones del PIR, el cual sería manejado por el ente nacional encargado de la conducción global del plan. » (CVR, 28 August 2003, Tomo IX, 2.2)

Program for the Support of Repopulation (PAR) (2003)

- PAR lived three phases: from 1993-1995 it worked in support of pacification
- Between 1996-7 PAR priorities move to repopulation and development, and construction of infrastructure represented 80% of its budget
- Between 1998 and 2000 PAR focuses on reparation and institutional reconstruction
- Despite the magnitude of the displacement crisis, the state did not respond with policies of protection, prevention and assistance until the early 1990s
- In 1991, a Ministerial Resolution creates the National Technical Commission to design a response to the displacement crisis
- 1993 a Decree created the Project of Support for Repopulation (PAR) responsible for the return of the IDPs

- 1994 a decree establishes the Committee for Inter-ministerial Coordination to coordinate measures taken by the various ministries to assist IDPs
- In 1996 a Provisional Identity Registry is created for IDPs
- In 1996 the PAR becomes a public and decentralised entity part of the Ministry of Women, re-baptized the Programme of Assistance for Repopulation and Development in Emergency Zones in 1998
- Between 1994-2000 PAR invested \$74 million for 109 organised return, the reconstruction/rehabilitation of over 13,000 homes, 1,222 schools, 62 health posts, including water and sanitation and infrastructure programs
- PAR provided 764,900 people with documentation papers and organised human rights workshops
- In 2002, PAR was integrated into the Ministry for Women and Human Development
- PAR works primarily in the four departments of Ayacucho, Huancavelica, Apurimac and Junín
- PAR only works with those displaced that have returned home and those that resisted the violence in their home areas, ignoring the majority of the displaced population who remained in their areas of refuge

« Según Francke, hasta el 2001 el PAR habría pasado por tres etapas:

1) entre 1993 y 1995 era concebido como un soporte y apoyo a la estrategia de pacificación implementada desde el Ejército, constituyéndose como un núcleo de coordinación de acciones entre diversas agencias del Estado;

2) entre 1996 y 1997, cambia sus prioridades orientándose hacia acciones de repoblación y desarrollo de los pueblos afectados, concibiendo este apoyo básicamente como de construcción de infraestructura, lo que representaba el 80% de su presupuesto; y,

3) entre 1998 y el 2000, se orienta más hacia acciones de corte social y de reparación y reconstrucción institucional de las poblaciones afectadas, vinculándose con ONGs (Francke 2001). » (ICRC & PAR, 31 December 2003, p.76)

« El fenómeno del desplazamiento en el Perú se hizo evidente a mediados de los ochenta y, sin embargo, el Estado sólo empezó a elaborar respuestas para el problema a partir de los primeros años de la década de los noventa. Antes de ello el Estado había venido actuando de manera coyuntural, deficiente y dispersa.

El 06 de agosto de 1991, en virtud de la Resolución Ministerial N° 229-91-PCM, se creó la Comisión Técnica Nacional encargada del problema de las poblaciones desplazadas. Esta entidad recomendó la constitución de una instancia estatal encargada de atender las demandas de dicha población.

El 09 de octubre de 1993, mediante el Decreto Supremo N° 073-93-PMC, se crea el Proyecto de Apoyo a la Repoblación (PAR), como organismo del Instituto Nacional de Desarrollo (INADE), dependiente del Ministerio de la Presidencia, encargado de realizar acciones y medidas para el retorno de la población desplazada a sus lugares de origen.

El 06 de abril de 1994, mediante Decreto Supremo N°. 022-94-PCM, se estableció el Comité de Coordinación Interministerial (CCOIN) del PAR, con la facultad de coordinar medidas y ejecutar acciones adoptadas por los Ministerios de Salud, Educación, Transporte, Agricultura, Defensa e Industria y la Presidencia, a fin de optimizar el uso de los recursos públicos.

El 09 de julio de 1996, a través del Decreto Legislativo N° 831, se crea el Programa Nacional de Apoyo a la Repoblación. En agosto de 1996, se expiden los Decreto Legislativo N° 837 y N° 838, por el cual se crea el Registro Provisional de Identidad y se faculta al Ministerio de Agricultura para que adjudique predios rústicos a favor de personas y comunidades ubicadas en áreas de población desplazada, respectivamente. El 29 de octubre de 1996, por el Decreto Legislativo N° 866, se convierte al PAR en un organismo público descentralizado del Ministerio de la Mujer con la denominación de Programa de Apoyo al Repoblamiento y Desarrollo de Zonas de Emergencia.

El Estado, a través del PAR, en el período 1994-2000, habría orientado su inversión de US \$ 74 millones para: 109 retornos organizados (Repoblación); la construcción y/o rehabilitación de 13,085 viviendas (Vivienda); 1,222 aulas escolares (Educación); 62 puestos de salud, 255 sistemas de agua potable; 12 sistemas de alcantarillado (Salud); 764,900 indocumentados registrados y 920 eventos de capacitación en derechos humanos (Ciudadanía); y 213 kilómetros de carreteras (Transporte). » (CVR, 28 August 2003, Tomo VI, 1.9)

“In late 2000, the Peruvian government folded the PAR into the Ministry for Women and Human Development. According to the government, PAR’s new focus was to promote the political, social, and economic rights of people who were affected by the conflict. In 2001, only 65 formerly displaced persons sought PAR assistance to return to their areas of origin.” (USCR, 2002)

"PAR received substantial funds from UNDP, EU and others, and through co-ordination with other agencies of the Peruvian government, PAR's support for return and resettlement – the emergency phase – was to be complemented by governmental funds for development for the rural areas. 'In this way', a PAR document sets forth '[the multisectoral coordination] makes possible the extension of the State's services... to the most remote population centres' (PROMUDEH, 1997). Thus, the return of the displaced population was envisaged as a vehicle for the state institutions to establish themselves in the rural areas. While the 'base organizations' were supposed to participate in the 'definition and implementation of the actions', PAR seldom had contact with the formal organizations of *desplazados*, or with the NGOs and churches working in the field. Like many other governmental funds, PAR preferred to work directly with small groups of *despazados* who applied for support." (Stepputat and Sorensen, 2001, pp. 784-785)

