

Report and Concluding Comments on Indigenous Women's Human Rights under the CEDAW Framework

*Cecilia Olea Mauleón
Centro de la Mujer Peruana Flora Tristan

I. Presentation

This paper highlights some aspects of the human rights situation of indigenous women under the CEDAW framework. Their living conditions are presented and contrasted with the contents of the CEDAW and with the recommendations the CEDAW Committee has made to the Peruvian State in order to remedy violations of women's human rights. We reviewed the existing legislation in relation to indigenous peoples and indigenous women. In the conclusions, we formulated several recommendations to ensure that indigenous women can have access to full citizenship in the enjoyment of their rights and recommendations to make visible their living conditions and alert the relevant authorities so that women can enjoy their citizenship.

Our work is based on documents produced by the state, bilateral agencies, the United Nations Organization (UN) system and NGO's.

We are presenting some of the tensions that were revealed during the preparation of this report, the weak construction of specific data on indigenous peoples in general and on indigenous women in particular, which are confronted with difficulties in finding appropriate and consensual categories to define the indigenous identity. Among the documents available, we should highlight the Second Census of Indigenous Communities of the Peruvian Amazon carried out by the Peruvian government in 2007, which presents important data on Amazonian indigenous peoples.

For feminists, members of the Center for Peruvian Women "Flora Tristan", this work responds to several challenges, including problems to continue documenting the Peruvian State's critical lack of compliance with existing international covenants, which are binding under the national legislation. It is also an expression of our intention to complicate and extend the feminist discourse, highlighting the specific living conditions of the daily lives of a diversity of women because of their ethnic, racial, class identity, sexual orientation and gender identity, and thus expand the boundaries of the feminist agenda.

As feminist human rights advocates, we want to expose that multiplicity of situations and living conditions, of subjectivities, of worldviews, in which we find social inequalities of various kinds, as that of racial ethnic identity intertwined with gender inequality, in this case. Geographical, social, economic and cultural distances to gain access to existing but insufficient state services, challenges us to have to combine a pluriversity of conditions and imaginaries of life with the universality of human rights, which in some cases, in an effort to achieve equality for everyone, neglects much more complex specific issues. We are encouraged by the vision of human rights for everyone, but

we know that in this path, we must learn to listen to diverse voices, urban, rural, indigenous, afro-descendants, in order to expand the margins of human rights themselves, of democracy and of our practice and feminist theory.

II. CEDAW, the Peruvian State and indigenous women

CEDAW, adopted by the United Nations General Assembly -Resolution 34/180 of 18 December 1979, is a Treaty of the Universal Human Rights System signed and ratified without reservations by the Peruvian State on July 23, 1981. The ratification document was delivered to the United Nations on September 13, 1982.

According to the provisions of the Peruvian Constitution (1993), the Congress of the Republic must approve human rights treaties prior to ratification (Art. 56). It also states, "The treaties signed by the State and in force are part of national law" (Art. 55). The Fourth Final and Transitional Provision of the current Peruvian Constitution states, "The rules governing the rights and freedoms that the Constitution acknowledges shall be interpreted in accordance with the Universal Declaration of Human Rights and international treaties and agreements on the same matters ratified by Peru".

The contents of the CEDAW are part of the national legislation and are a criterion for interpretation of the rights and freedoms recognized by the Constitution.

In the text of the CEDAW the rights of indigenous women do not appear explicitly, but Article 14 specifically refers to rural women.

The Peruvian State has submitted six reports to the CEDAW Committee. In the recommendation to the second report discussed at the 275th meeting, on January 27, 1995, the Committee stated in its general comments (CEDAW/C/13/Add.29):

413. Members of the Committee noted that human rights organizations had documented cases of rape perpetrated against rural and indigenous women in areas subject to civil strife. There are reports of 40 instances of rape allegedly committed by security forces in the course of interrogations in such areas. It had been estimated that only 10 per cent of all rape victims officially reported the crime because it is difficult to prosecute perpetrators. There were also reports of rape by members of Shining Path. In reply to requests for more information about the causes of violence experienced by these women and preventive action that has been taken, the representative informed the Committee that, according to investigations carried out by the Government and NGOs women had been the victims of terrorist activities by the Shining Path and the Revolutionary Movement of Tupac Amaru, as well as in some instances by the security police force. Investigations were under way to prosecute such crimes.

429. In reply to a question about concrete steps the Government had taken to raise the living standards of indigenous women, the representative said that the Government had primarily directed its efforts to supporting the basic needs of rural women. At the present time, the Ministry of Agriculture was developing programmes for women's access to resources. It was also coordinating the network of international and national organizations for the support of rural women, through their organization and the management of credit.

438. The Committee raised concern about reports of rape, gang rape and custodial rape which had been documented by human rights organizations, especially those occurring in the "emergency zones" and affecting indigenous and peasant women.

At its 397^o and 398^o sessions (CEDAW/C/SR.397 and 398) held on July 6, 1998, the Committee examined the third and fourth consolidated report of the Peruvian state and said and recommended:

The Committee expresses concern at the fact that, although the report mentions Act No. 26260 on domestic violence, it does not make reference to any specific measures taken to deal with cases of violence, including incest, the incidence of which is extremely high. Moreover, the Committee is deeply disturbed by the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones (327).

The Committee emphasizes the vital importance of education in improving the situation of women. It notes with concern that drop-out rates among girls are very high, particularly in poor urban areas and in rural and indigenous areas (329).

The Committee expresses concern at the lack of information and lack of access to adequate contraception among poor women in urban and rural areas, indigenous women and teenage girls (341).

The Committee examined the fifth report of the Peruvian state at its 583^o and 584^o sessions on August 15, 2002 (CEDAW/C/PER/5), it observed and recommended:

(u) The Committee is concerned about the situation of women's health and particularly their reproductive health. The Committee is especially concerned about the disappearance of the Women, Health and Development Programme. The Committee notes with concern the high maternal mortality rate and particularly mortality resulting from illegal abortions, including among adolescents, and the requirements that may prevent women from obtaining medical treatment in abortion cases. The Committee is also concerned about the inadequacy of sex education and the limited dissemination, availability and supply of all contraceptive methods, particularly among indigenous women and in the most vulnerable sectors of the population, as well as among adolescents. The Committee notes with concern that the rate of HIV/AIDS infection among women is increasing, particularly among young women. (v) The Committee urges the State party to consider the possibility of reviving the Women, Health and Development Programme. The Committee recommends that the State party should give priority to the situation of the adolescent population and also urges it to adopt measures to strengthen the family planning programme and to guarantee access to sexual and reproductive health services, attending to the information needs of the population, particularly adolescents, by pursuing programmes and policies geared to increasing knowledge about various contraceptive methods and their availability, on the understanding that family planning is the responsibility of both partners. It also urges the State party to promote sex education for the entire population, including adolescents, giving special attention to efforts to prevent and combat HIV/AIDS and to improve the dissemination of information about risks and ways of transmission.

