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Untold Truths: The Exclusion of Enforced Sterilizations from the Peruvian Truth Commission's Final Report

Jocelyn E. Getgen

Cornell Law School, Avon Global Center for Women and Justice, jocelyngetgen@hotmail.com

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UNTOLD TRUTHS: THE EXCLUSION OF ENFORCED STERILIZATIONS FROM THE PERUVIAN TRUTH COMMISSION'S FINAL REPORT

Jocelyn E. Getgen

November 5, 2009

Overview of Presentation

- Context
- Enforced Sterilization Campaign (AQV)
- Genocide & other HR Violations
- Truth & Reconciliation Commission
- Truth Omissions
- Consequences of Exclusion
- The Path toward Gender Justice



Maria's Story

“They told us we were ignorant animals if we did not want to tie our tubes.”

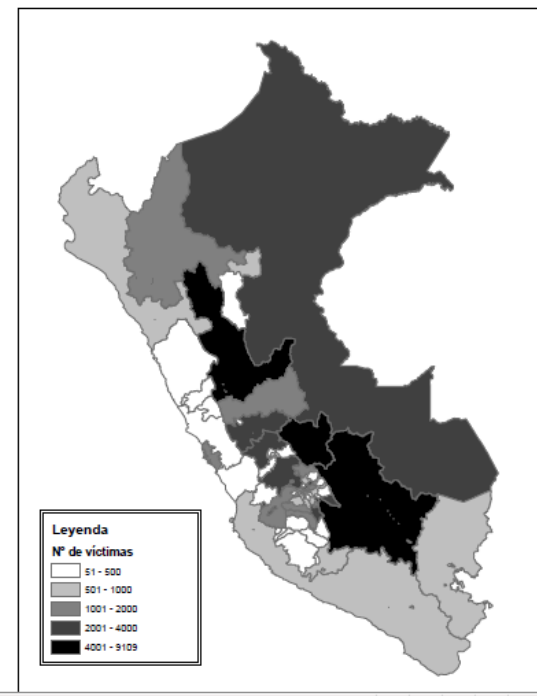


Context: Peru's Internal Armed Conflict

- Nearly 70,000 murdered or “disappeared”
- More than 26, 000 in Ayacucho alone

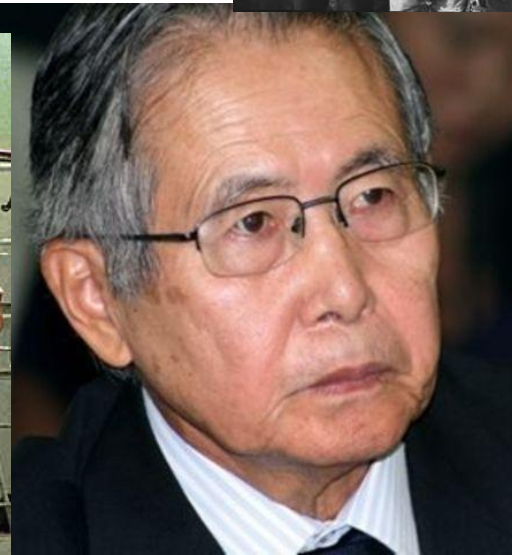


PERÚ: N° DE VÍCTIMAS FATALES ESTIMADAS SEGÚN ESTRATOS DEFINIDOS PARA LA EMS



Context: Peru's Internal Armed Conflict

- 1980s: War in the countryside (Shining Path)
- 1990s: Fujimori elected to power
- 1992:
 - ▣ Guzman's Capture
 - ▣ *Autogolpe*



Voluntary Surgical Contraception (AQV) Program

- 1989: *Plan Verde*
- 1990: Fujimori's new "birth control policy"
- 1995: Reform of National Population Law
- 1996: Sterilization campaign

"It has been demonstrated the need to curb as quickly as possible demographic growth and also to urge a treatment for the surplus beings: through the use of widespread sterilization among the culturally backward and economically impoverished groups Given their incorrigible character and lack of resources . . . all that is left is their total extermination." – Plan Verde



Enforced Sterilization Campaign

- Quota System
- “Tubal Ligation Festivals”
- *La República* investigation



Enforced Sterilization as Genocide

- > 200,000 Quechua-speaking women

[A]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) **Imposing measures intended to prevent births within the group;**
- (e) Forcibly transferring children of the group to another group.

-Article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948

A chance for justice? Peruvian TRC

- Broad Mandate
- Restrictive Interpretation

“The Truth Commission shall focus its work on . . .

- (a) Murders and kidnappings;
- (b) Forced disappearances;
- (c) Torture and **other serious injuries;**
- (d) **Violations of the collective rights of the country’s Andean and native communities;**
- (e) **Other crimes and serious violations of the rights of individuals.”** - Supreme Decree 065–2001-PCM art. 3.



Truth Omissions & Justice Denied

“[T]he practice of rape and other sexual crimes should be fully acknowledged in a commission’s report where it is believed such a practice was widespread. If a truth commission does not take special care in addressing this issue, it is likely that it will remain largely shrouded in silence and hidden from the history books—and also likely that few policy, educational, or reparatory measures will be put in place to assist past victims, increase the public understanding of the issue, or reduce the prevalence of sexual abuse in the future.”

-*Priscilla Hayner, Unspeakable Truths: Facing the Challenge of Truth Commissions* (2002)



Consequences of Exclusion

- ❑ Congressional Committee Investigation
- ❑ Conservative backlash on reproductive rights



The Future of Gender Justice in Peru

- Public Prosecutor has shelved complaints in violation of *MM v. Peru* judgment
- Exclusion from TRC's Reparations Plan
- Independent, impartial investigation needed



Questions?

Email: jeg17@cornell.edu