“The PAR Interministerial Committee was established in April 1994 both to co-ordinate measures taken by the Ministries of Health, Education, Transport, Agriculture, Defence and Industry and the Office of the President, and to mobilize resources on a multisectoral basis. In the departments targeted for PAR programmes, committees with a structure similar to that of the Interministerial Committee have been set up with a mandate to respond to all emergency needs in the areas of food, basic health and education. (UNCHR1 April 1996, paras. 104, 105)

In the first phase of its work, the PAR focus on the departments of Ayacucho, Huancavelica, Apurimac and Junín, the ones that have suffered the most from violence and extreme poverty. At a later stage, the PAR plans to start projects also in the departments of Puno, Huanuco, Ucayali, Cajamarca and Pasco. (PAR a; UNCHR1 April 1996, para. 104)

"[T]he PAR tends to concentrate on infrastructure development in the communities to which displaced persons are destined to return, building roads, bridges, utility lines, schools, health centers, and the like. The PAR also provides returnees with an initial supply of agricultural tools, seeds, food, medicines, blankets, and kitchen utensils. The NGO's, on the other hand, focus on the training of the returnees in self-advocacy and on the development of vocational skills [...]." (U.S.DOS, section 2d)

According to the PAR, it assisted about 150,000 returnees of its own estimate of 300,000 returnees. "[T]he *Mesa* and other observers say that PAR has, in fact, assisted a much smaller number and that assistance has not always been appropriate. [...]." It has been said that the majority of the displaced population returned home either on their own or with NGO assistance. (USCR 1998, p. 236)

Selected UN activities

Visit by the Representative of the Secretary-General (August 1995)

- The Representative of the Secretary-General undertook a mission to Peru between August 12 and 25 in 1995

The Representative of the Secretary-General undertook a mission to Peru from 12 to 25 August 1995 at the invitation of the Peruvian Government. (UN Commission on Human Rights, 1 April 1996 para. 1)

"The Representative was received by President Alberto Fujimori, the Ministers of Justice, Foreign Affairs, Interior and Defence, the Vice-Minister for Regional Development, the Director of the National Institute of Development, the Interministerial Coordinating Committee of the Proyecto de Apoyo para el Repoblamiento (PAR) and its secretariat, the President of Congress, the President of the Human Rights Commission of Congress, the Fiscal (Attorney-General) and Ambassador Javier Pérez de Cuéllar (leader of the Opposition). The Representative met with delegates of intergovernmental specialized agencies, and the staff of local and international non-governmental organizations (hereinafter NGOs) and members of the academic community. He also met with church authorities and organizations. He had the opportunity to hold hearings with displaced persons and their organizations as well as other community and women's organizations." (UN Commission on Human Rights, 1 April 1996, para. 4)

The Representative also visited internally displaced and returnee communities in the department of Ayacucho (zone 1), in the department of Junin (zone 4) and in the outskirts of Lima (zone 7). "[...] During these visits, he met with displaced persons and returnees, grass-roots organizations, including ronderos (members of self-defence committees, [...]), and other representatives and chiefs of those communities. He was also received by civilian government, military and police authorities, including the leadership of the political-military commands, commanders of the army and police bases, the office of the Fiscalía, the local PAR structure, church authorities and field representatives of international and local NGOs. Scheduled visits to some displaced and returnee communities regrettably had to be cancelled due to prohibitive weather conditions and other last-minute amendments in the Representative's programme of activities." (UN Commission on Human Rights 1 April 1996, para. 5)

Selected NGO activities

The displaced of Peru organize to a degree not witnessed in any other country (2003)

- In the 1990s IDPs received support in capacity-building and to centralise and coordinate their efforts, which enabled unified demands and agendas, which strengthened their negotiating power vis-à-vis the state
- In 1996 displaced Peruvians established a national coordination body regrouping about 45,000 people
- Displaced women organised a national conference focusing on women affected by the conflict in 1998 drawing 2,700 participants
- Organizations were formed at the local, regional and national levels and the largest are the Asociación Interprovincial de Desplazados (ASFADDEL) and the Junin-based Regional Association of the Displaced of Central Peru counting 15,000 members
- In Ayacucho, an estimated 80,000 women were participating in women's organizations
- The National Committee on Displacement used the Guiding Principles to strengthen dialogue with the government on the rights and needs of internally displaced (2001)

- NGOs have begun to disseminate and apply the Guiding Principles as benchmarks to monitor and evaluate national policies and law to improve the rights of internally displaced
- The fact that the Guiding Principles are not translated in indigenous languages such as Quechua, has been an obstacle for IDP organizations to yet use the Guiding Principles as widely as NGOs

« El segundo tipo de acciones ha tenido influencia directa en las organizaciones de desplazados. Desde principios de la década del 90, se han multiplicado las acciones de apoyo a la organización y más propiamente a la «centralización» de las asociaciones que reúnen a población desplazada. Respondiendo a necesidades de multiplicación del impacto de sus acciones y de una mejor y mayor relación con la población afectada, las agencias de cooperación se abocaron a la doble tarea de concertación entre ellas y de apoyo a la organización y centralización de las asociaciones de desplazados; ello permitió la unificación de las agendas y demandas al Estado y contribuyó sensiblemente al sostenimiento –y también a la creación– de dichas organizaciones. El centro del accionar de dicha confluencia fue la realización de hasta 12 talleres nacionales (la mitad de ellos –y los tres primeros– en Lima), de múltiples encuentros y de un Congreso nacional de población desplazada (realizado también en Lima).» (ICRC &PAR, 31 December 2003, p.79-80)

"One of the striking characteristic of displacement in the Americas is the degree to which the displaced have organized to help themselves. Displaced persons associations have sprung up in all the affected countries [...] In Peru, although initially cautious, beginning in the early 1990s the displaced formed associations and in 1996, established a national coordinating body for these associations that boasted a membership of some 9,000 families, or about 45,000. According to both the Representative of the Secretary-General and the U.S. Committee for Refugees, the displaced of Peru organized to a degree not witnessed in any other country of the world. Organizations were formed at the local, regional and national levels. Among the largest displaced person's associations are the Asociación Interprovincial de Desplazados (ASFADDEL) in Ayacucho, and the Junin-based Regional Association of the Displaced of Central Peru counting 15,000 members [...] (Cohen and Sanchez-Garzoli May 2001, pp.10-11)