(gg) Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

(hh) The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

The sixth report of the Peruvian State (CEDAW/C/PER/6) was examined in the 763^o and 764^o sessions held on January 19, 2007 (CEDAW/C/SR.763 and 764), the Committee affirmed and recommended:

18. While the Committee takes note of various initiatives at the legislative and policy levels to reduce violence against women, including the National Plan against Violence towards Women, it remains gravely concerned about the extent, intensity and prevalence of such violence. In particular, the Committee remains concerned that women experience significant obstacles in accessing justice, particularly indigenous women who also face language barriers, the lack of enforcement measures, which contribute to impunity for perpetrators, and the persistence of permissive attitudes in society towards violence against women. The Committee remains concerned that incestual sexual abuse is not characterized as a crime.

32. The Committee notes with concern the large number of women, particularly indigenous and rural women, who do not have any documentation registering their births and consequently cannot claim nationality and social benefits in the State party.

36. The Committee is concerned about the situation of rural, indigenous and minority women, which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services. The Committee is concerned that widespread poverty and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against rural, indigenous and minority women. The Committee is further concerned about racism and multiple forms of discrimination against Afro-Peruvian women.

37. The Committee urges the State party to pay special attention to the needs of rural, indigenous and minority women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes, including with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against rural, indigenous and minority women through all available sources of support. The Committee encourages the State party to take more effective measures to eliminate discrimination against Afro-Peruvian women and to strengthen its efforts to combat and eliminate racism against women and girls in Peru.

The Committee's recommendations to the Peruvian State on indigenous women are still valid. As we will see below, indigenous women victims of internal armed conflict still await justice and reparation; while education gaps, as well as access to health are alarming.

III. Situation of Amazonian indigenous women

Various estimates indicate that in Latin America and the Caribbean live 30 to 50 million indigenous people (ECLAC, 2006). Peruvian indigenous peoples stand out both in absolute and relative terms.

An investigation commissioned by the World Bank to determine the number of indigenous populations based on statistics was carried out in 2005. After analyzing the Household Survey (INEI, 2001), Trivelli (2005) concluded that, depending on the number of indicators that are applied, in Peru there are between 25% to 48% of Peruvian households considered indigenous.

Ethnic identification data indicate that 57.6% of the population identified themselves as mestizo, 22.5% reported being Quechua, and lower proportions identified themselves in the following categories: White (4.8%), Aymara (2.7%), from the Amazon (1.7%). 9.1% indicated categories other than those listed or did not know.

According to the 2007 National Census, 4'045,713 people over 5 years of age learned to talk in an indigenous language, which represents 16% of Peruvians in that age range. If one applies the traditional criteria of estimation that includes other ethnic indicators, the estimate of the indigenous population would be 8'466,229, about one third of the total population. Within that group, most of the indigenous population has Quechua as their mother tongue (83%), followed in number by the population that has Aymara as their mother tongue (11%). Compared with other indigenous groups, populations with Quechua and Aymara as mother tongues reside in urban areas in higher proportions: 46% and 43% of the population with Quechua and Aymara as mother tongues, respectively. Meanwhile, the indigenous peoples of the Amazon together consisted of over 242,000 inhabitants (6% of the indigenous population) and most of them (over 80%) lived in rural areas.

The incidence of poverty among the indigenous population is almost double (55%) of that in the population whose mother tongue is Spanish (29%). This difference of 26% is partly explained by the high incidence of extreme poverty among the indigenous population: 26% of those with native mother tongues live in extreme poverty, compared with 8% of those who have Spanish as mother tongue. Within the indigenous population, the Amazonian indigenous peoples face a higher incidence of poverty (81%) and extreme poverty (41%).

Alongside the 2007 11th Population Census and 6th Housing Census, the 2nd Census of Indigenous Communities of the Peruvian Amazon was also carried out. The combined data sources, made it possible to identify geographically and cartographically 1,786 indigenous communities from 51 different indigenous ethnic groups (INEI, 2008). On the census map of ethnolinguistic groups one can observe that although they are the least numerous indigenous peoples of Peru, Amazonian peoples live in a considerable portion of the territory.

According to the tables prepared by ECLAC / CELADE (2008) based on the 2007 census, the indigenous population living in Peru in 2007 (private households), by region and department, are distributed regionally as follows: 70.1% in the mountains, 25.8% in the coast and 4.1% in the jungle. In the mountain region, 9 of its 11 departments have over 300 thousand indigenous

populations, most notoriously Puno (1 million) and Cusco (830 thousand). In turn, in four of these same departments, the indigenous population can represent over 80% of the total population (Apurimac, Ayacucho, Huancavelica and Puno). In the coastal region, the largest number of indigenous peoples is in the department of Lima (1.3 million). Other departments in the region, as Moquegua and Tacna, are less populated by indigenous peoples, but stand out because they represent one third of the total population. In the Jungle region, the largest number of indigenous peoples is in the departments of Loreto (80 thousand) and Ucayali (68 thousand). In those departments, indigenous peoples constitute between 9 and 16% of the total population. In Madre de Dios department, indigenous peoples are less numerous (36 thousand), but they are 35% of the total population. Junin has 4.6% of the national indigenous population, which represents 24.8% of the population of that department.

III.1 Health, sexual health and reproductive health

The health situation of indigenous peoples is quite worrying, especially that of women, girls/boys and adolescents. The health indicator reveals gaps between indigenous and non-indigenous populations. They present higher levels of malnutrition; life expectancy is less than the national average. The conditions of health facilities are very poor and access to health services presents difficulties due to the distances from where communities are located, and due to the lack of an intercultural approach.

According to the 2007 census, around 7.3 million women of childbearing age live in private households, 22% of whom are indigenous. Two thirds of indigenous women aged 15 to 49 live in the mountain region, and the remaining third is divided between the coast (29.3%) and the jungle (3.7). At the departmental level, the highest concentration of indigenous women of childbearing age in the coast is in Lima (22.9%), and Puno (16.2%) and Cusco (12.2%) in the mountain region.

One in five (21.8%) indigenous adolescents (15 to 20 years) has experienced motherhood.

- Maternity is more common among adolescents with Amazonian mother tongues.
- Gap in birth rate by mother tongue begins at age 14.
- By age 20, birth rate by mother tongue:
 - Quechua: 44%;
 - Aymara: 35%;
 - Ashaninka: 71%;
 - Other MT: 69%;
 - Spanish: 32%

In spite of the best efforts of the sector, Peru maintains high maternal mortality rates. According to ENDES 2009, the maternal mortality rate in Peru is 103 per 100,000 live births. According to the DIRESA data, in 2011 in the department of Puno (with predominantly Aymara and Quechua populations), maternal mortality increased by 47%. Almost all the departments with indigenous Amazonian population, except Ucayali and San Martin, are above the national average, according to data from the Bureau for Cooperation to Combat Poverty in Peru. The five departments with the largest number of maternal deaths reported in the year 2010 (Cajamarca, Puno, La Libertad, Piura and Loreto) also show little progress in access to modern family planning methods since the ENDES 2000 until 2010. The most critical are those of Loreto and Puno. In Loreto, in ten years, the use of modern family planning methods decreased by 2.6 percentage points. In Puno, the coverage of modern methods is low and has shown almost no change in the last ten years. All departments have a high presence of indigenous peoples.

