AFRODESCENDANTS IN PERU:
An approach to their reality and the exercise of their rights

DEFENSORIA DEL PUEBLO
EXECUTIVE SUMMARY
Adjuntía Report N° 003-2011-DP/ADHPD

AFRO-DESCENDANTS IN PERU:
An approach to their reality and the exercise of their rights

Lima, April 2011

RESEARCH TEAM FOR HUMAN RIGHTS AND VIOLENCE CONSEQUENCES
ADJUNTÍA FOR HUMAN RIGHTS AND DISABLED CITIZENS

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1 It refers to a determined area or unit within the Peruvian Ombudsman Office’s organogram.
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This Executive Summary has been written by Martin Soto Florián, Commissioner of the Adjuntia for Human Rights and Disabled Citizens, based on the Adjuntia Report Nº 003–2011–DP/ADHPD --presented publicly on March 10th of 2011-- which was prepared by a team directed by Gisella Vignolo Huamani, Head of the Adjuntia for Human Rights and Disabled Citizens, whose research staff is composed by Cesar Cardenas and Martin Soto Florián. The English translation of this report was done by Karina Montoya, staff member of the Press and Institutional Communications Office.
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EXECUTIVE SUMMARY

AFRO-DESCENDANTS IN PERU:
AN APPROACH TO THEIR REALITY AND THE EXERCISE OF THEIR RIGHTS

Introduction

Peru is a diverse country. Within the various groups that nourish this diversity, we find the Afro-Descendant, whose presence goes back to 484 years ago, and it has been marked by the lack of acknowledgement of their particular state of vulnerability and exclusion, as well as by the absence of means for their cultural and identity expression and the reaffirmation of their rights.

The year 2011 has been proclaimed as the “International Year for People of African Descent” by the United Nations General Assembly. Within this context, the Peruvian Ombudsman Office seeks to, by means of the Adjuntía Report Nº 003–2011–DP/ADHPD, titled Afro-Descendants in Peru: An approach to their reality and the exercise of their rights, make visible the situation of Afro-Descendants in Peru, facing a particular historical and current context of inequality, exclusion and poverty, departing from a human rights’ approach.

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The preparation of the above mentioned research initiated in February 2010, and it includes a series of work meetings and interviews with representatives of different public institutions and main organizations of the Afro-Peruvian civil society. Visits to the towns of Yapatera and Morropon, in Piura, and to Chincha, in Ica, were also covered for this investigation, where we found serious problems related to the rates of racism and discrimination, inclusion, as well as to the access level and quality of utility services received by the population.

Furthermore, the members of the Peruvian Ombudsman Office met the staff members of the Instituto Nacional de Desarrollo de Pueblos Andinos, Amazonicos y Afroperuano (Indepa), the Intercultural Health National Center (Censi) —attached to the Health Ministry’s National Health Institution—, in addition to the representatives of the Education Ministry (Minedu), as of the Dirección de Educación Intercultural y Bilingüe (Digeibir) and the Unidad de Estadística Educativa. Other meetings were arranged specially with representatives of the Instituto Nacional de Estadística e Informática (INEI), who provided us with complementary statistics for the completion of the above-mentioned research.

As part of the research, information requests were sent to the following institutions: INEI, Indepa, Digeibir, Censi, Ministry of Women and Social Development (Mimdes), Ministry of Justice (Minjus), Instituto Nacional Penitenciario

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3 National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples
4 Intercultural and Bilingual Education Management
5 Educational Statistics Unit
6 Informatics and Statistics National Institute
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(INPE), as well as to the Unidades de Gestión Educativa Local (UGEL) of different cities whose jurisdiction was representative of a significant presence of Afro-Peruvian population.

The main findings of this research show the state of vulnerability, deferment and invisibility of this part of the Peruvian population, as well as the structural racial discrimination that persists and generates a negative impact on the full exercise of their rights, especially in health and education aspects, and whatever is linked to their culture and identity.

Additionally, preliminary versions of the report were submitted and presented to representatives of the Afro-Peruvian civil society in different occasions.

1. About the objectives

The main objective of the Adjuntía Report Nº 003–2011–DP/ADHPD is to make visible the situation of Afro-descendants in Peru, facing a particular historic and current context of inequality, exclusion and poverty, departing from a human rights’ approach.