"Most of the organizations championing the rights of the displaced are male-dominated and do not always effectively represent the concerns of women and children who comprise the vast majority of the displaced. Consequently, women have begun to form their own organizations to raise awareness of their rights and focus on their needs. In Peru, the Asociación de Mujeres Altoandinas de Huanta was established to reduce the marginalization of displaced women by public and private institutions in the Huanta area. In Ayacucho, an estimated 80,000 women are participating in women's organizations, and in 1998, displaced women from all over Peru held a national conference to focus on women affected by the conflict, which drew 2,700 participants." (Cohen and Sanchez-Garzoli May 2001, p.12)

"In Peru, NGOs also have begun to disseminate and apply the Guiding Principles as benchmarks against which to monitor and evaluate national policies and law and to promote and strengthen dialogue with the government on the rights of internally displaced persons. The National Committee on Displacement, an umbrella organization composed of 50 organizations, held a national seminar in 2000 on 'Public Social Policies and Formation of Citizenship in Areas Affected by Political Violence', which set forth proposals for assisting the displaced population within the framework of the Guiding Principles. A second seminar is planned for 2001 to target areas, in particular in the eastern region where access is limited.

Displaced persons organizations, however, have not yet used the Guiding Principles in the Americas as widely as NGOs and international organizations. Part of the problem is language and also literacy." (Cohen and Sanchez-Garzoli May 2001, p.18)

NOGs working with IDPs needed a fixed identifiable category of people in order to make their projects viable (2001)

- The introduction of the IDP category may clash with livelihood strategies contingent upon strong rural-urban networks
- The label has enabled IDP organizations to compete with other NGOs over resources
- The instability of the IDP category has undermined both the viability of the projects and the legitimacy of the organizations working with IDPs
- Encapsulating communities into IDP category as fixed livelihoods hampered opportunities to move beyond emergency relief
- As of 2000 Peru has not yet entered the phase of sustainable development

"This article has looked at the possible effects of the introduction of the IDPs category and the forms of assistance and protection implied by this category. Our analysis has revealed the historical existence of networks of kinship and rural origin that encompass the countryside and the city of Huancayo as well as other more distant sites at the coast and in the jungle. These spatially dispersed networks clash with NGO and state strategies contingent upon either developing and maintaining a special IDP identity separate from a 'migrant identity', or, in the case of the state, upon establishing post-conflict order by repopulation programmes that do not take rural-urban networks into account. We have also found that the Peruvian processes of categorization cannot be viewed in isolation from trans-national networks and discourses. While the local NGOs had come a long way in terms of the conceptualization of the IDPs before the category was introduced from abroad, the backing from western NGOs and international agencies consolidated the category and made it much more powerful.

Seen in this perspective the IDP category has had a number of effects. Most importantly, it has strengthened the claim for recognition of IDPs as victims in need of special assistance and protection through the formation of a nationwide understanding of IDPs and organizations in support of IDPs, and has probably influenced the parameters of a governmental programme for the return of IDPs to their communities of origin. [...] In the process, a number of organizations have been formed or strengthened on the basis of an exclusive identity as IDPs. Members have come to see themselves as different from migrants. Within these organizations, a number of leaders have combined capacities for organization, planning, administration, communication, negotiation, public advocacy, and politics, which have enabled the IDP organizations to engage in an increased competition for resources with the NGOs. They may also have a positive bearing on the abilities of IDPs and their communities to negotiate with state or other agents of development and as such strengthen the presence of the state in rural areas.

However our analysis also shows how the entities which have been forged around this category – certain NGOs, the IDP organizations and PAR – have had problems containing the IDPs in stable and fixed relationships, and drawing clear boundaries. Whereas a high degree of presence and sense of belonging to one place and one organization is seen as a prerequisite for advocacy and longer-term development, the IDP target group has engaged simultaneously in different networks, alliances and organizations, in different occupations and in different sites. The relationship of the group to the label and its significance has also changed over time, sometimes claiming that 'ordinary migrants' have invaded the domain of the IDPs, trying to capture the resources made available for them, whilst at other times differences have been of less importance. The instability of the category has hampered the continuity and viability of projects and has undermined the legitimacy and very existence of the organizations that work on behalf of the IDPs.

The category of IDPs in Central Peru can be interpreted as having formed through the intersection of institutional/political dynamics and the livelihood strategies of the population. The categorization produces or reinforces differences between IDPs and others, and tends to neglect the relations and movements between different sites in the IDP networks. The attempt to fix the returnees in their places of return where they are to 'develop', rather than understanding the potentials of mobile livelihoods and rural-urban linkages and taking these as a point of departure for development initiatives, amounts to a missed opportunity for moving beyond emergency relief.

However, the most important problem in the regions to which the IDPs are expected to return is the general lack of prospects for economic development. Apart from some infrastructural investment by the Fujimori government (roads, schools and water), the productive potentials of the region are not being supported or developed in any significant way. According to the Peruvian analyst, Carlos Monge, the government considers these regions 'a giant soup kitchen' (quoted in Pearce, 1998), when mothers' committees and 'glass of milk campaigns' spring up. Thus, in these regions, 'development' is increasingly difficult to distinguish from relief provision, which renders ideas of linkages and continua between relief and development somewhat meaningless.

Meanwhile, the population of the region engage in the spatial extension of their livelihood in order to include more sites and sources of potential income. The IDP 'return' to their communities constitutes such a movement for many increasingly urban-based households that want to re-include or reinforce the rural elements of their livelihood strategies – although, in many cases, in different ways than previously. Ironically it is this mobility, rather than any permanent settlement in the villages, that holds the promise of social change and economic development.

