

A Statement on Migration with specific reference to the Peruvian Situation: Submitted to the Office of the High Commissioner for Human Rights by International Presentation Association(IPA) ,an NGO with ECOSOC special consultative status at the United Nations.

Internal Migration, Migration to neighboring countries such as Ecuador and Chile

Now we're guests in a faraway land

Nearly 40 years on.

No trees, no cool breeze

No best friend

Only endless days in sending SMS's.....¹

In many parts of South America, migration has traditionally been a way of survival in times of drought, excessive rainfall and reduced harvests. In Peru, a large amount of the population is dependent on agriculture for their livelihood which can leave them vulnerable in the event of extreme weather conditions. Worryingly, then, the unpredictability and destabilization of the weather as a result of climate change is perhaps being felt most acutely by Peru². The Intergovernmental Panel on Climate Change's (IPCC) Special Report on Emissions Scenarios indicates that Peru is likely to see the highest average rise in temperatures of between 1°C and 4°C by 2050 which will exacerbate the already unpredictable nature of the Peru climate which is subject to El Nino and La Nino events³.

When extreme weather events occur it is the poorest inhabitants who are most vulnerable. Droughts, floods, increased temperatures and severe storm have crippled the ability of the poorest Peruvians to sustain themselves off the land and as such are forced to seek opportunities elsewhere. Typically, this means leaving Peru. 2.4 million People left Peru between 1990 and 2009, with 70% of those leaving to improve their economic circumstances⁴. While the Peruvian

¹ Nabeel Philip Mohan. No Return Address. A Collection of Poems.

² Peru Support Group, 2013. 'Why Should Climate Change Be A Priority in Peru?' Available at: <http://www.perusupportgroup.org.uk/peru-climate-change.html>

³ Peru Support Group, 2013. 'Geographic and Economic Vulnerability'. Available at: <http://www.perusupportgroup.org.uk/peru-climate-change-vulnerability.html>

⁴ International Organisation for Migration, 2012. 'Peru Migration Profile Confirms that Peruvians Continue to Migrate Despite Economic Crisis'. Available at: <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2012/pbn-listing/peru-migration-profile-confirms.html>

economy has begun to rally in recent years and job creation has seen a positive increase, Peruvians continue to leave the country at a rate of 100,000 per year.

The human rights implications of this combination of a large number of immigrants who are economically vulnerable will be the focus of this statement, with particular attention being given to the plight of the Peruvian migrants in their receiving countries and the human trafficking network that has developed as a result.

Immigrants' Rights in Receiving Countries

The XIV South American Conference on Migration (SACM), held in Lima from October 15th to the 17, 2014 stressed the importance of social inclusion as the framework for which migrants basic human rights are respected⁵.

The SACM held that there should be the promotion of all rights and equal conditions of the national citizens which would include the right to work, social security, access to health, justice systems, housing, education and social and political participation in the receiving society⁶.

Member States are urged to promote the incorporation of the theme of Migration into the Post 2015 Development Agenda. Teaching strategies, capacity building, the promotion and protection of Human Rights of Migrants in vulnerable situations in South America are all encouraged.

HUMAN RIGHTS SITUATION OF PERUVIAN MIGRANTS IN ECUADOR.

Of the 15,000 Peruvians in Ecuador, it is assumed that 4,000 are a floating population. They have the Andean card and go back over the border to rest and renew permission and return again for a certain amount of time. The main areas of Northern Peru seem to be their point of origin: Trujillo, Chiclayo, Chulucanas, Junin, Huanuco and Cerro de Pasco. They work in the Mines, in Agriculture, the Sugar Plantations, Construction and domestic service. As one reporter said, "We have no exact number of Peruvians here but we hear about them when we have mining disasters". The families of those who died in a mining accident in 2013 received \$500 for each person showing a shocking breach of justice, disregard for the dignity of human life and disrespect for the victims human rights.

Mining, whether it is legal or illegal, is a huge attraction for the Peruvian worker as he (usually male) is prepared to work for less than his Ecuadorian counterpart. As the Ecuadorian economy is dollarized and the dollar is now strong against the Peruvian currency - called the Sol - workers are flocking across the border to take advantage of the exchange rate. It is common to find entire Peruvian families of brothers, fathers, uncles and cousins in Ecuador, all hailing from the same part of Peru. There is no social security, no holidays, no labor benefits and frequently no

⁵ XIV South American Conference on Migration, 2014. 'Lima Declaration: Migration and Inclusion: A Challenge for South American Integration': pg1. Available at: <http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Declaracion-XIV-CSM-Eng-2014.pdf>

⁶ Ibid

protection from the dangers of landslides and other disasters all too common in the Southern area of the host country. Nobody talks about the dangers of Mercury contamination as a result of gold prospecting and 40% of migrants from Peru labor in the mines. As the Ecuadorian national newspaper El Comercio expressed on the 27th January 2013, the Peruvians are hidden in plain sight. In the Ponce Enriquez mine disaster there were 4 migrants found dead out of the 10 corpses found. Those who suffer debilitating accidents cannot claim compensation as they are illegal. One man saw 15 of his Peruvian companions with high temperatures and suffering from toxic gasses.