In order to do so, the necessary specific objectives are as follows:

- To exhibit an approach to the main obstacles for the rights exercise of the Afro-Peruvians.
- To clearly identify the legal framework of protection

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7 Penitentiary National Institution
8 Local Education Management Units
to abide by.

- To evaluate the State’s response to guarantee the exercise of the Afro-Peruvian population’s rights.

In order to fulfill these objectives, the use of sources has been organized in the following manner:

**Table 1**

**Required information for the Peruvian Ombudsman’s research**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Sub-objective</th>
<th>Source</th>
</tr>
</thead>
</table>
| 1) To set the legal framework for the protection of Afro-Peruvians rights. | ► To identify the liability and commitment of the State toward the Afro-Peruvian population. | • Treaties of the Human Rights Universal System and the Human Rights Interamerican System.  
• National laws.                                                                 |
| 2) To exhibit an approach to the main obstacles for the rights exercise of the Afro-Peruvians. | ► Rapprochement to the state of the right to health exercise.                 | • Official statistics.  
• Meetings with Afro-Peruvian citizens, their representatives and public employees. |
|                                                                           | ► Rapprochement to the state of the right to education exercise.             | • Official statistics.  
• Meetings with Afro-Peruvian citizens, their representatives and public employees.  
• Information provided by the Ministry of Education. |
### Afro-descendants in Perú:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Sub-objective</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>▶ Afro-Peruvian culture and identity promotion.</td>
<td>• Official statistics. Meetings with Afro-Peruvian citizens, their representatives and public employees. • Information provided by the Ministry of Education.</td>
</tr>
</tbody>
</table>

3) To know and evaluate the actions taken by the State to guaranty the exercise of all Afro-Peruvians’ rights.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Sub-objective</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>▶ Collection and analysis of statistical information. ▶ Law identification. ▶ Identification of the governing entity and evaluation of its performance.</td>
<td>• Meetings with public employees. • Official statistics. • Information provided by public institutions.</td>
</tr>
</tbody>
</table>

**Source and Elaboration:** Peruvian Ombudsman Office

### 2. About the situation

The historic context unveils some inherited problems, others that persist and some others of a renewed effect.

Their particular vulnerability and situation of invisibility as a collective group, which manifests itself as an absence from statistics and public policy, has been locally and internationally recognized.

Moreover, social disparity, exclusion and poverty —which is evident in their little access to the benefits of social development—, and lack of involvement in decision making
that interest and affect them is a situation that deserves to be studied in order to be changed.

Finally, structural discrimination as well as racism situations—although a little more sophisticated each time—continue to show the effect of prejudices, stereotypes and defects that we have inherited and have not been able to overcome. The latter will continue to exist as long as we are not fully aware of the necessity of acknowledging, accepting and valuing our differences.

It is important to indicate that the above mentioned is supported by the work done by the Working Group of Experts on People of African Descent of the United Nations.

3. **About the statistical data**

The statistical information for this report was built by INEI based on ENAHO 2004\(^9\) and ENCO 2006\(^{10}\).

This data has allowed us to find the following:

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\(^9\) The size of the population sample in ENAHO (Household National Survey) 2004 was composed of 20,084 households, from which 11,909 were urban and 8,175 were rural. ENAHO 2004 included a sub-sample that counted Afro-Peruvian localities and *centros poblados* (populated small villages) located in the Coast.

\(^{10}\) ENCO (Continuous National Survey) 2006 initiated in January, and it was completed in December of that year. The sample collected information from 382,672 households that were distributed nationwide, in the urban and rural areas of the 24 departments of the country, including the Constitutional Province of Callao.
a. **Social-economic sphere**

It is estimated that 35.7% of Afro-Peruvians are in a poverty situation, which exceeds the national average percentage (34.8%); while 4% of Afro-descendants are in an extreme poverty situation, the national average percentage is 11.5%.

In regards to the per capita income, Afro-Peruvians perceive an estimated income of S/. 220 *nuevos soles*\(^{11}\), which is less than the estimated national average of S/. 290 *nuevos soles*. A similar situation occurs regarding the expense per inhabitant of this group (S/. 197) which is also less than the national average (S/. 239).

