

**Submission from the Internal Displacement Monitoring Centre (IDMC) of the
Norwegian Refugee Council (NRC) to the Universal Periodic Review mechanism
established by the Human Rights Council in Resolution 5/1 of 18 June 2007**

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**Need for effective remedy to internally displaced people (IDPs) and other victims of
internal armed conflict in Peru**

Contents

I. Introduction	1
II. Background to internal displacement in the country	
III. Challenges of registration and compensation processes	
IV. Returns of IDPs and precarious situation of returnees	2
V. International support	3
VI. Recommendations to the Government of Peru	
Sources	4

Attachement

Peru: Compensation pending for victims of forced displacement, IDMC, 8 June 2007

I. Introduction

1. In May 2007 the Peruvian Ministry of Women and Social Development estimated that there were approximately **150,000 internally displaced people** in the country (MIMDES, 14 May 2007).

2. The two major issues to which this submission wishes to draw attention are: the need for effective remedy, i.e. prompt registration of and appropriate compensation to IDPs and other victims of the 20-year-long internal armed conflict in Peru; and the need for an assessment of the socio-economic and protection needs of returnees and those who remain displaced.

II. Background to internal displacement in the country

3. Internal displacement in Peru was caused by the internal armed conflict between the Shining Path (Sendero Luminoso) Maoist group and the leftist Túpac Amaru Revolutionary Movement (MRTA) on the one side, and the Peruvian Armed Forces and self-defense groups on the other. The conflict lasted from 1980 to 2000 and forced between 500,000 and 1,000,000 people from their homes towards urban areas (ICRC & PAR, 31 December 2003, p.68). Indigenous peasant populations, primarily from the departments of Ayacucho, Huancavelica, Apurímac and Central Sierra, represented a disproportionate 70 per cent of the displaced (CVR Final Report).

4. As the Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación*, CVR) concluded, displacement was often an end in itself, a deliberate strategy by the warring parties in pursuit of their military objectives. People were also forced to flee either because of direct attacks or when ordered to do so by security forces, or because the persistent conflict prevented them from meeting their minimum subsistence needs.

5. Following the end of the conflict, an estimated 80 per cent of displaced people either returned or settled permanently in areas of displacement (CEPRODEP, April 2007).

III. Challenges of registration and compensation process¹

6. The final report of the Truth and Reconciliation Commission of August 2003 identified each party's responsibility for violations of human rights and international humanitarian law, noted the failure of central decision makers to acknowledge the magnitude of the crisis, and formulated recommendations with a view to reconciliation. These included a recommendation to recognise all people forcibly displaced during the conflict as victims and, therefore, potentially eligible for compensation, regardless of their large numbers and the resulting financial implications. The Commission also recommended that individual and collective compensation programmes be developed in areas such as mental and physical health, education, symbolic and economic support, and provision of identification documents.

¹ Right to an effective remedy, UDHR Article 8, ICCPR Article 2.3

7. The Report stated further that the end of hostilities did not mark the end of the problem of displacement, but rather opened up opportunities for its resolution. Finally, in compliance with the United Nations' Guiding Principles on Internal Displacement, the Report acknowledged that the displacement was to be measured as a matter of fact rather than as a matter of formal registration.

8. Yet the compensation to internally displaced people and other victims of this conflict still hinges on official recognition. The Government has followed a recommendation in the Report in establishing the National Reparation Council, which has as a main task the establishment of a "unified registry of victims". The registry is mandated to compile various lists of groups of victims of the conflict, including the National Registry of Displaced People (*Registro Nacional de Desplazados*).

9. As a result, a first list of 3,000 officially-recognised IDPs was finalised in May 2007, based on which a High-Level Multisectoral Commission will determine access to compensation (MIMDES, 14 May 2007; Sofia Macher, 5 December 2006).

10. Despite the promising mechanisms to compensate the victims of the conflict, the process of registering the estimated 150,000 remaining IDPs has been reported to be marred by a number of flaws. The Ombudsman's Office reported lack of coordination, poor training of enumerators, poor communication of the objectives of the registry to the internally displaced people themselves, and lack of IDP participation in its preparation (Ombudsman's Office, February 2007). As of 2007, a national reparation plan targeting around 50 per cent of the returned IDPs had only received eight per cent of the funds required to implement it.

11. The registration and compensation process has just begun, seven years after the official end of the hostilities, and a number of challenges remain to be addressed. There is a risk that general poverty eradication and development projects may be presented as compensation schemes for victims, thereby undermining the separate reconciliation process (Sofia Macher, 5 December 2006). Furthermore, a large number of the socially, culturally, politically and economically excluded people in Peru are from indigenous communities that were forcibly displaced during the conflict. More than 70 per cent of these communities live below the poverty line (IFAD, accessed 17 May 2007). Yet neither the compensation schemes currently being implemented nor the general development and poverty eradication programmes supported by international agencies address one of the most unequal distributions of land and resources in all Latin America. Even the comprehensive implementation of the compensation schemes may therefore do little to resolve the continued exclusion of many IDPs and other victims of the conflict.

IV. Returns of IDPs and precarious situation of returnees causing renewed migration

12. When the security conditions improved, the government met its duty to initiate return and reintegration programmes for IDPs. However, the programmes only helped those

IDPs who decided to return permanently to their areas of origin, and it is estimated that as a result only some 21,000 people benefited from the 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).

13. Most of the permanent and temporary returnees still live in very precarious conditions and will not successfully reintegrate without focused assistance. Conversely, the absence of comprehensive programmes to support return and reintegration, and unsustainable conditions in rural areas as a result of the conflict, prompted the renewed migration of those IDPs who had returned in the years following the end of hostilities, according to a national human rights organisation (CEPRODEP, April 2007).

V. International support

14. As of 2007, international support to mitigate the consequences of the conflict is focused on general development and poverty eradication rather than on programmes targeting IDPs as a category of people with specific needs. While this may be understandable given the difficulties of separating economic migrants from IDPs, the government's ongoing registration of the remaining IDPs and the compensation mechanisms in place pose a renewed opportunity for international agencies to support the realisation of the IDPs' rights and a more comprehensive reconciliation process.

VI. Recommendations to the Government of Peru

- Allocate sufficient budgetary resources to carry out and finalise the registration of victims of conflict, including IDPs;
- Pay due compensation to IDPs and other victims of conflict;
- Fully follow up on the recommendations of the Truth and Reconciliation Commission;
- Prepare and carry out reconciliation processes;
- Ensure equal access to assistance for IDPs willing to return, no matter whether they want to return or resettle permanently or not;
- Conduct an assessment of the socio-economic situation and the protection needs of returnees and those who remain displaced;
- Assist returnees and IDPs and address the root causes of poverty and exclusion, especially of indigenous rural communities.

The information above is drawn from

- the IDMC's online database
- IDMC's overview: *Peru: Compensation pending for victims of forced displacement*, of June 2007 (attached)

More information and Peru country profile can be accessed at
<http://www.internal-displacement.org/countries/peru>

Selected sources

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