The report of the project "Promotion of Sustainable Human Development in the Santiago River" where the Awajun and Wampí populations are located, states that mothers attending prenatal care (PNC),ⁱ increased from 49% to 60%, and that the rest do not attend mainly due to cultural, geographic and economic barriers. In spite of this PNC percentage, only 39% of pregnant women gave birth at a health facility, 61% of births were at home. This increase in health care has been attributed mainly to the implementation of waiting houses, intercultural training of health personnel, coordination and training of midwives, among other strategies.

The same report mentions that the majority of facilities do not have basic resources for childbirth, or professionals required by current regulations to provide this service to the population. The latter also implies that if giving birth at home, there would be no recognition for the provision by the Comprehensive Health Insurance (SIS, in Spanish).

There are still problems related to the availability of professional health services in localities where indigenous girls, boys and adolescents live. Moreover, in the departments where over 25% of the children have native mother tongues, the rate of chronic malnutrition in children under 5 years is above the national average (18%): 20% in Puno, 23% in Ancash, 29% in Apurímac, 31% in Ayacucho, 32% in Cusco and, in the case of Huancavelica (43%) it is even above the average for rural populations (33%).

22% of indigenous female adolescents between 15 and 20 years of age have at least one child. The disaggregation of this average reveals important differences between adolescents with Quechua and Aymara as mother tongues and those whose mother tongue is an Amazonian language. Among Quechua and Aymara adolescents, 21% and 16%, respectively, are mothers. These proportions are lower than those observed among adolescents whose mother tongues are Asháninka and other Amazonian languages, where about 40% of female adolescents have at least one child.

In indigenous communities, many women do not exercise their right to a healthy and safe motherhood due to cultural, geographic and economic barriers that limit their access to health services. According to the Ministry of Health, women in rural areas are twice more likely to die from pregnancy-related causes than women in urban areas. In 2010, only 58.7% of births by women in rural areas were treated at a health facility - a major cause of maternal morbidity and mortality, compared with 82% of deliveries that were attended in urban areas.

According to the studies carried out, most women in rural areas prefer to give birth at home attended by traditional midwives or family members because of their beliefs and cultural practices. The absence of linkages between traditional midwives and institutional health services increase the risk during the childbirth process.

While the national average of infant mortality (20 per one thousand live births) has shown improvement in recent years, in rural areas, it is still far above that of urban areas: 27 per one thousand live births compared to 17 per one thousand, respectively. Furthermore, there are noticeable differences between the mountains (23 per one thousand) and jungle regions (25 per one thousand) compared to the coast (22 per one thousand) and Metropolitan Lima (11 per one thousand).

The Global Fecundity Rate (GFR) in the Amazon is 7.70 children per woman, being almost three times the national average (2.56).

HIV/AIDS transmission in Peru is almost exclusively sexual (96%), while perinatal and parenteral account for 2.1% and 1.1% of cases, respectively (MINSA, 2006). An important proportion of youth can also be observed among the cases registered: 1 out of every 3 people with AIDS is between 20 and 29 years old. On the other hand, most HIV cases are presented in cities, such as Lima and Iquitos, and in regions of the Peruvian coast and jungle. Nonetheless, there are sources of high prevalence in certain geographic areas of the country, of which regions of the jungle with a predominantly indigenous population stand out (Visser Valfrey et al, 2009). According to the Ombudsman's Office (2009), in Madre de Dios and Loreto, two of the five departments with greater Amazonian indigenous populations in the country, the HIV/AIDS prevalence is above the national average.

There is a relative lack of knowledge on sexually transmitted infections among indigenous youth between 15 and 19 years old. 61% had heard about HIV/AIDS and only 17% had heard about other sexually transmitted diseases. These percentages are well below those registered for non-indigenous youth of the same age: 96% and 56%, respectively. This is of concern to the extent that a percentage of this population initiates its sexual activity at this age. The percentage of youth between 15 and 20 years old that is married or living together, according to the 2007 National Census data, is of 33% for indigenous women from the Amazon and 16% for Quechua and Aymara women. In this sense, it is necessary to improve dissemination of information on sexual and reproductive health during the age of transition into adolescence.

The access to improved water sources and sanitation is an important characteristic of the environment in which boys, girls and adolescents grow up, since the absence of these services is related to the incidence of illnesses that may affect the healthy development of children, especially during early childhood. In this regard, the Ombudsman's Office has called attention to the lack of drinking water systems and sanitation in native communities. This results in the appearance of acute diarrheic diseases, intestinal parasitosis and conjunctivitis among boys and girls. Various studies coincide that the main causes of infant mortality in Amazonian indigenous populations are acute respiratory infections and acute diarrheic illnesses. This would be related to inadequate basic sanitation conditions, on one hand, and the lack of healthy practices by the population, on the other (Ombudsman's Office, 2008).

According to the 2nd Census of Indigenous Communities of the Peruvian Amazon, 40.9% of Amazonian indigenous communities have a health facility and 59.1% do not. Of those that have health facilities, 45.4% have first-aid posts, 42.3% have health posts or sanitation posts and 10.9% have health centers. 79% of the health personnel have an indigenous background, while 21% is not indigenous. 70.3% of the health personnel are women and 29.7% men.

50.2% of indigenous communities with health posts are supplied with water from rivers or springs, 16.4% from wells and 13.4% from pipes connected to the public network.

69.5% of Amazonian indigenous communities use healing methods based on medicinal plants and drugs, 16% only drugs and 12% only medicinal plants.

III.2 Education

Peru has relatively high average coverage rates in preschool, primary and secondary education, taking the Latin American and Caribbean region as reference. When we observe specific groups, such as the indigenous population, the existing inequalities in the country become evident.

According to the 2007 census data, the illiteracy rate at the national level for people under 15 years old is of 7.1%. Comparing this national level figure with departments with a predominantly indigenous population, inequality gaps are observed. Thus, Amazonas has an illiteracy rate of 12% and in the districts of Imaza and Cenepa (with predominance of the Awajun population), it is of 17.3% and 21.9%, respectively. Cajamarca has an illiteracy rate of 17.1%, Cusco 13.9%, the district of Coporaque 21.7%. The department of Huancavelica has an illiteracy rate of 20.1%, the department of Junin 7.1%, the districts where indigenous populations predominate, such as San Luis de Shuaro 10.7%, the province of Satipo 11.3%, the district of Rio Tambo 17.1%. The department of Puno has an illiteracy rate of 12.2% and the district of Capachica 29.2%. Meanwhile, the department of Lima has an illiteracy rate of 2.1%.