In addition to this data, we must highlight that the report submitted by the organizations of Civil Society at the Durban Conference in 2001 indicates that poverty is a typical characteristic of the Afro-Peruvian population\(^{12}\). Likewise, it is reported that there is a sort of “geo-ethnic discrimination” toward that group, which means this is a combination of racial discrimination and social-economic profiling of this population (they live in the poorest and most run-down areas, they lack utility services and are unable to gain access to an adequate infrastructure)\(^{13}\).

The particular poverty situation of the Afro-Peruvian population that is shown in ENAHO 2004 is probably

\(^{11}\) Peruvian currency.  
\(^{13}\) Op. cit.
related to their situation in the rest of the region. According to the most recent research conducted by PNUD (UNDP, United Nations Development Programme), poverty would be directly linked to the origins of this population\textsuperscript{14}. Agreeing with this affirmation, the following is indicated:

“The European immigrant descendants are the ones who have been able to establish in these countries with a quality life level not so different from that of the Old World’s population.” Nevertheless, “the African immigrant descendants and indigenous communities have not seen any major improvements concerning the privations that they have suffered in the course of history.”\textsuperscript{15}

On the other hand, the Working Group of Experts on People of African Descent of the United Nations holds that the social disparity situation involving this ethnic group affects mainly their right to have good quality education and health services\textsuperscript{16}. In fact, poverty compromises the access to basic services and exposes people to an inadequate insertion to the labour market and to the absence of an effective political representation\textsuperscript{17}.

\textsuperscript{14} PNUD. Derechos de la población afrodescendiente de América Latina: desafíos para su implementación. Published by Proyecto Regional Población afrodescendiente de América Latina. PNUD, 2010, pp. 118-120.
\textsuperscript{17} Márquez, Gustavo; Chong, Alberto; Duryea, Suzanne; Mazza,
b. Education sphere

It is possible to see backwardness in terms of access and completion in different educational levels. For instance, in cities such as La Libertad, Lambayeque, Cajamarca and Piura, the percentage of Afro-Peruvians who are not signed up in school is 16.3%, 16.5%, 25.5% and 26% respectively. The percentage of Afro-Peruvian population not signed up in school in these cities is higher than the estimated national average rate of 11.8%.

Concerning high school education, a little more than 50% of Afro-Peruvian students do not complete this level.

Regarding university education, the participation rate of the Afro-Peruvian group shows to be less than the national average. According to the information provided by the Peruvian State itself to CERD in its last report: “a minimum percentage of Afro-descendants gains access to the university educational system, and only 2% of them achieve the completion of their studies.” In that sense, we can say that only 6.2% of the Afro-Peruvian population gains access to the university educational system, percentage that represents half of the national average (12.1%).


c. Healthcare sphere

The Afro-Peruvian population shows a higher level of vulnerability than the national average regarding chronic diseases, which affect the head of the family as well as any other member of a family. The average rate of chronic diseases affecting the heads of families nationwide would be 27.7%; meanwhile, the rate affecting the heads of Afro-Peruvian families goes beyond that by seven points, resulting in an estimate of 34.9%.

Besides, the population that suffered from a disease or accident did not go to a healthcare center. Almost 60% of Afro-Peruvian families have chronic diseases, which is higher than the national average rate by 11 points. Moreover, Afro-descendants are more likely subject to suffer from cardiovascular diseases or of the sickle cell anemia type, corresponding to what has been reported by the World Health Organization19.

This tendency is also observed, analyzing separately, in the capital cities where there is presence of Afro-Peruvian population, such as La Libertad, where 50.1% of Afro-Peruvians suffered from a disease, symptom, discomfort, accident or relapse (more than 27,500 people), and only 25.1% of them went to healthcare centers to get any type of treatment (6,900 people).

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There is a similar situation in Piura. In this case, out of the 56.9% of Afro-Peruvians that had a health condition (18,653 people), only 27.7% went to a healthcare center (5,175 Afro-descendants), whereas a significant 72.3% (13,479 people) didn’t receive any medical treatment.

The low number of people in this group that go to a medical center might be due to multiple factors, such as lack of availability or accessibility, the quality of the service or the acceptability\(^{20}\).

