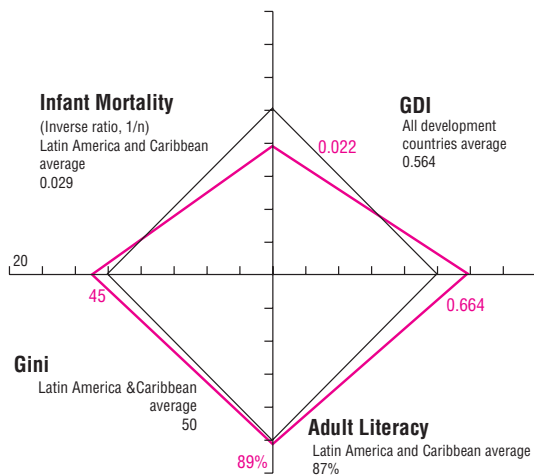


•GRUPO DE INICIATIVA DE LA CONFERENCIA NACIONAL SOBRE DESARROLLO SOCIAL



The Equity Diamond: National values in terracotta compared to regional ones in blue. Source: **Infant mortality:** UNICEF, *The State of the World's Children, 1998*; **Adult literacy:** UNICEF, *The State of the World's Children, 1998*; **GDI** (Gender Development index): UNDP, *Human Development Report 1998*; **GINI:** World Bank, *World Development indicators 1998*. (The regional average for this indicator was calculated by Social Watch).

The percentage of Peruvians living in relative poverty has remained at 54% of households unable to generate sufficient income to pay for the basic family basket, which costs 880 soles (USD 300). The government has declared that absolute poverty was reduced from 26.8%

DEMOCRACY INSECURE: POVERTY HOLDING STEADY

to 14.7% of the population from 1991 to 1997.¹ Other sources report that while 6.7 million people lived in relative poverty in 1991, this figure rose to 8.75 million by 1997 (Peru has a population of 24 million). So while absolute poverty figures dropped, relative poverty figures rose.²

Some average indicators, while hiding major regional and social disparities, show improvement. According to official figures, infant mortality fell from 62 per thousand in 1990 to 43 per thousand in 1996. Chronic malnutrition of children under three dropped from 37% in 1991 to 26% in 1996. Households lacking water dropped from 40% in 1993 to 33% in 1995. Households without electricity dropped from 43% in 1993 to 35% in 1995.

Yet economic policy and restrictions on public spending in order to repay the foreign debt have prevented development of a sustainable policy on poverty. Resources channeled through the Plan for the Improvement of Basic Social Spending cover: basic health (preventive, simple outpatient care and food supplements for children under three and pregnant and nursing mothers); basic education (teacher training and improvement of infrastructure); and basic justice (support to courts of justice). An attempt is being made to halve the number of people in absolute poverty in some rural and forest areas, through small projects in 419 of the country's 2,000 districts, administered by numerous government agencies. This programme is financed with loans from multilateral organisations and contributions from the public treasury.

The government defines the framework of policies and programmes. It sometimes calls upon institutions and non-governmental organisations to participate in the implementation of projects

1 Statement to Congress in September 1998 by the President of the Council of Ministers, Alberto Pandolfi.
2 Statement by Congresswoman Graciela Fernández Baca, former director of the National Institute of Statistics and director of the private statistics organisation «Cuánto», in September 1998.

but not in the design of policies.

Under-employment is critical in Peru: only 30% of the economically active population (EAP) is adequately employed. Thousands of workers who lost their jobs because of structural adjustment and privatisation have started their own businesses. There are now 3 million micro-enterprises involving 7 million workers (COFIDE, 1994). They have requested an estimated 2 billion dollars in loans, while credit placement by all the financial institutions is only about 220 million. Following the neo-liberal programme, the market has opened to imports, and a promotional tax system that had supported micro-enterprises was eliminated. Now no policy exists for the promotion of small enterprises.

