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Taylor Potenziano

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FORMER PERUVIAN PRESIDENT FUJIMORI'S FORCED STERILIZATION PROGRAM FACES PROSECUTION 26 YEARS LATER

by Taylor Potenziano*

In 1996, the Peruvian government under President Alberto Fujimori launched the National Reproductive Health and Family Planning Program (PNSRPF). While the government pitched the program as a way to promote access to family planning for low-income families and a way for women to be “masters of their own destiny,” the PNSRPF functioned as a forced sterilization program.¹ From 1996 to 2001, 272,028 people were forcibly sterilized, the majority of them impoverished indigenous women from rural areas.² The PNSRPF was Fujimori's unscrupulous scheme to fight resource depletion and economic downturn via controlling birth rates.³ Despite not being outwardly called so by the complaint or by the Inter-American Court of Human Rights (IACtHR), the PNSRPF is clearly tainted with genocidal intentions due to the deliberate targeting of poor, indigenous Peruvian women.⁴ On June 3, 2023,

* Taylor is a first-year law student at American University Washington College of Law. She received her B.A. in International Studies and Spanish from the University of South Carolina and double-minored in French and Business Administration.

1 Ministerio de Salud, Programa de salud reproductiva y planificación familiar (Jan. 1996). (Only available in Spanish).

2 Ñusta P. Carranza Ko, *Making the Case for Genocide, the Forced Sterilization of Indigenous Peoples of Peru*, 14 INT'L ASS'N OF GENOCIDE SCHOLARS, 89,95 (Sep. 4, 2020), <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1740&context=gsp>. (Only available in Spanish).

3 Christina Ewig, *La Economía Política de las Esterilizaciones Forzadas en el Perú*, ARCHIVO PNSRPF (2009), <https://1996pnsrpf2000.wordpress.com/investigacion/financiamiento/>. (Only available in Spanish).

4 Ñusta P. Carranza Ko, *Making the Case for Genocide, the Forced Sterilization of Indigenous Peoples of Peru*.

the Inter-American Commission on Human Rights (“the Commission”) submitted *Ramos Durand v. Peru* to the IACtHR concerning Celia Edith Ramos Durand, who died as a result of a PNSRPF forced sterilization twenty-six years ago.⁵ In total, 1,264 plaintiffs are represented in Ramos Durand's case.⁶ Her case is the first forced sterilization case from the Fujimori regime to come before the IACtHR.⁷

Ramos Durand died in 1997 due to complications from a forced sterilization that took place in a healthcare center without the necessary resources to safely perform the procedure.⁸ While Ramos Durand had signed a document consenting to the procedure before it took place, the Commission found that the healthcare workers did not properly obtain informed consent.⁹ The complaint to the IACtHR also cites several additional violations of Ramos Durand's rights.¹⁰ The Commission concluded that the Peruvian government is responsible for the violation of the rights set forth in articles 4.1 (the right to life), 5 (the right to personal integrity), 11 (the right to privacy), 13 (access to information), 25 (judicial protection), and 26 (the right to sexual and reproductive health) of the American Convention on Human Rights.¹²

Beyond failing to obtain her informed consent, the clinic also did not conduct the procedure with Ramos Durand's safety in mind.¹³ The complaint states that the surgeon's sole objective was to take away Ramos Durand's reproductive capacity, rather than conduct the surgery safely and effectively, which

5 Ministerio de Salud, Programa de salud reproductiva y planificación familiar.

6 Noor Mahtani, *Victims of forced sterilization in Peru take their case to the Inter-American Court of Human Rights*, EL PAÍS (Sep. 28, 2023), <https://english.elpais.com/international/2023-09-28/victims-of-forced-sterilization-in-peru-take-their-case-to-the-inter-american-court-of-human-rights.html>.

7 *Id.*

8 Press Release, Corte Interamericana de Derechos Humanos, Caso Ramos Durand y Otros v. Perú (July 21, 2023) (on file with author). (Only available in Spanish).

9 Press Release, Inter-American Comm'n on Hum. Rts., IACHR Files Case Concerning Peru with IA Court on Sterilization without Consent (Aug. 18, 2023) (on file with author).

10 Healthcare personnel from the PNSRPF repeatedly visited Ramos Durand to convince her to undergo the procedure, even though she continually declined their advances.

11 Press Release, Corte Interamericana de Derechos Humanos.

12 *Supra* note 9; *see also* American Convention on Human Rights, Art. 4.1, 5, 11, 13, 25, 26 (emphasis added).

13 *Supra* note 9.

constituted an arbitrary intrusion into her private life.¹⁴ The complaint also asserts that Ramos Durand was a victim of intersectional discrimination based on her gender and economic status.¹⁵ Therefore, the violation of Ramos Durand's rights and her resulting death, in combination with the thousands of other women forcibly sterilized under the PNSRPF, constituted an act of violence against women on behalf of the State.¹⁶ Furthermore, María Ysabel Cedano, a lawyer with DEMUS, a feminist NGO representing the plaintiffs in this case, said her organization is seeking¹⁷ to have the case tried as a crime against humanity because of the Peruvian government's systematic targeting of poor, indigenous women.¹⁸

Resulting from *Ramos Durand v. Peru*, the Commission recommended the Peruvian government take several measures to make amends for forcibly sterilizing indigenous women during the Fujimori regime.¹⁹ Some of these recommendations include implementing a reparations program to pay for the physical and mental healthcare expenses of the victims, criminal punishment of those responsible for enforcing the PNSRPF's goals, taking measures of nonrepetition to prevent an atrocity of this scale from occurring again, and the adoption of legislation and policies to guarantee the patients' right to informed consent regardless of gender, race, financial circumstances, or migration status.²⁰

Ramos Durand v. Peru now awaits a judgment from the IACtHR.²¹ Hundreds of thousands of Peruvian women suffered under the sterilization program of the Fujimori regime, yet few have had their voices heard. The IACtHR is presented with an opportunity to serve justice on behalf of the hundreds that died under the watch of the Peruvian government and the thousands more whose rights were violated by the PNSRPF forced sterilization program.

14 *Id.*

15 *Id.*

16 *Id.*

17 Cedano only said she is seeking to have the case tried as a crime against humanity; there is no additional information as to what this means from a procedural standpoint.

18 *Supra* note 6; Cedano wants Fujimori to stand trial for these allegations. Fujimori is currently imprisoned in Peru for his role in the Barrios Altos and La Cantuta massacres.

19 *Supra* note 9.

20 *Id.*

21 *Supra* note 6.