If we consider that a noteworthy number of Afro-Peruvians do not turn to healthcare centers when they suffer from diseases or are in situations which require medical attention, we could indicate that this group is being negatively affected regarding one fundamental right: healthcare.

d. About other constitutional rights

The Working Group of Experts on People of African Descent of the United Nations,\(^{21}\) the Durban

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\(^{20}\) The availability, accessibility, quality and eligibility are key elements regarding the right to healthcare, and they are taken as referents to assess the level of satisfaction for this right. Availability refers to the number of healthcare locations and services; accessibility refers to non-discriminatory care and treatment; acceptability means the adequate care that satisfies this group’s health needs, and the quality of the service. UN Committee on Economic, Social and Cultural Rights. Fourteenth General Comment “Cuestiones sustantivas que se plantean en la aplicación del Pacto Internacional de Derechos Económicos, Sociales y Culturales”, E/C.12/2000/4, put into effect on August 11th, 2000.

Declaration and Programme of Action (2001)\textsuperscript{22}, as well as the recommendations of the Committee for the Elimination of Racial Discrimination (CERD) to the Peruvian State,\textsuperscript{23} specify the existence of other rights, in addition to the ones previously explained, which require to be reinforced specially for the Afro-Peruvian population.

These rights are mainly linked to a possible violation of equal access to justice principle, as well as to access, offer and remuneration in labour-related scenarios.

Concerning access to justice, the Peruvian Ombudsman Office has noticed that the Afro-Peruvian group has a low rate of complaints and recurrence to the institution\textsuperscript{24}. In the focus group interviews that were held with representatives of the main Afro-Peruvian social society institutions, it has been observed that the reluctance to file rights violation complaints comes from the idea that “it is...
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too difficult for them to gain access to effective legal counseling because they are discriminated and stigmatized”.

Furthermore, they indicated that many times the complaint does not include any monetary compensation, and, on the contrary, it could imply a waste of time and expenses. Some of them even noted the possibility of becoming victims of retaliation of certain authorities.

“It’s not only costly because you have to invest time and money that you don’t have, but the authorities don’t help at all. Fully-fledged discriminatory violations are really difficult to prove; in the end, it’s your word against the offender’s word. That’s why it’s better not to do anything, and not getting angry.”

Paulo, 43 years old, Callao.

Regarding the situation of people in prison, the Peruvian Ombudsman Office held conversations with some inmates that see themselves as Afro-Peruvians, who stated feeling discriminated by the authorities when being investigated, prosecuted and sentenced. Additionally, they said that during their stay in prison, they are not treated the same way as the rest of the inmates.

On the subject of employment, this group considers that there is a connection between the tasks performed and the discrimination levels they have experienced. In that matter, the unemployed and the ones working in unskilled labour force experience higher levels
of discrimination compared to the ones with jobs in professional fields, such as entrepreneurs, public employees or private enterprise employees. Even though this situation can repeatedly occur, as they indicate, it is also true that it happens to other groups in society.

4. **About the recognition of Afro-Peruvian culture and identity**

The lack of recognition of Afro-Peruvian culture and identity was one of the many topics repeatedly mentioned during the interviews and work meetings with representatives of the main Afro-Peruvian organizations and the Afro-Peruvian population in general.

During the interviews, they highlighted the absence of educational textbooks that would contain the contributions of this ethnic group to Peru’s history and culture. On the contrary, it was indicated that the Afro-Peruvian were identified only as slaves and, subsequently, as individuals who were freed after the declaration of independence.

The above mentioned testimony would affect Afro-Peruvian self-esteem and identity, which are seen as limited, since there are not elements that would reaffirm and reinforce them. Conversely, this would condition society to expect only certain achievements from the Afro-Peruvian students, such as skills for sports or dance.

5. **About the State’s liability**

Based on the current legal framework, mainly constituted:
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At an international level, by the Convention on the Elimination of All Form of Racial Discrimination and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001).

At a national level, by the Political Peruvian Constitution, the Human Rights National Plan and the Resolución del Perdón Histórico (Resolucion Suprema Nº 010-2009-MIMDES).

The state is liable for:

- **The incorporation of the ethnic (afro) variable** in the national census: public policies.
- **The reinforcement of the Afro-Peruvian institutionalism** (technical, organic, representative and stable).
- **In the educational field**, adopting measures in general and specific levels.
- **In respect of the right to healthcare**, the accessibility, treatment and care.

6. About the institutional framework

Peru has institutions whose competence is to assist the Afro-Peruvian population and to fulfill the duties that the State is liable for.