«DEMOCRACY»

Peru is the only South American country that had a *coup d'état* in the present decade, on April 5th 1992. Institutions that guaranteed democracy and the rule of law are deteriorating as a result of government policy to take over and use these institutions to its own ends. **Congress fosters legal insecurity by passing bills to suit the executive. Commissions appointed by the executive administer the judiciary and the public ministry. The government has interfered with and curtailed the functions of oversight bodies such as the Tribunal for Constitutional Guarantees and the National Magistrates' Council. Civilians may be tried by military tribunals. A parallel government structure exists, comprised of armed forces and their intelligence services. The government controls political processes and constantly changes laws and regulations.**

The mass media are pressured and threatened. Persons who violate human rights or commit acts of corruption enjoy impunity if they support the government, and government bodies such as SUNAT (Superintendency for Tax Administration) are used to pressure the opposition. **Constitutionally established mechanisms for citizen participation, such as the right to hold referenda, have been limited or forbidden for various pretexts.**

RETURN TO CENTRALISM

The 1979 and 1993 Constitutions established precise deadlines for regionalisation and decentralisation. But since 1990 the government has deactivated coordination with regional governments, cut transfer of resources through the Fund for Regional Compensation and, following the 1992 *coup d'état*, dissolved regional governments and replaced them with Temporary Commissions for Regional Administration.

In 1997, Congress passed the Decentralisation Framework Bill, giving the central government main responsibility for managing regional governments. This means that decentralisation has been cut short for the time being. The central government manages 96% of public expenditures.

Legislative setbacks have undermined the power and auto-

my of local governments, especially of provincial municipalities. Meanwhile, the central government has developed institutions parallel to local governments through state agencies, particularly those working to alleviate poverty. Between 1992 and 1997, no less than 50 bills were passed that took functions or resources away from **local governments who now receive less than 4% of the national budget.**

Local governments have protested and mobilised, started legal action against central government measures, and exercised their legislative powers to locally regulate application of rules that contravene municipal power. This experience is shaping local governments as political actors and helping them update their management models.

SOCIETY

The social groups in the worst situation are children, young people, women and the elderly. Scattered and scantily significant programmes exist for these groups but there is no overall policy.

CHILDREN

There are 10.6 million children and adolescents, 44% of the total population. **66% live in relative poverty and 26% in absolute poverty.** The national average for child mortality is 43 per thousand live births, and for children under five the average is 59 per thousand live births. In departments outside the main cities, the mortality rate is over 100 per thousand live births.

26% of children under 5 and 48% of children aged 6—9 are chronically malnourished.

Infant care services reach only 4% of 0 to 3 year olds whose mothers work. On a national level, 52% of children attend primary school. This drops to 30% in towns outside the main city. 22.9% of 6 to 11 year olds do not attend primary school. 17% of adolescents do not attend secondary school. At age 17, the average number of school grades passed is 8.7, while in rural areas it is 6.5. Only 30.5% of young people who finish secondary education go on to higher education.

An estimated 1 million children do not hold legal identification documents. According to the Ministry of Justice, 17% of annual births are not recorded in civil registries, **meaning that 110 thousand children per year do not exist legally and do not have rights.**

Over 300 thousand children and adolescents have been forcibly displaced with their families from war zones, joining those who live in absolute poverty in the main cities.

Nationally, 13% of adolescent girls are mothers, with the figure climbing to 25% in rural zones. Teenage pregnancies are related to the low educational level and lack of information services. Pregnancy puts adolescents on the road to exclusion. Not only does it undermine their educational opportunities, but it also restricts opportunities in the labour market. In April 1998, a law was passed preventing pregnant adolescents from being expelled from schools or subjected to discrimination.

Peru has signed the International Convention on Rights of Children, approved by the United Nations General Assembly in 1989, and the Declaration on Survival, Protection and Development of Children, in 1990. Both documents have the status of constitutional law. Peru has also ratified many of the conventions promoted by the International Labour Organisation, but not Convention 238 establishing a minimum work age. The Children and Adolescents' Code (Art. 22) recognises adolescents' right to work from the age of 12. Even so, it has not been publicised and it is not enforced. **Over a million (1.17 million) children work (INEI, 1997). It is estimated that 15 thousand work in mines, brick works, quarries, refuse dumps, and nighttime street activities, and as loaders in markets and domestic servants.**

ACTIONS

The 1996–2000 National Plan of Action for Children sets the following goals:

- reduction of the infant mortality rate to 34 per thousand live births.
- reduction of mortality of children under five by 25% as compared with 1996
- expansion of school insurance coverage to 5 million school-children
- reduction by 50% in the rates of chronic malnutrition
- expansion of coverage of initial, primary and secondary education.

A steering committee for the progressive eradication of child labour was set up in 1997 in the framework of the Ministry for the Promotion of Women and Human Development (PROMUDEH). An estimated 600 stations for child and adolescent defense (DEMUNAS) have been set up in the municipalities (Peru has 2,200 municipalities) at the initiative of churches, NGOs and community organisations. The DEMUNAS have dealt with approximately 20 thousand cases relating to children's rights, often under precarious conditions.