In conclusion, this article has problematized the category of the IDP when defined as essentially different from 'migrants' and 'stayees', and has shown how this categorization tends to ignore the conditions, dynamics and potentials of mobile livelihoods. We are well aware of the problems related to our analytical outcomes in terms of practical policy, especially a possible destabilization of a category that anchors certain rights or entitlements. This is a general problem in strongly polarized and politicized fields, and in the debate over refugees and IDPs elsewhere. As noted by Crisp (1999: 8), an analytical inclusion of the motive played by social networks in prompting, facilitating and directing the movement of asylum seekers and other migrants [into western Europe] may question the motives of flight. [...] Nevertheless, the development potentials inherent in mobile livelihoods and extended social networks (including differently categorized people) seem to hold better opportunities for sustainable development for people living in fragile ecological zones such as the Andes." (Stepputat and Sorensen, 2001, pp. 788-790)

"In general terms, the NGOs involved describe three phases of assistance (Zamudio and Flores, 1997) which broadly resemble the phases of the emergency-rehabilitation-development continuum as described in the relief literature of the mid-1990s [...]. First, the phase of 'critical emergency' from 1983 to 1989/90 focused on provision of food, clothes, blankets, health facilities, school equipment, documents of identification, and celebrations of 'cultural identity'. As time went by, assistance also comprised workshops, training for income generation, and in the 'emergency/sustenance' phase from 1990 to 1992/3, some NGOs embarked on the organization of credit schemes for micro and small enterprises, such as street vending, artisanal and agricultural production. From 1992/3, after the capture of S. leader Guzman, the NGOs entered the phase of 'insertion and return' in which they sought to provide 'the conditions for definitive solutions', including social and physical infrastructure, and the development of modern production alternatives. After three to four years, this phase was supposed to give way to the phase of 'sustainable development' when assistance would be faded out. As of 2000, this had not yet happened". (Stepputat and Sorensen, 2001, p.777)

Selected activities of the Red Cross Movement

ICRC maintained presence in Alto Huallaga, Rio Ene and Apurimac still affected by insurgency (2003)

- ICRC gave humanitarian assistance to people who had been retrieved after being held by the Shining Path and mediated between authorities, combatants and civilians victims of violence (2002)

- In Ayacucho ICRC assisted returning IDPs families with travel costs (2002)
- ICRC maintained presence in Hualaga region and the Ene Valley, and made visits to communities in areas of tension in order to focus on the fundamental rights of vulnerable groups
- In 2000, the ICRC provided clothing, food and other subsistence items to almost 2000 vulnerable people

“The ICRC maintained a presence in the areas still affected by insurgency, where it called upon all bearers of weapons to spare civilians. It carried out field visits in the Alto Huallaga and Rio Ene/Apurimac areas to meet with combatants, local authorities and civilians directly affected by the violence. It made representations when necessary to the armed forces and the PCP-SL. The ICRC gave clothing and food to five adults and 10 children – "recuperados" – who had been "retrieved" by the police after being held by the PCP-SL in the Rio Ene region. The ICRC also organized two family reunifications, transferred two minors to an orphanage in Lima and enabled several people to return to their communities by covering their travel costs.

In the Ayacucho area, the ICRC assisted 12 displaced families who had returned to their home region after years of absence.” (ICRC, 19 June 2003)

"ICRC is currently assisting vulnerable populations in the three former emergency zones of Alto Huallaga, Rio Ene and Apurimac. ICRC assists an estimated 27.000 people although this number is not representative of total estimated vulnerable populaions. ICRC Peru is currently conducting an evaluation on the situation of internal displacement in Peru." (Personal communication, ICRC Peru Desk Officer, 30 July 2002)

"Early in the year, the phasing out of emergency measures imposed by the government in former conflict zones was completed. However, unrest persisted in parts of the Huallaga region and the Ene valley, where the ICRC maintained a presence. Visits were made to communities in areas of tension in order to urge bearers of arms to respect the fundamental rights of vulnerable groups. These field trips gave delegates the opportunity to assess living conditions, and where necessary communities were provided with food, clothing and other subsistence items. Medical assistance was given to people affected by violence and to victims of landmine explosions, a constant danger for civilians in some rural areas of Peru.

In 2000 the ICRC provided 1,847 vulnerable people in areas of tension with clothing, food and other subsistence items." (ICRC 2001)

"The International Committee of the Red Cross (ICRC) has had a strong presence in Peru throughout the war years. It has assisted scores of displaced persons, widows and orphans in Ayacucho, Apurimac, Huancavelica, San Martín and Huánuco. The ICRC has provided emergency assistance to displaced persons, when no other resources were available, for periods of two or three months following displacements." (CHR 1 April 1996, para.120)

Donor response

Donors give their funds to NGOs rather than directly to displaced persons organizations (2001)

- Displaced persons organizations and NGOs compete over resources, but funds are increasingly beginning to be channeled to displaced persons groups

"Displaced persons organizations and NGOs also compete over resources, as in Peru. Donors generally prefer to give their funds to NGOs with established administrative and accounting procedures than directly to displaced persons organizations with less fiscal experience. Nonetheless, funds are increasingly beginning to be channeled to displaced persons groups. Their important role in articulating the needs of the displaced and negotiating with the state is increasingly being recognized as a significant aspect of resolving the problem." (Cohen and Sanchez-Garzoli May 2001, p.12)

Gaps

Inadequate and limited government response to IDP's needs for return and reintegration (2003)

- Most of government assistance was destined to returnees from the main zones of expulsion, leaving an estimated 80% IDPs unassisted
- Most of the assistance was focused on infrastructural reconstruction, roads, and some programmes for health and education
- A recent survey by ICRC and PAR underline that the IDPs who returned have not been able to redress their economic, political and emotional situation as of 2003
- Integral attention to IDPs on the basis of their specific demands and needs is still pending
- Funds allocated to reconstruction under Fujimori, were not invested in long-term sustainable projects
- The Coordinadora Nacional de Derechos Humanos (CNDH) estimates that 80% of IDPs have chosen to stay in urban areas of refuge, but they were not eligible for government assistance
- Within government agency for supporting IDP return, PAR, a rights approach was absent of its poverty-alleviation programmes
- The Representative to the Secretary General was concerned that substantial assistance did reach affected communities especially those in the jungle

“En cualquier caso, la mayor parte de la ayuda promocional parece haberse destinado a los retornantes y en general a la población afectada de las zonas de emergencia expulsoras de población. Desde el Estado, las ayudas han sido diversas: se han implementado apoyos para la reconstrucción de infraestructura pública dañada, destruida o inexistente (incluyéndose edificios y ámbitos para servicios públicos como postas médicas, escuelas y también edificaciones de interés más productivo como canales, reservorios, andenes y otros); se han construido caminos de acceso a las localidades; y, se ha implementado una serie de programas sociales de atención en salud y educación, principalmente, así como una serie de apoyos para la edificación de viviendas familiares (Memorias PAR 1995-2000; Del Pino 2001).