The proportion of indigenous boys, girls and adolescents that attend an educational center is lower than that registered for their peers whose native tongue is Spanish. The greatest difference in attendance to an educational center is in the 3-5 year-old group. While 55% of boys and girls in this age group whose mother tongue is Spanish attend an educational center, this proportion is reduced to 32% among indigenous children. 128,126 (68%) boys and girls with native mother tongues (Quechua, Aymara, Ashaninka or other Amazonian languages) between 3 and 5 years old are not part of the educational system.

Boys and girls between 3 and 5 years old who attend an educational center according to their mother tongue:

Spanish	55%
Ashaninka	19%
Other Amazonian languages...	26%

The educational level achieved, access to educational centers, quality and coverage of bilingual intercultural education show some disadvantages for indigenous peoples.

The little coverage of Bilingual Intercultural Education (EIB, in Spanish) calls one's attention. According to what directors of educational institutions indicated in the 2008 School Census, of the total number of public primary education students with a native mother tongue, only 38% attended an EIB educational institution in 2008. On the other hand, there is a lower proportion of teachers with degrees in schools with a majority indigenous student body. The proportion of teachers with degrees that work in schools with a majority indigenous student body is lower than the national average (93.2%). Thus for example, in schools with predominance of Yanasha students, the average number of teachers with degrees is of 38.7%; Huambisa, 36.3%; Achuar, 29.5%, Candoshi, 28.1%, Ticuna, 22.9%; and Yagua, 15%.

The disadvantageous situation of indigenous children is expressed in the results of the 2008 Census Assessment of Students in Native Languages (ECE-LO 2008, in Spanish): 96% of students did not achieve the expected learning for their grade in comprehension of texts written in their own tongue. On the other hand, the proportion of students that abandons school before completing the school year (annual desertion rate) is greater in schools with a predominantly indigenous student body, compared with educational institutions where the mother tongue of

most of the students is Spanish. This occurs in the three levels of basic education, but the differences are greater in early childhood non-school and secondary education. Independently of the students' mother tongue, it must be noted that the main cause for desertion in primary and secondary schools is the economic situation.

The previously described situation of inequality is more detrimental for some groups within the indigenous population. For instance, while 68% of youth whose mother tongue is Aymara has concluded education at the age of between 18 and 20 years, this proportion only reaches 14% for Ashaninka youth and 22% in the case of other Amazonian mother tongues. Aymara children follow a similar pattern to that of their peers whose mother tongue is Spanish. The gap in those falling behind in school among boys, girls and adolescents whose mother tongue is Quechua and those whose mother tongue is Spanish increases with age, reaching a difference of 32 percentage points (35%, compared to 67%) by the time they are 18.

As to adolescents between 12 and 17 years old, in the Quechua and Aymara groups, average attendance to educational centers is slightly lower (83%) than that registered among those with Spanish as their mother tongue (85%); while among adolescents with Ashaninka and other native mother tongues, this rate is of 64% and 66%, respectively. Although for all the population groups analyzed, the coverage rate decreases as age increases, this drop is less accentuated in the case of Quechua and Aymara adolescents and those whose mother tongue is Spanish, compared to those whose mother tongue is Ashaninka and other native tongues of the Amazon. This gap in coverage rate between Ashaninkas and those whose mother tongue is Spanish doubles as they go from 12 to 17 years old, with a difference of 13.5 percentage points when they are 12 years old (81.4% compared to 94.9%) and 29 percentage points when they are 17 (34.8%, compared to 63.8%).

The implementation of the EIB policy faces various difficulties. According to the 2003 General Education Act, the intercultural perspective is constituted as one of the principles of education, in such a way that the educational system must offer Bilingual Intercultural Education. However, in practice – starting with the State proposal – EIB was restricted to rural primary educational institutions (Trapnell and Neira, 2006), excluding boys and girls who do not have access to an educational institution and those with a native mother tongue attending school and early childhood non-school (118,281) and secondary (264,652) educational centers, as well as 113,258 indigenous primary students that live in urban areas.

On the other hand, the number of public primary school students with native mother tongues living in urban areas is lower, so the under-coverage of EIB and of bilingual education, in particular, would be partly explained by the priority focus of the program in rural areas. Of the indigenous boys and girls living in urban areas that attend primary school, 75.8% study in educational institutions that are not EIB. Although the mother tongue of most of them is Quechua (77,739), there is a considerable presence of Aymara (5,664), Quichua (728), Aguaruna (588), Chayahuita (374), Ashaninka (225), Yine (183) and Shipiboconibo (138) students in urban public primary schools.

Although article 20 of the General Education Act establishes that EIB teachers must master the language of the area where they work and Spanish, only a little over half of the teachers, in the schools where the Census Assessment of Students in Native Languages (ECE-LO, in Spanish) was applied, declared mastering fluently the language of the community where they taught (Ministry of Education, 2009). Additionally, only 54% of teachers indicated having education in the EIB specialty, which is even more critical taking into account that only 2.3% of teachers working in EIB

schools have a specialization in bilingual intercultural education (2008 School Census). The important difference, 54% compared to 2.3%, suggests that the EIB education received by teachers were the result of training after their undergraduate education.

As to the availability of teachers with EIB education in schools, which establishes the “Grade of 14” as a minimum to enter a teaching education center, one of the measures adopted to increase educational quality in the country, has harmed the already insufficient offer of EIB teachers. 2009 has been the third consecutive year in which no future EIB teachers graduated from the Higher Education Institute of Loreto. Thus, there would be a demand that could not be filled for a considerable period. In 2008, in poor departments and/or those with an important proportion of indigenous population, the number of applicants for teaching education that passed was one, in Huancavelica, Pasco, Puno, Piura and Apurimac; or even none in Loreto, Madre de Dios, Ucayali and San Martín. This reveals the need to evaluate the EIB teacher education policy so that the State can respond to the commitments assumed regarding this type of education, to which every student in the system has a right. This reality reveals the need to take into account the differentiated contexts, in this case, according to ethnic origin.

According to the results of ECE-LO 2008, which was applied to around 12 thousand 4th grade students of the EIB schools in the country, 95.7% (73.8% below level 1 and 21.9% at level 1) did not achieve learning expected for the grade they are, in comprehension of texts written in their own language, which shows a remarkably low performance. In each of the four languages evaluated (Quechua, Aymara, Awajun and Shipibo), over half of the students are in the level prior to 1. The < 1 level is the lowest performance levels and is constituted by students that have not demonstrated being on the road to acquiring the learning expected for their grade. In the best of cases, on the matter of comprehension written texts, these students could be mastering learning corresponding to lower grades. The situation is even more critical for Awajun students (86.2%) and, above all, Shipibos (89.5%), where practically nine out of every 10 students are in the lowest level of performance (< 1 level). Additionally, students of these two indigenous populations show a similar performance in the evaluation of comprehension of texts written in Spanish; again, over 80% of boys and girls are below level 1.