Illegal migration inevitably leads to exploitation. Between the months of June and December, the Sugar Cane Industry is a big attraction for temporal workers. Carlos, a Peruvian, is paid by the amount of cutting he can do in a day. He cuts up to 10 metric tons and earns \$1.40 for each ton, earning \$14 a day. This amount is in American Dollars, which would total \$420 a month for backbreaking work seven days a week. The basic wage in Ecuador is now \$354 - in Peru it is \$100 less, indeed the second lowest in the region. It is surely an issue of justice that in the 21st century human beings are still being treated so poorly. This Zafra⁷ industry has had many problems over the years. If people do not want to work, they are told there are many waiting to fill their places. An undisclosed number of migrants have also been victims of unscrupulous lawyers but it is impossible to get clear figures. Truth can only be spoken by the unafraid but illegal migrants in any country become invisible out of necessity.

Those Peruvians who work in the Banana Plantations are not only prone to suffer from pesticide poisonings but are paid only \$50 a week, as opposed to the Ecuadorian worker receiving \$70. Again, this is a fundamental breach of their right to not be discriminated against. They are locally described as “los barateros”, the cheap ones. As previously stated they can gain from the exchange rate of the dollar when they get back in over the border to Peru. Gina Aguilar, a social activist from Ecuador, says the work they do is not properly recompensed. This statistic is recorded in 2012 but a reliable source says nothing has changed but people will not complain because of their fragile status in the country.

PERUVIAN MIGRANTS IN CHILE

Chile has been a destination for female Peruvian migrant workers for many years. In January, 2014 Caroline Stefoni, a Sociologist at the Universidad Alberto Hurtado, told the Santiago Times⁸ of the problems of migrants in this southern country. She says “Peruvian migrants face the same kinds of discrimination in Chile that Latin American workers face in the US and what North Africans face in Europe. Between 2002 and 2012, the number of migrant workers from Peru rose by 174% from 38,000 to 104,000, the majority of whom now live around Santiago’s Plaza de Armas, sometimes referred to as “little Lima”. A book, written in 2002 called Class,

⁷ Ricardo Tello, cap.6, para 60. ‘La zafra atrae a los Peruanos en La Troncal.’ Available at: <http://www.avina.net/eng/wp>

⁸ Sarah Tory. 2013. ‘The two faces of Chile’s Immigration Boom’ *Santiago Times*. Friday, June 14th, 2013.

Race and a Nationalist Project by Silke Staab and Kristen Hill Maher examines the “dual discourse” about Peruvian domestic workers in contemporary Santiago. Middle class employers simultaneously praised them as superior but also denigrated them as uneducated and uncivilized. This praise served to discipline the Chilean working class, who middle class employers claimed they no longer knew their place. The epithets served as a foil for Chilean National Identity. Stories about Peruvians serve as tools in ongoing ideological contestations over class, race and nationality in Chile and, at the same time, shape the working conditions and integration of the migrants themselves”. That was 13 years ago. On February 7th 2014, John Cobin,⁹ (Race Studies) in an interview affirms the continued existence of the superiority complex of Chileans over their Bolivian and Peruvian neighbors.

I mention this in the context of Human Rights issues in South America with its ensuing problems of skin color, surname of Kichwa or other ethnic origins which can denigrate and humiliate migrant workers. Chileans are very proud of their Spanish, German, English or Dutch origins but a way of insulting someone is to call them a Peruvian! Actually many Peruvians have higher qualifications than their Chilean counterparts but their academic titles are not regularized.¹⁰ Chile lacks a modern Migration Law and the present one is from 1975 and is from the time of the dictatorship of Pinochet and has not been updated during the Presidency of Mr. Pinera. Migration was looked on as an issue of National Security, hence the restrictions. Victor Raul, a Peruvian activist in Chile, talks of a one year amnesty where people can get a temporal resident’s visa.¹¹

In 2013 there were more than 400,000 Peruvians in Chile. Manuel Hidalgo Valdivia,¹² director of the Migrant Association for the Integration of Latin America and the Caribbean, known by its Spanish acronym APILA, estimates that 54% of these are women. He calls it the feminization of Peruvian migration in Chile. 20% are undocumented and the obtaining of a visa is subject to having a contract to work. Due to lack of knowledge of the Chilean health and education systems many children of migrants suffer. They have been called at times “children without a country”. Poor housing adds to the suffering of many. The principle of the reunification of the family unit is not respected and many receive lower salaries.