[...]

Cabe señalar que a pesar de las múltiples ayudas recibidas, muchas de las poblaciones desplazadas –y entre ellas particularmente los retornantes– no logran aún recuperarse económica, política, económica o emocionalmente de los daños y perjuicios sufridos por efecto de la violencia subversiva y sus secuelas por lo que queda pendiente una tarea de atención integral sobre la base de las necesidades y demandas de

parte de las poblaciones afectadas, que permitan más tarde hablar de justicia para las poblaciones afectadas.

[...]

Cabe señalar que en la mayor parte de los casos, los apoyos llegaron con posterioridad al retorno y de manera parcial. [...] Asimismo, su accionar habría sido ineficiente en la focalización de las ayudas puesto que las familias dirigidas por mujeres, siendo las más desprotegidas, son las que menos se beneficiaron de las ayudas (Del Pino 2001). » (ICRC & PAR, 31 December 2003, p.80-1)

"Están planteadas demandas urgentes, preventivas y de emergencia en las zonas donde subsiste la violencia, secuelas post-conflicto que limitan el ejercicio de derechos como: requisitorias masivas, inseguridad ciudadana, desplazados, indocumentados y otros. Los fondos destinados a la reconstrucción realizados en el gobierno del ex-presidente Fujimori, sólo se encargaron de la asistencia y no auxiliaron en los procesos productivos de más largo plazo que les den sostenibilidad." (CNDDHH, March 2001, Sect.3.2. e)

"[T]he PAR only works with some segments of the displaced population – those that have returned home and those that resisted the violence in their home areas – ignoring more than the 80% of displaced persons: those who decided to stay in their zones of refuge. [...]" (CNDH 1997, section 3.3)

"Another issue that has been criticized by the displaced and NGOs is the lack of a governmental program aimed at helping those planning to integrate in the cities. The government explains its policy by saying that it does not have the resources to implement separate programs of assistance for both returnees and those choosing integration, and that the latter are able to benefit from government-provided social services available to the poor in general." (USCR 1996, p. 192)

"For the moment, it appears that the Government has not given serious thought to the permanent settlement of displaced persons in the areas in which they have sought refuge. The only government agency specifically assisting some displaced persons, PAR, is supporting only returnee communities. The Government mentioned that those who opt for settlement in the areas in which they now live or any other areas of the country (hereafter alternative settlement) would benefit from general social welfare programmes. The displaced, however, believe that displacement has had an impact on them that requires qualitatively different attention and support, which is not available through existing government projects, to which they in any case have limited access. In addition, safety net programmes in Peru, such as FONCODES, do not appear to be particularly effective. [...]" (UNCHR1 April 1996, para. 103)

"Another important issue are the implications of the extreme poverty of the Andean and native communities that have been the scene of armed conflict. Poverty programs need to give priority to the variable of political violence in their policies and plans. The high level of destruction of economic and social infrastructure in areas affected by political violence makes these areas different from those that did not suffer political violence." (CNDH 1997, section 3.3)

In general, in 1997, there was a tendency on the part of the government to assume that the problem of displaced persons was now taken care of and to diminish its importance within PAR in order to give more attention to fighting poverty or to other issues in which the perspective of rights was absent. [...]

The Law to Regulate and Restructure PAR has not solved the problems of helping the population that has decided to stay in the places where they had started new lives, those who need special help because of mental health problems or a sense of rootlessness, and those who have various types of legal problems. At the same time, despite the fact that PAR's regulations mandate the inclusion of gender issues, these issues need to be handled more successfully. There are some programs for women such as the credit program that is being implemented in Ayacucho but these are insufficient and/or isolated efforts since there are no plans for integral programs to support women which effectively incorporate gender perspectives. This is very serious when one considers that among the displaced, there are a great many widows, female heads of household, or women who are taking care of relatives by themselves." (CNDH 1997, section 3.3)

"According to the report of the Representative of the Secretary-General, measures taken by the Government on behalf of the displaced have not, despite funds given both to PAR and INADE by the donor agencies, reached the vast majority of returnees. The assistance has furthermore not been considered substantial and it did not reach many communities, especially not those in areas that are difficult to access, such as many remote highland areas and the native communities in the selva. Organizations of displaced persons have lamented the fact that the PAR have not consulted them, even though they are in a much better position to outline the basic needs of displaced and returnee communities, as well as conditions in their area of origin." (USCR 1996, p. 192)

Although Peru had legal norms prohibiting displacement these were not applied during the conflict (2003)

- Peru ratified in 1960 the ILO Convention No.107 recognising the collective property rights of Indigenous, Tribal and Semi-Tribal Populations
- Convention No. 107 also recognises the right to be compensated and indemnised when forcibly displaced and protected against those who would take advantage of indigenous people's ignorance of the law to use their lands
- Peru ratified ILO Convention No. 169 by which it commits to respect the cultural importance of the collective relation of indigenous populations to their territories and their right not to be displaced
- Some of the measures taken by the state include norms to assign land in zones affected by displacement, norms permitting to declare abandoned communal land, norms to re-register for school and civil registries in reception sites

« En 1957 la Organización Internacional del Trabajo aprobó el Convenio N.º 107 [...], denominado "Convenio relativo a la Protección e Integración de las Poblaciones Indígenas y de otras Poblaciones Tribales y Semitribales en los Países Independientes", que reconoció a las poblaciones indígenas *inter alia* el derecho a la propiedad colectiva (11º), el derecho a no ser trasladados de sus territorios habituales (12º, 1), el derecho a ser indemnizados o compensados por traslados forzados (12º, 2 y 3), la protección frente a personas que puedan aprovecharse de las costumbres o ignorancia de las leyes por los indígenas para obtener la propiedad o el uso de sus tierras (13º,2).