Nevertheless, the State’s actions have demonstrated a high level of the following aspects:

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25 Decree issued by the Minister of Women and Social Development, signed in 2009 by the President and the Ministry of Women and Social Development, which can be translated as Historic Pardon Decree (note of the translator).
- **Disarticulation**: its actions are isolated, compartmentalized and not convergent.
- **Residual**: not only is there not a set preference, order or hierarchy, but action is taken based on the work model previously designed with other groups (particularly indigenous and Amazonian) without any proper adaptation. Moreover, it utilizes input provided by Afro-Peruvian NGOs and non-official sources instead of requesting official statistics or producing them.
- **Unclear objectives and approach**: there are no clear objectives of what is expected to be achieved, nor is there an approach to face their situation. For instance, the lack of definition in accordance to the ILO Convention N° 169; for which there is no information about its applicability and the impact it would have.

These are the institutions that have been assessed by this report:

- **Instituto Nacional de Desarrollo de Pueblos Andinos, Amazónicos y Afroperuanos (Indepa)**

It has had few periods of stability, and it has gone through many changes. The most recent one was its attachment to the Ministry of Culture, whose Vice-minister of Interculturality will lead the work done in favor of this population.

It is the governing entity in charge of the Afro-Peruvian topic, whose work has been focused on the organization of workshops and the reinforcement of their identity more than to the design and implementation of public policies. The work performed by Indepa has been mainly focused
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on the indigenous and Amazonian human group rather than the Afro-Peruvian one.

■ Congress of the Republic of Peru

It has a Permanent Assembly, which doesn’t register specific projects related to this topic, and it has not yet incorporated the Afro-Peruvian population —since 2008— in its agenda.

The Congress also has a Working Board, being one of their achievements the creation of the Afro-Peruvian National Museum, which has made possible to highlight and value the Afro-Peruvian culture and identity.

■ Ministry of Education

It has not included the contribution of the Afro-Peruvian culture to the country’s development, and it does not work on the reinforcement of the Afro-Peruvian identity.

The role of the Afro-Peruvian population in the education system is relegated to a slavery period and its subsequent abolition.

■ Ministry of Health

It is still in the process of integrating an ethnic variable of African descent in the healthcare registration forms. It has also initiated the implementation of intercultural dialogue spaces with the Afro-Peruvian population. Such work will allow the elaboration of a map that determines their location and their main health issues.
Conclusions

• There is not a real and up-to-date number of the Afro-Peruvian population. An actual diagnostic is required. The existent statistics correspond to surveys done on some aspects and characteristics of this group, and they are from the time period of 2004 and 2006.

• Structural discrimination represents one of the major issues. The statistical information collected shows a high percentage of this group in poverty situation, which affects the exercise of their fundamental rights (healthcare and education).

• Lack of leadership and articulation of the State to fulfill its responsibilities. Absence of application regarding policies and concrete measures in favor of this part of this population / lack of approach.

Recommendations

TO THE EXECUTIVE BRANCH

• Design and implement a strategy that allows the incorporation of an inclusion and equality approach in the State’s public policies. Include the civil society in its elaboration.

MINISTRY OF CULTURE

• Strengthen the institutional capacity to address the Afro-Peruvian issue.
• Design and implement the activities of the Human Rights National Plan and the Historic Pardon Decree.
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- Coordinate actions with the local and regional government to address the affirmation of the Afro-Peruvian culture and identity within their jurisdictions, focusing specially on those cities with a significant Afro-Peruvian population.

MINISTRY OF HEALTH

- Coordinate the criteria definition for medical care of the Afro-Peruvian population.
- Strengthen the intercultural dialogue space that is promoted by the Intercultural Health National Center to collect the contributions and suggestions of the Afro-Peruvian population, which will serve to overcome discriminatory and exclusion situations in the field of healthcare.
- Incorporate the ethnic variable of African descent in the health information registry, which abides by the objectives in the Hipolito Unanue Convention.

INFORMATICS AND STATISTICS NATIONAL INSTITUTE (INEI)

- Conduct a specific census, disaggregated by gender and age fields (real and updated diagnostic about the Afro-Peruvian situation).
- Include the Afro-Peruvian population in the census that is elaborated periodically, based on questions about ethnic self-identification.
- Include the ethnic variable of African descent in the next Population and Household National Census.
APPENDIX

Afro-Peruvian Population Map