THE TRAFFICKING NETWORK

A type of forced and false migration needs further reflection. There is a significant number of men, women and children who have been exploited by criminal organisations who are trafficking

⁹ John Cobin. 2014. ‘What do Chileans think of other Latin Americans’. Available at: <http://escapeamericanow.info/what-do-chileans-think-of-other-latin-americans/>

¹⁰ Perceptions of prejudice can be very personal so sweeping statements require a deeper study where different cultures and customs are concerned.

¹¹ Victor Raul. 2014. ‘Chile Necesita Una Nueva Ley De Inmigración’. Available at: <http://contintanegra.com/chile-necesita-una-nueva-ley-de-immigracion>

¹² Manuel Hidalgo Valdivia. 2014. APILA “Punto Final” ed. 803

these vulnerable people into forced labor and sex slavery.¹³ Peruvian women and girls, often indigenous, are forced into sex trafficking by the use of attractive but deceptive employment offers, particularly around in and around the mines; an example of which is found in the estimated 4,500 Peruvian and Bolivian women are caught in sex trafficking in the mining town of La Riconada.¹⁴

This forced migration and trafficking is not just limited to internal movement. Peruvian women and children are caught in sex trafficking to neighboring countries such as Argentina and Ecuador. Peruvians account for 5% of the sex trafficking statistics in Argentina, 70% of whom are enticed into the country through “promises of employment”.¹⁵

Further, on the 19th September, 2014 a combined band of Ecuadorian and Peruvian kidnapers held 34 women in Lima for prostitution purposes. 10 were Ecuadorians and 24 Peruvians. This provides a snapshot of the criminal element that has invariably arisen as a result of the large numbers of migrants fleeing their country. Many of the women are most vulnerable and are prey to unscrupulous bands of international traffickers who have their own contacts in each country. Gender based violence is on the increase and this coupled with trafficking is creating an added contravention of human rights.

On Tuesday, February 24th 2015 the International Migration Organization and MERCOSUR, the Spanish acronym for the Common Market of the South, signed a Memorandum of Understanding¹⁶ to allow closer collaboration regarding migration topics in order to support regional integration on these urgent matters. The training of government officials is seen as important; “The new agreement will allow closer cooperation between IOM and MERCOSUR member states on such issues as labor migration, cross border migration, mixed migration flows, social integration of migrants, border management, and standardization of statistics, migration reform systems, human trafficking and smuggling of migrants.”¹⁷

CONCLUSIONS AND RECOMMENDATIONS:

Internal and Intra-Regional Migration is a continuing reality as people are more mobile and transport is reaching all corners of the Andean Region. Migration from Peru to neighboring countries of Ecuador and Chile is still attractive at an economic level and as a result of this migration there are breaches of Human Rights. There is urgent need for the promotion of standards, steps and legislation with a Human Rights approach. Unfortunately, Social Inclusion

¹³ United States State Department. 2014. ‘Trafficking in Persons Report 2014’ p311

¹⁴ Ibid

¹⁵ Ministerio Público de la Nación, Unidad Fiscal de Asistencia en Secuestros Extorsivos y Trata de Personas. 2012. ‘Informe Sobre Primera Etapa del Relevamiento de Casos Judicializados de Trata de Personas’.

¹⁶ International Organisation for Migration. 2015. “IOM Signs Memorandum of Understanding with MERCOSUR’ Available at:

<http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2015/pbn-listing/iom-signs-memorandum-of-understa.html>

¹⁷ Ibid

is only partially respected in the countries studied and remains a huge impediment to improving the situation these migrants find themselves in.

It is important that the issue of Migrants' rights is continually in the forefront of peoples' minds. Educational processes are necessary. There is a need to influence public agenda in the Region, more local meetings, workshops and conferences. Furthermore, a revision of legal loopholes is urgent.

The message that migration is not always negative as workers contribute to the development of the host country and therefore have rights as well as responsibilities of respecting laws and norms of the place of habitation is an important one that needs to be heard.

More investigation is needed around the whole area of the Nation-State and Globalization as the latter is changing relations between each nation state and individual human rights. The cultural, economic and social dimensions of Globalization require a deeper analysis on the part of governments.

Protection from Arbitrary Detention needs to be strengthened in the area studied. The separation of administrative detainees from criminal detainees is important. Children who are most vulnerable need to be protected.

The world is more and more interconnected and people are at once rooted and rootless.

A FINAL REFLECTION FROM HARSHA WALIA.....UNDOING BORDER IMPERIALISM

“Butterflies have always had wings; people have always had legs. While history is marked by hybridicity of human societies and the desire for movement, the reality of most migration today reveals the unequal relations with rich and poor, between North and South, between whiteness and its others”

These unequal relations can only be resolved by integrating a Rights Based perspective into Migration policies.

Submitted by: International Presentation Association.

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