En 1993 el Gobierno del Perú ratificó el Convenio N° 169 de la OIT sobre Pueblos Indígenas y Tribales en Países Independientes [...], que sustituyó al anterior Convenio N° 107 de la OIT. Con el indicado instrumento internacional el Estado peruano se comprometió –entre otras medidas- a no emplear ninguna forma de fuerza o coerción que viole los derechos de los pueblos indígenas (3º, 2); a adoptar medidas para salvaguardar las personas, las instituciones, los bienes, el trabajo, las culturas y el medio ambiente de los pueblos interesados (4º, 1); a respetar la importancia cultural de la relación colectiva de dichos pueblos con sus territorios (13º, 1); a respetar su derecho de no ser trasladados de las tierras que ocupan salvo excepciones precisas (16º, 1); a sancionar toda intrusión o uso no autorizado en sus tierras por personas ajenas a los pueblos indígenas (18º); a garantizar que los miembros de los pueblos indígenas no estén sujetos a sistemas de trabajo coercitivos o formas de servidumbre (20º, 3, c).

[...]

Es un hecho que los Convenios 107 y 169 de la OIT vigentes desde 1960 y 1995, respectivamente, para el Estado peruano, son parte de nuestro ordenamiento jurídico nacional, en consecuencia, puede afirmarse que durante el conflicto interno existían normas internas de protección contra el desplazamiento.

Sin embargo, producido el desplazamiento interno, las personas afectadas no fueron objeto de protección legal especial. Es cierto que se dictaron algunas medidas [8] para paliar la situación en el lugar "vaciado"

por el desplazamiento interno y que el Estado creó el Programa de Apoyo al Redoblamiento (PAR), pero en la práctica la magnitud del problema ha superado hasta la fecha los esfuerzos estatales.

[Footnote 8: Ejemplo de esto viene a estar constituido por las normas que permitieron la asignación de tierras en zonas de desplazamiento por efectos de la violencia (D.S. N° 005-91-AG); las normas constitucionales (Art. 89° de la Constitución del '93) que permitieron declarar en abandono tierras comunales; referentes al traslado de la matrícula escolar (R.M. N° 0085-91-ED del 04.02.91); reinscripción en los registros civiles, desde el lugar de recepción por parte de los desplazados (Ley N° 25025 y Ley N° 26242) y por, las normas institucionales del PAR, etc.]

[...]

Pese a su magnitud, este fenómeno estuvo signado por el silencio y la relativa invisibilidad, y no fue asumido por las representaciones políticas, el Estado y gran parte de la sociedad nacional, hasta una etapa muy tardía del conflicto.

[...]

El desplazamiento interno fue una gran movilización desplegada por todo el país, que tomó desprevenidas a las organizaciones políticas, gremiales, sociales y al Estado. Este no diseñó ni aplicó políticas de protección, prevención, asistencia social o humanitaria para los cientos de miles de peruanos y peruanas que habían sido privados de sus medios de subsistencia. » (CVR, 28 August 2003, Tomo VI, 1.9)

MENADES 1999 recommendations to integrate urban IDPs remain to be implemented (2002)

- The displaced population should be provided more information on the existing programmes
- Local authorities need to be made more aware of the difficulties IDPs have to access socio-economic support programmes, as well as the need to involve the displaced themselves in the solutions
- Despite the challenges, IDP organizations have developed their own proposals and have established important contacts with state institution as well as local and international NGOs
- The “pro-youth” programme should cover a broader age group and be extended in time and geographical coverage
- The housing programmes need to make access to credit more available
- Technical training programmes in productive skills, building on the experiences of the IDPs, should be further developed
- The educational system should be more focused on developing IDPs’ self-esteem and should make school materials more accessible to displaced families

“La estrategia que planteamos busca articular las necesidades y características de la población desplazada que ha optado por la inserción urbana con los diversos programas estatales. Encontramos que la mayoría de la población desplazada no logra acceder en condiciones favorables a dichos programas.

A nivel de los gobiernos locales se hace necesaria una sensibilización con los mismos para que tomen conciencia del problema y desarrollen estrategias que favorezcan la participación de la población y se dé respuesta a sus demandas.

Las organizaciones de desplazados han sido los agentes más dinámicos en la búsqueda de alternativas y solución a sus problemas. Han desarrollado programas de autocapacitación replicando su experiencia. Se han constituido, también, en un referente para el desarrollo en sus comunidades de origen y en los lugares donde se han asentado.

A pesar de sus dificultades han elaborado propuestas de desarrollo y establecido niveles importantes de interlocución con el Estado, organismos de cooperación internacional y organizaciones de la sociedad civil. Destacan, particularmente, las organizaciones de mujeres.

La entidad responsable de la atención de la población afectada por la violencia ha sido el PAR, el cual ha venido trabajando con un mandato restringido respecto a la problemática global del desplazamiento. El PAR ha priorizado la atención al repoblamiento y reconstrucción de zonas rurales y, en mínima medida, atendiendo a las demandas de las organizaciones de desplazados en las zonas urbanas.

Sin embargo, es factible desde ya realizar algunos cambios para mejorar la atención a las familias insertadas en los diferentes programas desarrollados por el Estado.

1. El problema más importante y que merece una solución inmediata es el del empleo. Su solución implica replantear el rol del Estado como promotor y creador de fuentes de trabajo para este amplio sector.
2. Extender el Programa Pro Joven a las Zonas Afectadas por Violencia y de refugio, ampliando el margen de edad y el tiempo de permanencia en el programa.
3. Desarrollar programas de capacitación técnica productiva que se adecúen a las características de la población, incorporando las experiencias de las organizaciones de desplazados.
4. El Estado debe proporcionar mayor información sobre los programas estatales y precisar los alcances de los mismos.
5. Se hace necesario mejorar la calidad de la atención integral de los servicios de salud. Respecto al tema de la salud mental, cuya demanda de atención por parte de la población desplazada se ha incrementado, se requiere de la ampliación y difusión de los servicios, sensibilizando al personal de salud. Recomendamos recoger los aportes del documento de “Alternativas de Salud Mental para Población Afectada por la Violencia Política” elaborado por la Mesa de Salud Mental, así como, experiencias desarrolladas desde la sociedad civil en el tratamiento de este tema.
6. En relación a la vivienda proponemos modificar las condiciones de acceso al crédito que permita a las familias afrontar los compromisos asumidos sin poner en riesgo su sobrevivencia.
7. El Banco de Materiales deberá tomar en cuenta para el diseño de los módulos de vivienda las necesidades y expectativas de las familias.
8. Se hace necesaria la elaboración de programas curriculares que promuevan una educación por la paz, la tolerancia, el desarrollo de la autoestima, generando una educación de calidad y para el trabajo. La escuela deberá brindar los materiales educativos que las familias no puedan adquirir." (MENADES 16 September 1999, p. 3-5)