The proportion of students that abandon studies before the end of the school year (annual desertion rate) is greater in schools where indigenous students predominate than in those where the mother tongue of most students is Spanish. This occurs in the three levels of basic education, but the differences are greater in early childhood non-school and secondary education. In early childhood school education, the annual desertion rate is 6% in schools where most students are indigenous. The schools with a higher desertion rate, above 7%, are those with a predominance of Aymara (rural), Chayahuita and Quechua (urban) students. The differences according to sex do not reach three percentage points in two cases: Aymara boys studying in rural areas show a greater probability of abandoning their studies than their female peers (12% compared to 9%), while in schools where Chayahuita students predominate, the opposite occurs: girls are more likely to abandon their studies (11%) than boys (8%). In primary education, the average desertion rate in schools with native mother tongues is of 7%. The schools that show rates above the average are those with a predominance of Bora, Chayahuita, Ticuna, Anasha/Amuesha, Cashibo-Cacataibo, Yagua, Quechua (rural), Nomatsiguenga and Aguaruna students. For the first four ethnic groups, the annual desertion rate is above 10%. In general, differences by sex are no greater than three percentage points. However, the greatest gap is present in the Bora peoples, where the desertion rate for boys (22%) is almost three times that of girls (8%). In secondary school, the average desertion rate in schools with a predominance of indigenous students is

relatively high (10%). That is, one of every ten students abandons schools before the end of the school year, a rate that is almost double than that registered in urban schools with a predominance of non-indigenous students. In 14 of the 20 native ethnic groups, the desertion rate is above 10% and it is above 15% in four groups: Candoshi Shapra, Yagua, Ashaninka and Guaruna.

As regards the differences according to sex of secondary school students, compared to those of preschool and primary school, there are more cases in which the gap in male and female desertion rates is greater than three percentage points. Schools with predominance of Nomatsiguenga students show the greatest gap: the probability that girls do not complete the school year (21%) is three times that of their male peers (7%). Also noteworthy is the case of schools with a predominance of Candoshi Shapra students: the desertion rate for boys is 33%, while for girls, it is 20%. Thus, in 2007, of the 42 male students enrolled, 14 did not complete the school year and of the five girls enrolled, one dropped out.

According to the data of the 2007 National Census, while close to 90% of adolescents between 13 and 15 years old that learned to speak Spanish (86.9%) or Aymara (90.2%) declared they had completed primary education, 72.1% of Quechua students of the same age are in this situation.

The rates for completion of primary education are significantly low in ethnic groups of the Amazon: slightly over half of adolescents have completed primary school at the normative age among the Ashaninkas (52.4%) and among those with some other native mother tongue of the Amazon (54.4%).

The gaps for school completion in secondary school are greater. Close to 70% of Aymara youth between 18 and 20 years old (67.9%) and those with Spanish as their mother tongue (70.9%) have completed this educational level; among their Quechua peers, this percentage is reduced to 41.1%, while among the Ashaninkas, it is only 14.4%.

The gaps of inequality are even more critical in the access to higher education. While 31% of youth between 18 and 20 years old whose mother tongue is Spanish has gained access to higher education, this percentage is reduced to only 10.6% among those whose mother tongue is native. Among the latter, the Aymaras show a greater insertion in higher education levels, with 17.1%. The proportion is reduced to 10.4% among Quechua youth and among the ethnic groups in the Amazon, the rate does not reach above 6%.

At the three levels of basic education, over 90% of teachers, on the average, have the academic degree required by law. However, there are important differences in the case of teachers that work in schools with a majority presence of indigenous students. In 13 of the 18 groups of preschool education, where most students are indigenous, the percentage of teachers with a teaching degree is lower than the national average (94.5%). A little over half of the teachers have the required academic degree in schools where the majority of students are Cashibo-Cacataibos (55.6%) and Machiguengas (53.8%); and less than one-third have a degree in the schools where the majority of students are Yaguas (33.3%), Chayahuita (31.3%), Achuar (25%), Ticuna (20%), Aguaruna (19.4%) and Huambisa (9.1%):

In primary education we observe a similar situation. In 18 of 21 schools groups, with a majority presence of indigenous students, the proportion of teachers with degrees is lower than the

national average (93.2%). The percentage of teachers with the academic degree required is close to 50% in schools where the majority of students belong to the ethnic groups Yine (54.5%), Quichua (51.1%), Chayahuita (49.8%), Cashibo-Cacataibo (47.1%) and Aguaruna (46.5%). This proportion is lower in schools with a predominance of the ethnic groups Yanesha (38.7%), Huambisa (36.3%), Achuar (29.5%), Candoshi (28.1%), Ticuna (22.9%) and Yagua (15%). The secondary education area is less critical, probably because it is related to a greater incidence of schools at that educational level, located in urban areas. Although, once again, the greatest part of school groups where the majority of students are indigenous is below the national average (94.2%), over 70% of teachers have the required degree in most cases. The two cases where this proportion is lower are schools with Bora and Yanesha ethnic groups, with 57.1% of teachers with degrees in each.

III.3 Political Participation

According to Article 191 of the Constitution in force “The law establishes minimum percentages for the access to representation by gender, peasant and native communities and native peoples in Regional Councils. The same treatment is applied to Municipal Councils.”

Through Resolution 254-2010-JNE, the National Jury of Elections established the number of candidates for electoral districts to apply the gender, indigenous and youth quota in the Regional and Municipal elections held in 2010. This Resolution is the result of the application of article 191 of the Constitution and Law 27683, which establishes:

1. No less than thirty percent (30%) of men or women.
2. No less than twenty percent (20%) of citizens under twenty-nine (29) years old.
3. A minimum of fifteen percent (15%) of representatives from native communities and peoples in each region where they exist, as determined by the National Jury of Elections.

A frequent problem for indigenous women in Peru is the lack of access to identity documents, which continues limiting their possibility of voting in elections. According to official data (from the 2007 INEI Census), many women, estimated at half a million, do not have an identity document with which to vote, perform bank operations, have access to property titles, register their children, among others.

The departments with the largest number of undocumented women (without ID's) are: Loreto (4,6 %), Ucayali (4,0 %), Amazonas (2,6 %), all of which are Amazonian departments with widely spread-out and isolated native communities, followed by an Andean department: Huánuco (1,8 %) and the Amazonian departments of San Martín (1,8 %) and Madre de Dios (1,6 %). The Andean departments of Cajamarca, Pasco and Piura (partially Andean), each have 1,5 % of undocumented women (INEIR 2007 Census).

According to the 2006 National Continuous Census, members of an urban household take 47 minutes to reach a RENIEC office, while a rural household requires 5 hours and 32 minutes to reach this public office. The required time constitutes an indicator of the difficulties faced by rural households on their road to attain a legal identity for all their members. It must be noted that the difficulty in access to a RENIEC office is only one of the obstacles, to which one must add particularly those of an economic or linguistic type, as obstacles on the road to achieve full entitlement to their rights. To this data, we must add the costs, as investment in transportation

and stay and for time-off without income, represented by travelling from the community to the RENIEC offices, as well as the lack of intercultural perspectives of public officers.