WOMEN

POLITICAL PARTICIPATION

There are few women elected officials, and their number fell in the last election. Presently, women hold only 3% of mayors' offices, and 10% of congressional seats.

In 1997–1998, affirmative action mechanisms to promote political participation were approved: i) the Electoral Code requires that 25% of candidates on parliamentary lists be women; and ii) the new General Law for Municipal Elections establishes a quota of 25% women candidates on the municipal election lists.

LABOUR RIGHTS

Peru has signed the ILO instruments on women's labour protection, equal treatment in employment and maternity protection. The Constitution establishes respect for equality and non-discrimination in employment and special protection of working mothers. The Law for Labour Promotion states that dismissal motivated by pregnancy is null and void if it takes place during the ninety days before or after childbirth. Workers dismissed thus must be reinstated.

The 1997 Law for the Modernisation of Social Security extended the services of the Peruvian Social Security Institute (IPSS) to the spouses or partners of ensured workers.

Pregnant workers have the right to 45 days prenatal leave, 45 days post-natal leave and a maternity subsidy for 90 days, on the condition that they do not carry out remunerated activity in that period. Teachers and public administration workers have one hour leave per day to breast-feed their children until they are one year old.

These benefits do not apply to the 50.6% of urban women who carry out non-remunerated family work, retailers, street vendors or domestic workers. Of employed urban women, 67.1% are not members of any health benefit system and 80.7% are not members of the pension system.

Discrimination against women is a significant problem in Peru. Although equality is promoted through legal regulations, there are areas where discrimination is still a matter of concern. Women with few resources do not have access to formal credit because they cannot provide the collateral demanded by the system. Programmes supporting women's small enterprises have limited coverage and demand high rates of interest.

LAND TENURE RIGHTS

According to the 1994 Third National Agricultural and Livestock Census, women head only 20.3% of agricultural units, while men head 79.7%. Neither the Constitution nor land law establishes a legal difference between men and women regarding access to land tenure. Usually deeds are made out to men, however, and hardly ever to women, especially if they are common law wives.

DOMESTIC AND SEXUAL VIOLENCE

The Law against Family Violence was enacted in 1993, modified in 1997, and its regulations approved in February 1998. National police stations are to receive complaints concerning family violence and investigate them. The provincial family district attorney also hears direct complaints lodged by victims, their family members or by anyone if the protection of minors is involved. The process for lodging complaints is long and complex. Until April 1997, rapists and co-perpetrators went unpunished if one of them married the victim. The 1997 legal reform eliminated this regulation in cases of rape, but did not change the private action nature in

cases of rape of adult women. The Peruvian State does not prosecute such crimes. **A bill was submitted in 1998 to prevent and sanction sexual harassment in the workplace. It was debated but**

later shelved.

HEALTH POLICIES AND REPRODUCTIVE RIGHTS

Health policies and programmes fall within the framework of the 1985 National Population Law, the 1993 Constitution and the 1997 General Health Law, as well as commitments made at the 1994 International Conference on Population and Development. Their impact is limited, however, and the basic rights of citizens are not ensured. This is reflected in the imposition of quotas on the number of citizens who may receive surgical contraception (AQV) in health establishments.

Inequity is reflected in the proportion of vasectomies to tubal ligations, which is 1 to 10, a trend that remained steady during 1998. In 1997, there were 10,000 vasectomies and 100,000 tubal ligations. The 1998 health budget set a target of 168,000 tubal ligations nationally.

Women have denounced forced sterilisation, a practice contrary to informed consent that often takes place under unsuitable conditions and may result in death or serious consequences to reproductive or overall health. The government acknowledges this and has initiated a process to modify strategies, regulations and procedures. Women's organisations are claiming compensation and support for affected persons and advocating for legislation to guarantee women's rights in this area. The government has been negligent in investigating cases of forced sterilisation and penalising those responsible.

Since their special needs are not taken into account, adolescent girls and poor women living in rural areas or belonging to certain ethnic or cultural groups suffer the greatest inequity in matters of health and reproduction.

INDIGENOUS PEOPLES IN THE AMAZON

The indigenous peoples of the Amazon have the highest levels of poverty in the country: 59.48% of the indigenous forest peoples are poor and 41% live in absolute poverty.

Nationally, 27% of all children under age five suffer chronic malnutrition. In the Amazon, this figure reaches 70%, and in places such as Atalaya with an Ashaninka population, 91%. Infant mortality is 153 per 1,000 live births among the Shipibos.