Policy and recommendations

Compensation requests from people victims of violence-induced displacement (2003)

- PAR organised workshops with IDPs to know their problems, needs and hear their proposed solutions in 2003
- The demands of the IDPs such as assistance to increase job opportunities and access to basic services could often apply to over half of the Peruvian population which live in poverty

- There were seven main categories of requests by IDPs: health, education, work, capacity-building in organising, housing, legal problems and civil reparation
- IDPs demanded psychological support and improved access to education for their children
- The IDP-specific requests were: assistance to regain their civic rights, demanding identity documents and legal advice concerning imprisonments under false charges of terrorism
- IDPs also request compensations as victims of violence for the looting of their houses, loss of cattle and land
- In the sectors of health and education IDPs request construction of infrastructure and provision of trained personnel
- IDPs request to be exonerated from school fees
- IDPs signal that the violence was partly caused by the abandonment of the state and request more state engagement in developing their areas as a measure to prevent violence in the future
- There are three conditions to overcome the emergency period: to achieve living conditions similar or superior at the pre-violence period, to reach an harmonious relationship between the actors of the conflict and reach mental healthiness

“Sobre la base de esta premisa, este capítulo presenta el resultado de una serie de talleres con población desplazada realizados durante los meses de abril y mayo del 2003. Dichos talleres, encargados al Programa de Apoyo al Repoblamiento (PAR) tuvieron el objetivo de conocer los problemas, necesidades y propuestas de solución desde las propias personas desplazadas que deben ser vistas antes que víctimas como actores sociales con capacidad de contribuir en la transformación de su propia situación de vida y de la realidad del país.

Los talleres fueron realizados en seis departamentos del país: Ayacucho, Junín, Apurímac, Huánuco, San Martín y Lima, en catorce localidades [...] y con la participación de 264 personas; las mujeres fueron algo más de la mitad de las participantes. Se trabajó en comunidades campesinas e indígenas, en ámbitos rurales, en asentamientos humanos y en zonas urbano marginales.

[...]

a) Problemas, demandas y necesidades

De manera preliminar es necesario señalar que la mayoría de los problemas y las demandas identificadas por los desplazados coinciden en gran medida con las que podrían reclamar otros pobladores de asentamientos urbano marginales (en el caso de los insertados) o de asentamientos rurales (en el caso de los retornantes); y ello nos remite a las condiciones generales de pobreza o pobreza extrema que caracteriza a una porción importante de la población peruana. Sin embargo, existe una serie de problemas específicos que sin duda afectan de manera muy particular a la población desplazada y que como tal es resaltada.

En general, los testimonios de los participantes giraron en torno a siete categorías: 1) salud; 2) educación; 3) trabajo; 4) organización comunal; 5) vivienda; 6) problemas legales; y, 7) reparación civil. A partir de la frecuencia con que fueron señaladas, procuramos priorizar las diversas demandas han sido priorizadas² de acuerdo a tres categorías: alta, regular y baja, como se muestra en el cuadro 2.

[...]

Dos de las cuatro demandas más importantes corresponden al reclamo de todos los peruanos, desplazados o no: mejores oportunidades de trabajo y la provisión de servicios básicos para el lugar en el que habitan; las otras dos corresponden a demandas específicas de grupos de desplazados [...] son :

1) la atención psicológica para la población afectada y

2) la provisión de mayores oportunidades educativas para sus hijos, por la vía de la subvención o la provisión de materiales.

[...]

En segundo orden de prioridad se concentran las demandas por infraestructura pública y privada (viviendas, postas, colegios), capacitaciones productivas o actividades capaces de generar ingresos y para el apoyo de organizaciones. Todas ellas demandas necesarias para cualquier contingente poblacional

pobre del país. La diferencia radica en que muchas de estas ayudas se solicitan como compensación por haber sido perjudicados durante los años de la violencia, colocándose actualmente en desventaja;

[...]

Ello podrá significar que, fuera de las dos grandes demandas formuladas líneas arriba: atención psicológica y apoyo en educación, todas las demás demandas de los desplazados son secundarias con relación a las carencias que experimentan en tanto población pobre.

[.....]

114 b) ¿Qué piden los desplazados? En el ámbito de la salud, las demandas formuladas fueron la presencia local de personal capacitado en salud y la construcción de infraestructura (postas de salud y hospitales). Según manifiestan los entrevistados, la mayoría de comunidades no cuenta con postas médicas y si las hay, éstas no cuentan con capacidad suficiente para atender a la población o no cuenta con personal debidamente capacitado.

Un punto de particular relevancia, lo constituyen las demandas referidas a las secuelas psicológicas causadas por el conflicto interno. Los participantes en los talleres manifestaron estar «traumados» o «sentirse mal emocionalmente», situación que por lo demás, afecta al conjunto de miembros de las comunidades, sean varones, mujeres o niños. Estas secuelas psicológicas se manifiestan en resentimiento, rabia, tristeza, desmotivación y problemas familiares.

[...]

En el ámbito de la educación, al igual que en el de la salud, los entrevistados manifestaron su disconformidad con los servicios educativos recibidos en sus comunidades, siendo los principales problemas también la ausencia de personal capacitado y las deficiencias en infraestructura. Se exige personal titulado para una mejor formación y la construcción de escuelas de primaria y secundaria, así como servicios básicos en las mismas.