The data from ENCO revealed that 7.3% of the adult population that learned to speak a native language during childhood is undocumented. In the urban area, 3.9% of this population and 11.2 in the rural area have this same characteristic. According to sex, 5.0% of men and 9.5% of women that learned to speak a native language during childhood is undocumented.

The study “Political Participation of Indigenous Women” affirms that: “At the level of publically elected positions, indigenous women have occupied very few positions at the national level (only 3 indigenous congress women: 2006-2011) and at the regional level (we were only able to identify 6 indigenous women councilors, but there may be more). At the provincial level, indigenous women’s participation in public offices continues being scarce: we were able to identify 8 provincial councilors and 2 mayors, at the national level. The greatest participation is in positions as district councilors (we were able to identify 44 women).”

The difficulties women face to become incorporated in an electoral list and be elected is made more complex in the case of indigenous women. Added to the weakness of the political party system that prevents the accumulation of experience in public management and the political meritocracy, the scarce economic resources to sustain an electoral campaign since they must fund their own campaign, having to conjugate their public management work with family responsibilities, there is racism. Many women leaders do not master the Spanish language and all the regulatory documentation for public management is in Spanish; they are subjected to humiliation and exclusion because they belong to a non-hegemonic ethnic identity.

If we compare the data constructed in the workshop on political participation of indigenous women, organized by the study “Political Participation of Indigenous Women” to that of the 2010 electoral process, the figures on exclusion are similar. However, the absence of data on indigenous identity and the difficulty in developing them do not allow us to make a categorical affirmation.

In the workshop on political participation of indigenous women, organized by the above mentioned study, women provided the following testimonies regarding their identity:

“There are many indigenous women but they do not recognize themselves as such. For example, I have a colleague mayor who is from Huancavelica, but she does not recognize herself as indigenous. Yes, she speaks Quechua, she feels like a native from Huancavelica but she does not identify herself as an indigenous woman. Also, in Huancayo, there are many women in public positions that do not see themselves or do not identify themselves as indigenous women. Only a few of them do so.”

“This happens because of the lack of information especially on the discrimination they experience. When their self-esteem is not well developed they believe that being indigenous is equal to being ignorant, that it is to be less than a person, but they are wrong. As they do not have enough knowledge, they tend to deny or they just say that they are from Huancavelica. I have two colleague council members who are like that.”

"Well, I don't identify with the term indigenous so much. But I identify myself with my language -I like to talk; I also identify with my costume; I like to share with the people, with organizations; I like to participate with women, young people and children."

"I always speak Quechua spontaneously. I use Spanish in the office with officers, when I go to the cities, especially when they do not understand Quechua. I also use Quechua when they don't understand me in Spanish. Depending on the circumstances I use Quechua or Spanish."

In the same workshop, they gave their testimonies on the hostility they face at work:

"There is a council member who says, why are we going to teach children in Quechua, why are we causing them that harm because when they are grown ups they won't understand Spanish properly and they are going to have pronunciation problems, or the teachers themselves comment that teaching Quechua is harming their learning, their future. They say so, it is a step back, they say."

"In those meetings we are also separated; for example, those that dress nicely and use make-up form a group among themselves. And we who come from communities also separate ourselves and we share amongst us. Only some women asked how our work is going. But the rest of them are not interested in how we are doing."

"Discrimination is directed mainly against the peasant indigenous population; for example, we do not have an education, while most women from the cities have finished their primary, secondary and university studies. They are not discriminated."

"I am overcoming the limitations I have in the legal field, as how to submit ordinances, edicts thanks to friends and colleagues who have more experience,"

"What most surprised me is that I cannot do everything, as I believed. In the beginning, I was not familiar with how the municipality works. Well, I still have limitations. I have many ideas but I cannot express them in a document."

"In the beginning it was shocking, because from the outside, it seems easy but being in the field it's difficult. I felt that I did not advance with the work; they did not leave me a viable profile to do the works immediately."

"Everything was rather difficult but there we continue in the struggle"

"Sometimes we don't really know the rights of indigenous women and we always set a lot of tasks for ourselves."

"I have an experience, I always dreamt that if I were an authority, I would do something else. I always said that, but now that I am an authority, sometimes I am surprised of myself. Sometimes we, as women, are set aside because our own colleagues set us aside. We want to carry out some activity, and we cannot do so because there is no budget, among other reasons..."

“There is nothing especially for indigenous women, because the mayor and the members of the town council think that any activity with communities or women is a waste of money. Then they only think of doing activities in cities, that is “to plant cement”, nothing else.”

In the previously mentioned workshop on political participation of indigenous women, they identified the following obstacles for the achievement of political participation: “Low educational levels, poverty, isolation and lack of information, little knowledge of new technologies, the existence of different types and agents of discrimination (based on gender, class, ethnicity, within their own family, their own political party or independent movement, within public administration, among public officers, in their grass-roots organizations, between engineers and contractors, in public opinion in general, etc.).”

In the article by Espinoza de Rivero and Lastra (2011), they mention that from 106 districts with indigenous population that elect district mayors, only 31 of these districts presented an indigenous candidate. In total, 92 candidates ran for the position of district mayor (90 men and 2 women). In the district of Puerto Bermudez, province of Oxapampa in Pasco, ten indigenous candidates were elected, among them a woman.

Though the establishment of an indigenous electoral quota, as well as that of gender and youth, means an advance in electoral legislation to stimulate political participation of sectors of the population that are excluded, it faces many limitations in its application. The fact that quotas are established for candidate lists lead to their being placed just to fill the empty spaces, that is, in a position where they would not be elected.

III.4 Violence against women

The 2009 – 2015 National Plan against Violence against Women (PNCVM 2009 – 2015) is in force. It was drafted in joint agreement between authorities and civil society, under the mandate of the Ministry of Women and Social development. The PNCVM 2009 - 2015 has the following strategic objectives:

Strategic objectives

1. To guarantee the adoption and implementation of public policies aimed at facing the problem of violence against women, in the different governmental levels, based on an inter-sector and participatory approach.
2. To guarantee access of women affected by gender-based violence to quality public services, including access to the health and judiciary system, among others, contributing to overcome their conditions of victims.
3. To identify and promote the transformation of socio-cultural patterns that legitimate, tolerate and exacerbate violence against women, with the aim of establishing new forms of social relations between women and men.

Regarding indigenous women, the following is mentioned:

In the case of indigenous, afro-descendant and peasant women, greater risk factors, of helplessness or of low access to state coverage of services can be identified. For this reason, there is a need for a double specificity of rights. Though indigenous and afro-descendant women today

claim their right to cultural difference, they also claim the right to change those traditions that oppress or exclude them.

Considering the principle of protection of human rights by the State, it affirms:

The attention to female populations in conditions of greater vulnerability, mainly those that are in conditions of extreme poverty, who are exploited sexually, who are ethnic minorities, who have been affected by violence or are victims of discrimination due to their conditions: age, civil status, sexual orientation, among others.

