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Peruvian IDPs and the Search for Holistic Transitional Justice

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Peru's internal armed conflict (1980-2000) took place between the subversive Shining Path and state forces, causing the forced displacement of between half to one million people, mainly from indigenous groups. Approximately half of those people managed to return during the early nineties, however around [150,000 people remain](#) displaced. These people would usually reside in marginal areas of the Peruvian capital, Lima, and other major Peruvian cities. Beyond displacement, they typically face economic limitations and their status as internally displaced persons (IDPs) makes their integration more difficult. While the Peruvian State has taken certain steps towards addressing the situation of IDPs, sixteen years after the conflict ended, a full solution remains elusive. The present blog post mainly seeks to critically analyse the Peruvian State's actions handling the problems related to IDPs. Recommendations are also provided.

Legislative Framework

In 2003 [the Peruvian Truth and Reconciliation Commission](#) recommended that all people forcibly displaced during the armed conflict be recognized as victims and eligible for reparations. The planning and implementation of individual compensation, including housing, integral health and education, was also recommended. A high-level body started monitoring the implementation of the Commission's recommendations in 2004, and the subsequent implementation of [the Law of Internally Displaced Persons](#) in 2004 (as complemented by [2005 Regulations](#)) should be seen as milestones.

This legal framework recognises two categories of IDPs: i) those whose displacement is caused by an international or internal armed conflict or groups taking up arms; and ii) those displaced as a consequence of unforeseeable events, including natural disasters. The present blog focuses on the situation of the IDPs as a consequence of the former (internal armed conflicts). These IDPs constitute the most numerous group of Peruvian IDPs.

The above legal framework was adopted in light of the [UN Guiding Principles on Internal Displacement](#), which offer protection against forced displacement and stipulate that those affected by displacement receive re-settlement and the right of return. Significantly, the legislation emphasizes state responsibility for the prevention of forced displacement, particularly concerning indigenous communities and their ancestral lands.

State Actions: Challenges and Limitations

Whilst the situation for IDPs has progressively improved since 2000, sixteen years have now passed since the end of the conflict, and significant societal and financial challenges for IDPs persist, despite the aforementioned legislative and institutional developments. The challenges are particularly acute for those living in urban areas.

The Peruvian state sponsored 'Program in Support of Repopulation and Development of Emergency Zones' (PAR) (1996), designed to assist IDPs' return to their homelands, remains [significantly flawed](#), as evidenced by findings released by the Norwegian Refugee Council [and the Internal Displacement Monitoring Centre \(NRC/IDMC\)](#). The findings found that the PAR has consistently failed to support IDPs wanting to settle in urban areas, focusing exclusively on individuals seeking a permanent return to the communities from which they came. Consequently, IDPs opting for dual residence (city/countryside) fall outside the PARs support scheme. The reluctance or inability of IDPs to return to their homelands is often the case where IDPs lack the resources necessary to reconstruct livelihoods, when their children have already been integrated into new urban areas, or when they are suffering psychological trauma and exclusion from their home communities. Even when IDPs do manage return to their homelands, as documented by the [NRC/IDMC](#), it is common for them to endure harsh living conditions that force them to return to urban living.

Those who decide, or are now forced, to live in urban areas have only benefited from general state run poverty-alleviation programs, which involve little consideration of the particular needs of urban IDPs. Evidence from the [NRC/IDMC](#) shows that IDPs living in inner Peru still face extreme poverty, low education levels/illiteracy, lack of basic services, food, jobs and identification documents, family disintegration, and insufficient water, sanitation and housing. The integration of IDPs into urban areas has been limited, with many facing ongoing marginalisation and discrimination. This can be attributed to lower levels of technical training and education, as well as ongoing stigmatisation of IDPs as subversives (former members of the non-state terrorist organisations who struggled against the Peruvian State during the armed conflict).

Meanwhile, a reparation council to elaborate a unified victim registry was established in [2005](#). Categories of victims of international crimes committed in the conflict, including IDPs, were listed for reparations. A two-step process began in [2006](#): creation of a list of the officially-recognized IDPs, and a high-level commission on reparations. State entities normally rely on identity documents and birth certificates in order to register IDPs officially. This approach suits victims in urban contexts; however, it does not suit victims originating from – or living in – rural areas and, thus, these IDPs are excluded. Even amongst registered IDPs, however, granting reparations has been slow, with the situation compounded by large numbers of IDPs in addition to the PARs limitations. It is important to note that the general poverty eradication policies for IDPs do not have the same symbolic or financial impact of reparations (compensation included), something particularly significant given that many IDPs belong to indigenous communities, traditionally excluded from Peru's economic growth.

Recommendations for State Reforms

Overall, a holistic transitional justice approach to the IDPs' problematic should be adopted in which IDPs as an important category of victims of the Peruvian internal armed conflict are finally given centre-stage. The following steps are recommended.

First, the Peruvian State must accurately and promptly identify the totality of IDPs. This registration process must be completed as victim-friendly as possible. For example, bureaucratic barriers must be lifted and factors such as background or native language of the victims should not in practice become obstacles for their registration as IDPs.

Second, the Peruvian State has to implement policies specifically oriented to integration of the IDPs in urban areas and, in due time, the IDPs' voluntary return to their homelands. The State must consider and prioritize the views and concerns of the IDPs during these processes. Thus, IDPs can be empowered as active actors, in full and real exercise of their citizenship, and not be treated merely as aid beneficiaries. Particular attention must be given to the protection of vulnerable groups of IDPs such as the sick, minors, women and the elderly.

Third, the State must implement reparations programs tailored to the harm inflicted on the IDPs and thereby provide them with an important quota of restorative justice. To redress as much harm as possible, reparations must address the psychological, material and physical harm inflicted upon the victims as a consequence of forced displacement. To reflect the seriousness of the forced displacement and to be proportional to the harm inflicted upon the IDPs, reparations granted to the IDPs should combine material or financial elements through compensation, rehabilitative elements through healthcare and psychological services and symbolic elements through, for example, public apologies and guarantees of non-repetition. Considering that entire communities were displaced during the internal armed conflict, besides individual reparations, collective reparations such as provision of healthcare and educational community services should be granted to communities or groups of IDPs regarded as collective victims.

Fourth, when adopting these reforms, the State should meet and follow international legal standards on IDPs. Particularly, the Peruvian State should consider *inter alia* the [UN Guiding Principles on Internal Displacement](#) and the Inter-American Court of Human Rights' important case law on IDPs and related reparations (e.g. see [Nech et al. vs. Guatemala](#)). Additionally, best national practices and comparative experiences on IDPs in Latin-America and beyond may be considered to shed some light on reforms to be implemented by the Peruvian State.

Overall, the State needs to holistically address the core problems that continue to affect IDPs more than fifteen years after the conclusion of the war itself. This should be done through the implementation of the proposed set of transitional justice measures so that this vulnerable people group can be provided with an important quota of restorative justice.

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