Para la población desplazada, las posibilidades de acceso a una educación completa y de calidad se ven fuertemente limitadas por la carencia de recursos económicos. Los miembros de comunidades consideradas en extrema pobreza, no pueden cubrir sus costos de matrícula ni de los materiales necesarios, lo que sumado a la necesidad de contar con el trabajo de los hijos para sostener la economía familiar determina que algunos no puedan estudiar o tengan que abandonar los estudios. Influye en esto el número de hijos y probablemente el género de los mismos, señalándose que se logra dar educación a unos hijos y a otros no.

Según manifiestan, el desplazamiento habría impedido que los hijos terminen los estudios. De ahí que demanden un sistema de becas integrales o que se norme la exoneración en los pagos de matrículas en los colegios además del ingreso directo a la universidad para los hijos de desplazados.

[...]

En lo vinculado a problemas legales, las demandas se orientan hacia dos tipos de reivindicaciones: justicia y restitución de derechos civiles ciudadanos y civiles. Con relación a este segundo aspecto, se demanda solución al problema de la indocumentación, así como el de la expedición masiva de requisitorias por el delito de terrorismo.

En cuanto a la demanda de justicia refieren la necesidad de ser compensados por los perjuicios ocasionados en los años de la violencia, particularmente señalan el saqueo de sus casas, la expoliación de sus pocos alimentos y ganado, pérdida de tierras y ganado por el desplazamiento y daños personales.

[...]

Aunque en grueso las demandas de unos y otros son similares, retornantes e insertados tienen prioridades diferentes. Los retornantes resistentes priorizan más la atención psicológica que los insertados, en tanto que en lo referente a la demanda de ayudas para la educación, importante en ambos segmentos, se muestran más interesados los habitantes urbanos. Por otro lado, como era de esperarse, son los retornantes los más interesados en la reparación de infraestructura productiva y también son algo más demandantes en fortalecimiento institucional. También son los retornantes quienes se refieren a la conveniencia de una reparación civil en bienes o en dinero. En cambio, son los insertados quienes insisten en la educación de adultos y la necesidad de mantener la seguridad (ver cuadro 6).

[...]

La mayor parte de las propuestas (siete sobre doce) reclaman la atención de alguna institución del Estado (Ministerio de Educación, de Transportes, postas de salud, PAR, Ministerio de la Presidencia): se requiere de la presencia del Estado. Algunos de los afectados señalan como causa de la violencia el abandono de

parte del Estado, por lo que debería responsabilizarse del desarrollo no sólo porque es su obligación sino como una medida preventiva ante posibles nuevos hechos de violencia.

[...]

En general, la reparación individual a los retornantes debería contribuir a que superen la etapa de la emergencia, a nivel personal y familiar, y empiecen un proceso de desarrollo entendido como una mejora en sus condiciones generales de vida y sus posibilidades de futuro.

Por superar la etapa de la emergencia se entiende la triple condición de:

- 1) obtener las condiciones físicas para la reproducción social de las familias en condiciones similares o superiores a las existentes en la etapa inmediatamente anterior a la violencia política;
- 2) establecer equilibrios sociales que permitan una relación armoniosa y en equilibrio entre las partes involucradas en el conflicto y sus secuelas; y,
- 3) llegar a un estado de salud mental apropiado dadas las características de los procesos vividos de manera personal desde el inicio del desplazamiento.” (ICRC & PAR, 31 December 2003, p.103-130)

Reference to the Guiding Principles on Internal Displacement

Known references to the Guiding Principles on Internal Displacement

- References to the Guiding Principles Reference to the Guiding Principles in the national legislation
- Other References to the Guiding Principles (in chronological order)
- Availability of the Guiding Principles in local languages
- Training on the Guiding Principles (in chronological order)

Reference to the Guiding Principles in the national legislation

None

Other references to the Guiding Principles

None

Availability of the Guiding Principles

The Guiding Principles are widely available in Spanish. Published by OCHA: Principios Rectores De Los Desplazamientos Internos
Source: OCHA; Mr Francis Deng, the Representative of the Secretary-General on Internally Displaced Persons; Mr Sergio Vieira De Mello Assistant to the Secretary General for Humanitarian Affairs, To download the full document click here: [External Link]
Date: 1998

"Displaced persons organizations, however, have not yet used the Guiding Principles in the Americas as widely as NGOs and international organizations. Part of the problem is language and also literacy." (Cohen and Sanchez-Garzoli May 2001, p.18)

Training on the Guiding Principles

None

ABBREVIATIONS AND ACRONYMS

APRA	American Popular Revolutionary Alliance
C90-NM	Cambio 90-Nueva Mayoría
CADE	Consortio Andino para el Desarrollo
CEAA-INTI	Centro de Estudios y Asesoría Agrícola
CEDAW	Committee on the Elimination of Discrimination against Women
CEDINCO	Centro de Desarrollo Integral de Comunidades
CEPRODEP	Centro de Promoción y Desarrollo Poblacional
CERD	Committee on the Elimination of Racial Discrimination
CNDH	Coordinadora Nacional de Derechos Humanos
CONDECOREP	La Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú
EPRODICA	Equipo de Promoción y Desarrollo de Ica
FONCODES	Fondo Nacional de Compensación y Desarrollo Social
GDP	Gross Domestic Product
IBEA	Instituto de Biología y Ecología Aplicada
ICRC	International Committee of the Red Cross
INABIF	Instituto Nacional de Bienestar Familiar
INADE	Instituto Nacional de Desarrollo
IOM	International Organization for Migration
MNDP	Mesa Nacional sobre Desplazamiento
MRTA	Movimiento Revolucionario Túpac Amaru
PAR	Programa de Apoyo al Repoblamiento y Desarrollo de Zonas de Emergencia
PCP	Partido Comunista del Perú
PROMUDEH	Ministerio de Promoción de la Mujer y del Desarrollo Humano/ Ministry for the Promotion of the Woman and Human Development
PRONAA	Programa Nacional de Asistencia Alimentaria
PTA	Prevention of Terrorism Act
RENIEC	Registro Nacional de Identificación y Estado Civil
SIN	Servicio Nacional de Inteligencia
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
USAID	U.S. Agency for International Development
USCR	U.S. Committee for Refugees
WV	World Vision International

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