In its formulation, PNVC 2009 – 2015 defines four approaches: human rights, gender, integrality and intercultural, defining the latter as:

Intercultural approach: implies paying attention to the possibility of dialogue among different cultures in a way that allows recovering the different cultural contexts, all those expressions based on the respect for each other. However, this does not mean, under any circumstance, to accept discriminatory cultural practices towards women that tolerate violence against them or are an obstacle for the full enjoyment of rights.

In the development of actions, there is no explicit mention of indigenous women but it mentions women leaders from communities and women's grass roots organizations. It proposes the implementation of the recommendations of the Truth and Reconciliation Commission.

Data on violence against women are developed by the Emergency Centers for the Attention of Women (Centros de Emergencia Mujer) based on the number of people that received care; by the National Police of Peru (PNP) considering the complaints submitted in the Police Delegations; and from INEI through ENDES. There is no disaggregated data by ethnic identity.

From the ENDES data, the difference of violence acts against women is not much between urban or rural areas, but we can find certain significant variations by departments. 67.9% of women declared having suffered situations of control by the husband or partner. Considering the area of residence, 67% were in urban areas and 69.8% in rural area. 38.4% of women, who have or have had a partner, declared having suffered physical and sexual violence at some point from their husband or partner. If we examine it according to the area of residence, 39.2% lived in urban areas and 36.5% in rural areas. In some of the departments with a significant presence of indigenous populations, we observe 40.4% in Amazonas, 42.6% in Cusco, 45% in Puno, 52.6% in Junin, and 44.1% in Madre de Dios.

Looking at data from the institution to which women victims of violence went in search of help we could infer that rural and indigenous populations are in a situation of greater vulnerability because of barriers of access to a state service. Women that have experienced physical violence sought help mainly at the police station - 82.2% in rural areas and 46.2% in urban areas. Appealing to courts shows an interesting difference when observed by area of residence, 7.3% in urban areas and 22% in rural areas. It is possible that this latter is explained by the ease of access to the justice of the peace in rural areas.

The report Human Rights of Amazonian Indigenous Women in Peru: the case of aguarunas, ashaninkas and shipibas, Paredes (2004), presents emblematic cases of violence against women's

physical integrity in the form of rape committed by teachers against students. Although in this report we are not presenting documented emblematic cases of visits to the zones, as part of the actions of Flora Tristan, we have found that these situations continue and remain unpunished.

One of the challenges in this field is to de-legitimate violence against women in indigenous communities at the social, cultural and legislative levels.

Human trafficking of women and girls with the aims of sexual exploitation, domestic work and labor exploitation is another problem indigenous women are victims of. The construction of infrastructure, extractive industries, illegal logging, the crisis of agriculture, promote migration and foster the conditions that make girls, adolescents and women vulnerable to the violation of their human rights.

According to the research study by Mujica (2011), in Amazonian indigenous communities of Ucayali: “sexual services of girls and adolescents appear as a regular dynamic in local economies in the port, sawmills and bars. ...In the facilities under study, the mechanisms operate as an economic supplement rationale of economies, generating different ways of attracting clients to food and alcohol businesses in the river port and surroundings. It also serves to satisfy a demand that sees in girls and adolescents a symbol of “pleasure” and of “cleanliness”.

The study states that: “the offer of sexual services of under-aged girls and adolescents is clearly present in Pucallpa (and in the cities of the Peruvian Amazon). In the bars around the ports and sawmills of the Ucayali river bank, in the taverns for fishermen and boatmen that are around de Yarinacocha market (at 400 meters from the tourist zone), things are different. The offer of sexual services of under aged girls and adolescents is permanent, from noon until 2 or 3 in the morning. It is easy to see girls, adolescents and women on a daily basis (between 12 and 30 years old, Shipibo indigenous women, but mainly mestizos) approaching the clients, serving them beer or rum and taking part in their conversations, also offering their services”.

IV. Life conditions of Amazonian communities and indigenous Amazonian women in Junin

The department of Junin is located in the central zone of the country, where indigenous, Quechua, Ashaninka, Kakinte, Nomatsiguenga and Yanessa populations live. It is constituted by nine provinces: Concepcion, Chanchamayo, Chupaca, Huancayo, Jauja, Junín, Satipo, Tarma and Yauli. It has a population of 1'225,474 inhabitants in an area of 37'666, 99 km² (2007 National Census – INEI). The population density is of 32.53 inhabitants per km², while at the national level, it is of 22 inhabitants per km².

According to the data of the 2nd Census of Indigenous Communities of the Peruvian Amazon (2007), the total population of Amazonian indigenous communities in Junin is of 73,637 inhabitants, 57% are men and 47% are women.

The 2007 Census of Population and Housing , shows at the national level that from the total of individual houses with present occupants, 3'504,658 have access to drinking water within the house from the public drinking water supply, which represents 54,8%. In Junin, 146,165 houses have this access, almost 51% of houses of Junin. In the case to water supply for the homes of indigenous Amazonian people, 82% is from rivers, ditches or springs, 6% from wells, 5% from the public network inside the home, 2% from public basin and 2% from the public network outside the

dwelling but within the building. Given the processes of contamination, supply from rivers or ditches is a source of vulnerability.

The availability of housing sewage services in Amazonian indigenous communities from Junin is: 62% cesspools or latrines, 10% septic tanks, 3% rivers, ditches or canals, 3% public system and 22% does not have any.

In Peru, from the total of houses, 4'741,730 have electricity from public system supplies while 1'658,401 houses still do not have this service. In relative numbers, 74.1% of houses have this service. In Junín, the availability of the service is of 73.4%, while the provinces of Huancayo, Yauli, and Tarma are those with greater availability of this service (87.4%, 85.5%, 83.7% and 83.5% respectively). The province of Satipo is the one with less availability: 38.8%, while in the rural area the availability of electricity is only 20%, a number close to that of the rural area of Chanchamayo (21.4%).

Junin has a high fertility rate: for 2007, the average number of children per woman was 1.9, while in Lima, it is 1.3 and at the national level ,1.7. There are 299,950 mothers above 12 years old and of these, 20,805 are single mothers. This 7% of single mothers constitute a factor of vulnerability. There are 7,761 adolescent mothers with ages between 12 and 19 years old, which represents 7.4% of the total of adolescents in those ages. For the age rank between 15 and 19 years old, the ratio is even higher, reaching 12%.

Adolescent pregnancy has a high incidence in all provinces of Junin with the following estimates: Huancayo 4.7%, Concepción 6.8%, Chanchamayo 11%, Chupaca 5.45%, Jauja 5%, Junin 4.5%, Satipo 14.1%, Tarma 6.2% and Yauli 6.3% of adolescent mothers. Satipo is one of the provinces with a high percentage of Amazonian indigenous communities.

According to the 2008–2015 Concerted Development Plan for Junin, an average of 32 maternal deaths per year occurred between 2000 and 2005: 64% of them were due to hemorrhages, 18% to hypertension induced by pregnancy and 14% due to infection induced in greater proportion by unsafe and illegal abortions.