The national average illiteracy rate is 13%, but among the indigenous population it reaches 33%, and in the case of indigenous women it is 44%. Only 15.5% of the indigenous population has any secondary or higher education.

Peru has ratified ILO Convention 169, but it is not enforced regarding consultation, self-determination and education. The 1993 Constitution recognises ethnic and cultural pluralism, the juridical and legal existence of indigenous communities, and their land tenure rights and right to autonomy. It also recognises that all people have the right to an ethnic and cultural identity and that the State has the obligation to recognise and protect the nation's ethnic and cultural plurality. But it does not guarantee the right to land tenure because it eliminates the unattachable and unalienable nature of property, making land ownership precarious. **These curtailments of indigenous land tenure rights are ratified in the land law.**

Existing natural resource laws give native communities priority in obtaining extraction contracts and establish them as the only ones who can extract timber and fauna from their territories. In practice, however, businesses and loggers are given preference for such contracts and often act in disregard of the regulations. The deforestation rate in natural forests is as high as 300 thou-

sand hectares per year, and reforestation covers only 8% of this area.

The land law establishes that «peasant and native communities should regularise their communal organisation in accordance with constitutional precepts and the present law.» It neglects the fact that no State has the right to deny or to regulate the traditional forms of organisation adopted by indigenous peoples. The land law seeks to «peasantify» and control indigenous communities by: inducing them to become enterprises and confusing their essence as social organisations; promoting individualistic forms of land tenure, placing land on the real estate market as if it were a mere economic good; and reducing the subject of land and territory to common law with disregard to dispute settlement mechanisms used by indigenous peoples. Legislative decree 838 enables the State to grant free deeds in the forest in areas of depressed economy or affected by violence, thus violating communal autonomy.

ACTIONS

There is no development strategy and practice does not correspond to the characteristics and specificities of the Amazon, but rather to western patterns.

The government has granted over 24 million hectares to oil companies without consideration of the directly affected indigenous peoples. Hydrocarbon Law 26221, passed in 1993, does not contain any regulation guaranteeing indigenous community rights or forms of compensation, retribution or benefit for activi-

ties carried out on their territories. The Ministry of Agriculture ignores these communities as it grants logging licenses.

The Indigenous People's Institute was dissolved and replaced by a lesser body within PROMUDEH. The special programme for native communities in the People's Defense Office is being consolidated and has limited operating capacity. There is only one decentralised office in the whole of the Amazon.

Publicly, indigenous communities have moved from making demands to making proposals. Many indigenous people are members of local district and provincial governments. National and international indigenous organisations have greater capacity for dialogue and pressure vis-à-vis the government and society.

This year the government prepared three different proposals for an indigenous law. This caused confusion and reduced the possibility of passage. The indigenous peoples and their organisations were not actors in the preparation and debate of these proposals. The development of the Amazon is planned without regard for indigenous peoples. The government gives priority to businesses and the viewpoints of technicians.

- CONADES – Initiative Group of the National Conference for So-

cial Development, comprising: Acción Ciudadana/Asociación Nacional de Centros, ANC/Centro Amazónico de Antropología y Aplicación Práctica, CAAAP/Comisión Episcopal de Acción Social, CEAS/Centro de Estudios para el Desarrollo y la Participación, CEDEP/Centro de la Mujer Flora Tristán/Coordinadora Interinstitucional Desarrollo Región Ayacucho, CIDRA/Coordinación Intercentros Investigación, Desarrollo y Educación, COINCIDE Cusco/Comisión Hábitat/Consortio Apurímac/Consortio Mochica Chimú (Trujillo)/Coordinadora Rural/Consortio de la Pequeña y Microempresa, COPEME/Foro Ecológico/Foro Educativo/FOVIDA, Fomento de la Vida/Grupo de Trabajo Crédito y Desarrollo/Grupo de Trabajo Empleo Productivo/Grupo de Trabajo Prevención de Desastres/Grupo de Trabajo Seguridad Alimentaria/Grupo de Iniciativa Nacional por los Derechos del Niño, GIN/Grupo Impulsor Nacional de Mujeres por la Igualdad Real/Grupo Mujer y Ajuste/Grupo Pachacamac/Grupo Propuesta Ciudadana/Red de Desarrollo Local/Red Nacional Mujer Rural.

- The following people contributed to this text: Alberto Adriansén, Alfonso Cotera, Luis Chirinos, Dunia Gamarra, Luis Gómez, Diana Miloslávich, Eduardo O'Brien, Doris Portocarrero, Silvia Loli, Ana Tallada, Ismael Vega. Coordination and final text: Héctor Béjar.