

PERU: The Peruvian human rights ombudsman (*Defensoría del Pueblo*) and racial discrimination

THE DEFENSORÍA: Created in 1996, the institution's purpose is the defence of citizens' fundamental rights. It can respond to citizen complaints as well as act proactively. Unlike most state institutions in Peru, the defensoría is widely trusted by the public.¹ It operates on a decentralised basis,² has recourse to legal and administrative remedies, and services are free.

CONTEXT: The phenomenon of racial discrimination in a country where indigenous peoples make up around 45% of the population is a persistent feature of Peruvian society. In the institutional sphere, the far-reaching conclusions of the Truth and Reconciliation Commission (TRC), published in 2003, present a compelling blueprint for state action.

ANALYSIS: Senior personnel within the defensoría, many of whom are former human rights lawyers from Peru's highly organised civil society, have long been considered to be personally committed to confronting racial discrimination. However, it is with the arrival of the new Defensora, Beatriz Merino, in 2006 that a marked shift toward institutionalising this concern has been observed.³

The defensoría identified ethnic and cultural discrimination as an important area of work from the outset, though it has had difficulty defining its objective and methodology in this area. A cautious entry strategy has emphasised an intermittent and largely reactive oversight agenda (NB like many such institutions, the defensoría suffers from a chronic lack of resources).

The institution initially adopted a two-pronged strategy: (1) to strengthen legal protection against discrimination through lobbying for legal modifications; and (2) generating public awareness and support through high-profile media campaigns. Campaigns such as discriminatory door policies by Limeño nightclubs and the plight of Peruvian migrants in Argentina received considerable coverage by the national media.

The defensoría created the special office for native communities of the Amazon in 1996. This office has pressed for implementation of the ILO Convention 169 concerning indigenous and tribal peoples. The defensoría has been criticised by some for focusing on native communities to the exclusion of other ethnic groups and, in effect, sidestepping the complex issue of ethnic identity and racial discrimination.

In 1999 the defensoría published a report outlining its approach to racial discrimination. Instead of creating a specific internal office, the institution instead chose to address the issue through the prism of native communities, women's rights, the victims of political violence and the disabled. The four areas of action targeted discriminatory practices: (1) against native teachers; (2) by employees and education centres; (3) in military recruitment; and (4) by public establishments.

From 1999 to 2005 the defensoría pursued with some success a relatively narrow discrimination agenda. During this period, the institution experimented with exploiting its moral authority in this area (eg. 2001 nationwide campaign '*Todos: el derecho a la igualdad*'). However, objective and methodology remained ill-defined.

The TRC report has provided a pending agenda for action in this area and there are signs that the defensoría is engaging with a more proactive strategy – targeting both cause and effect. In her introduction to the 2006 report, Merino speaks of 'combating the racism that imperils our country from all sides' and singles out education as the most pressing challenge.

The current priorities of the defensoría in 2007 are: (1) to define a strategy of intervention; (2) identify the principle arenas of discrimination; (3) review coordination with other stakeholders (related ministries, protection agencies etc.); and (4) to disseminate information through a nationwide television and radio campaign (*Lucha Contra la Discriminación*). In recent months, Merino has presented a widely distributed radio 'spot' on racism. The defensoría (including the Deputy Defensor, Samuel Abad) was also present at recent public mobilisations against racial discrimination in the southern beaches of Peru.

¹ This is reflected in consistently strong public approval ratings: 46.4% in poll conducted on 2-3 December 2006.

² The Defensoría currently has 36 offices throughout Peru.

³ See internal document: '*lineamientos y pautas generales del tema de discriminación a implementar en el año 2007*'.