In Junin, 59% of the Amazonian indigenous population has no medical insurance, 37% has SIS (Sistema Integral de Salud or Integral Health System insurance) and 2% ESSALUD insurance.

7.6%, 62,568 individuals, of the Junin population 15 years or older are illiterate; a rate similar to the national average (7.1%). The provinces of Junin with the highest incidence of illiteracy are: Satipo, with 13.24%, Junin with 12.41% and Concepcion with 10.87%.

Regarding distribution by sex, a greater incidence of illiteracy is observed in women (11.7%) than in men (3.4%). At the provincial level, the provinces with highest percentages of illiterate women are: Junin with 17.6%, Satipo with 16.9%, Concepcion with 15%, Tarma with 12.36%, Chanchamayo with 11.92% and Jauja with 11.78%.

According to the 2nd Census of Peruvian Amazonian Indigenous Communities (2007), the worse conflicts with outsiders that Amazonian indigenous peoples from Junin face are related to the defense of their natural resources. Illegal logging is the major source of conflict.

Other obstacles are the time it takes to go from Amazonian indigenous communities to the capital of the districts. 80% of the Yanessa population take less than a day, compared with 73% of Ashaninkas, 50% of Caquintes and 91% of Nomatsiguengas. 17% of the Ashaninkas take between 1 and 2 days and 50% of Caquintes between 4 and 8 days.

From the total Amazonian indigenous population, 91% has an identification document (DNI, in Spanish). 2% of Yanesshas, 3% of Ashaninkas and 3% of Nomatsiguengas do not have a birth certificate.

We believe that belonging to organizations that imply the development of a social fabric in Amazonian indigenous communities in Junin is important in order to envision ways of developing abilities in rights and also in oversight systems for the fulfillment of existing regulations. 40% of the Yanessa population, 72% of Ashaninkas, 50% of Caquintes and 91% of Nomatsiguengas are affiliated to a federation.

Approximately 80% of the Amazonian indigenous population of Junin is affiliated to the Glass of Milk Program and over 60% to Community Kitchens.

The central jungle was one of the scenes of the internal armed conflict (1980 – 1992) and one of the most affected populations were the Ashaninkas. According to the Truth and Reconciliation Commission, it is estimated that 25% of Ashaninkas were forced to displacement. One part of the Ashaninka population remained in captivity for many years.

There is no disaggregated data by racial ethnic identity regarding violence against women. In 2011, the Emergency Center for Women (CEM) from Satipo, attended 243 cases.

Regarding data from ENDES 2010 for Junin, 59.5% of women that have or have had a partner, declared that the husband or the partner exerted some form of control over them. 52.6% declared having suffered physical or sexual violence from her husband or partner; 25.8% of women declared having suffered verbal violence through humiliating expressions before others; 28.5% of women declared that their husband or partner “threatened to go away or taking away their children or the economic aid”; 17,3% said that their husband or partner “threatened with doing harm to her or another relative”; 12,2% said that their husband or partner forced them to have sexual relations against their will; and, 7% reported that their husband or partner forced them to perform sexual acts that they did not approve of.

The inclusion of ethnic indicators in the registration of complaints and in surveys on violence against women remains a challenge.

V. Peruvian Legislation regarding the indigenous population

Important legislation to guarantee equal rights between men and women have been adopted in the country. The National Plan for Equal Opportunities between Women and Men (PIO in Spanish) was drafted for the 2006–2010 period, and then the Law on Equal Opportunities between Men and Women (LIO in Spanish) was adopted in 2007. Around 15 regional governments drafted Regional Plans for Equal Opportunities (PRIO in Spanish). There have been important advances in legislation to prevent, sanction and eradicate family violence. The Law on Protection from Familial Violence was adopted in 1993; the agreements of the Convention of Belem do Pará were ratified

in 1994; the Ordered Unified Text of the Law against Family Violence was drafted in 1997, and later the National Plan against Violence towards Women.

The formulation of regulations on indigenous peoples shows us the change of approach, of how they were perceived by “the official Peru”, from tribal populations to communities. It is important to note that Peru has subscribed and ratified ILO’s Convention 169 and in the application of such Convention, it has adopted the Law on the Right to Prior Consultation with Indigenous or Native Peoples, recognized in Convention 169 of the International Labor Organization (29785) and its respective regulation. In the same way, in some regional and local governments, indigenous communities and indigenous women have been taken into consideration in drafting laws.

As in many countries of the region, there is a great distance between legislation and its application. In the case of indigenous peoples and of indigenous women, the gap between the adoption of legislation and its application is due to geographic, cultural, linguistic, and economic barriers as well as because of the lack of identity documents.

For Amazonian indigenous populations and, especially, for Amazonian indigenous women, these barriers are greater because of the difficulties of communication to have access to State services, the high costs they demand, the linguistic diversity and the weakness in intercultural skills of State operators.

VI. Recommendations to the Peruvian State

- To incorporate the gender variable in the preparation of statistical data that allows accounting for the progress and obstacles in the exercise of indigenous women’s human rights.
- To introduce a racial ethnic variable in the different protocols of attention to physical and sexual violence, in trafficking and femicide, among others.
- To introduce a racial ethnic variable in the different protocols of healthcare, justice and education.

Health

- To design, implement and allocate sufficient budget to programs and services of integral sex education with an intercultural approach.
- To provide health services for the prevention and care of sexually transmitted diseases for indigenous women, with an intercultural approach.
- To strengthen the intercultural approach in health policies.
- To provide the necessary infrastructure to health facilities that provide care for indigenous peoples, especially from the Amazon.
- To design an intercultural health policy that coordinates with traditional midwives.
- To train the health staff in an intercultural approach for the attention of users of services.

Political Participation

- To guarantee the application of the indigenous quota by maintaining alternate positions within the electoral lists. To commit electoral organisms as the National Electoral Jury (JNE in Spanish) and the National Office of Electoral Processes (ONPE in Spanish) to design training that strengthens indigenous women’s capacities for the exercise of public functions.

- The National Registration Office of Identity and Civil Status (RENIEC in Spanish) should carry out campaigns to facilitate the procurement of DNI's, a key requisite for political participation.
- The Law on the Right to Prior Consultation with Indigenous or Native Peoples, recognized in Convention 169 of the International Labor Organization and its Regulation, should explicitly guaranteed the participation of indigenous women.

Education

- To formulate educational policies with a gender and intercultural approach that facilitates the attention to the gaps of indigenous girls, boys and adolescents.
- To prepare curricula adapted to the identity of indigenous peoples, especially Amazonian indigenous peoples.
- To reinforce the education of teachers in Bilingual Intercultural Education.
- To increase the budgets for bilingual intercultural education
- To train all teachers in the teaching system in the intercultural approach.

Violence against women

- The National Plan against Violence towards Women should adopt an intercultural approach. The actions of the Plan should incorporate specific methods targeted to indigenous women.
- The recommendations of the Truth and Reconciliation Commission should be implemented.

Lima, April 2012