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Indigenous Communities in Peru and the Peruvian Nation State

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**Indigenous Communities in Peru and the
Peruvian Nation State**

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Modern Languages and Cultures

Precís

In today's society there are indigenous communities that live and thrive the way that their ancestors did. These people try and maintain their culture while modern society tries to impose their beliefs and practices on them. Peru is a country that is quickly developing and westernizing. These indigenous communities in Peru are considered citizens but do not receive the rights that are granted to them by their constitutions. They have their land unlawfully seized, they are forced into menial jobs where they are abused and exploited, they do not receive adequate education if any, and they are excluded from the government and legislation that effects them. To improve the lives of the indigenous Peruvians the government must take concern with protection of their rights while collaborating with them to provide for their needs.

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Dictionary

- Ayllu
 - i. kinship groups
- Castillo
 - i. castle
- Chicha
 - i. Name of a homemade fermented drink
 - ii. Most commonly an alcoholic drink made from corn
- Coca
 - i. A leaf grown in South America
 - ii. A sacred leaf of the Inca
- Conquistador
 - i. Conqueror
 - ii. In the case of Peru the Spanish
- Curacas
 - i. leaders
- Cuy
 - i. Guinea pig
- ENLD
 - i. Estrategia Nacional de Lucha contra las Drogas
 - ii. The National Strategy of the Fight against Drugs
- FTA
 - i. Free Trade Agreement (specifically the United States-Peru Free Trade Agreement)
- Huaca
 - i.
 - a. sacred places
 - a. home
 - c. land
 - d. worship sights
- Huaca de la Luna
 - i. Temple of the Moon
- Huaca del Sol
 - i. Temple of the Sun
- Illapa
 - i. lightning
- ILO
 - i. International Labor Organization
- Inca
 - i. Member of the Inca Empire
 - ii. Supreme ruler of his people
- Inti
 - i. Sun
- ITUC
 - i. International Trade Union Confederation
- Pachamama
 - i. Mother Earth

- Pirúa
- i. Jupiter
- Quilla
- i. moon
- Sapa Inca
- i. The Great Inca
 - ii. Name for the Inca emperor
- Tahuantinsuyu
- i. Realm of the Four Quarters
- UN
- i. United Nations
- UNDRIP
- i. United Nations Declaration on the Rights of Indigenous Peoples

Introduction

There are 370 million indigenous people living throughout the world (UN FAS DRIP). These tribes, clans, and bands live in a manner that is contrary to western culture. They hold on to practices and customs of their ancestors with little to no regard for modern society. However wars and treaties have divided the lands that their people have dwelled on for hundreds of years. The borders formed separate their territories and detach them from kith and kin. Many of these new countries constructed by the invasive confines are westernizing and in return imposing citizenship and laws on the indigenous inhabitants. The focus of this paper is how to create a harmonious relationship between indigenous populations in Peru and the Peruvian nation state that provides for indigenous needs and protects their rights. The disparities between transforming capitalist life in Peru and their indigenous counter parts will be discussed. The Peruvian Constitution will be examined and the reality of indigenous conditions discussed. Then, an investigation will ensue of an international model from the United Nations, which proposes legislation regarding the preservation and protection of the indigenous peoples. Finally, I will make recommendations for reaching the aforementioned goal. Indigenous Peruvians are trying to fight for their rights but their struggle ensues without much recognition or change.

Pre-Inca Civilizations in Peru

It has been proven through archaeological findings that hunters and gathers existed in Peru since 11,000 B.C. The first known civilization in Peru was located in the Norte Chico Region around 3200 B.C. These habitants had 25 sites used for ceremonies and housing and did not have defense barriers. This proposes a theory that the habitants lived peacefully without need for fortification. They had advanced irrigation systems that supplied water to the arid coast on which they resided. Incongruously to ancient civilizations in other parts of the world, their main crop was cotton and the source of food was fish.

Next, came the Chavín who inhabited almost the whole coast of what is now present-day Peru. The civilization flourished from 800-500 B.C. They are well known for their ceremonial center that is located at an elevation of 10,500 feet in Cordillera Blanca, a section of the Andes north of Lima. The center contains a castillo famous for the canals built under it providing acoustics for ceremonies.

The Moche was a prevalent civilization in the north from 500 B.C. to 100 A.D. as well as its southern counterpart the Nazca. The Moche dwelled near the Moche river valley in the north of modern day Peru. The Moche had less of an empirical structure, instead evidence suggests they were a group of communities coalesced by common culture. Moche ceramics were very communicative and illustrated almost every part of their lives. Some of their architecture, like the Huaca del Sol and Huaca de la Luna, demonstrate engineering that is very advanced for a civilization previously thought to be simply agrarian. From the depiction of life on the ceramics and the finding of a tomb of

the Lord of Sipan it is evident that there was distinct class differentiation between the peasants and the nobles.

The Nazca in the south were also revered artisans. Their intricate ceramics, textiles and geoglyphs are still referenced today. The pottery depicted everyday scenes, just as the Moche's, but also there pieces illustrated mythical creatures. Their textiles were made of alpaca, which implies they traded with herders in the highlands of Ayacucho in order to obtain the materials. The most renowned aspect of the Nazca civilization is the geoglyphs. These lines that form pictures of animals on the desert floor have been a mystery and a marvel for many years. They cover a vast expanse of over 3.5 million square feet and although there is speculation of cosmological or agricultural purpose no one will ever be certain of their purpose.

The largest ancient civilization next to the Incas was the Chimor. They were prominent from 850 A.D. up to the start of the Inca Empire. The Chimor Empire covered 700 miles along the coast and controlled 70% of the population. They were a warrior society that worshipped gods and celestial bodies, practices later found in the Inca Empire. They also had dynasties where the crown was passed down through the bloodline.

All of the aforementioned civilizations built off the technology and knowledge of their predecessors, advancing and growing. This development culminated with the formation of one great empire, the Inca Empire. The Inca Empire has similarities to most all of these past civilizations; from the ceremonial cites found in the original norte chico dwellers, to the high altitude of Machu Picchu, the rich art and textiles, worship of celestial bodies and gods or the caste system. Understanding the Incas is very important

when discussing the present day natives in Peru because most of them claim ancestry from the Incas. Additionally, the indigenous customs and beliefs today are mainly influenced by or derived from those of the Incas or older civilizations.

Incas Then and Now

There are some distinctive aspects of the Inca Empire that set them apart from all other ancient civilizations. The Incas grew from their first beginnings in 1200 A.D. until the 1530s where civil war and disease allowed for their conquest by the Spanish. Their territory, Tahuantinsuyu, covered 1/3 of the South American continent and had a population of 9 to 16 million people. The empire had such a large number of inhabitants because the Inca unlike most other empires did not exterminate its enemies during conquest but instead integrated them into their society. These enemies became soldiers and workers. The workers of the empire were highly regarded for their excellence and skill in their respective area of labor.

The Incas not only conquered many people but also the tough terrain of the Andean territory. Their use of verticality or farming by tiers provided them with an abundance of food from problematic lands. Today many indigenous peoples of Peru who live and thrive on these same lands do so employing the same verticality that their ancestors used. This agricultural prosperity is crucial because just like the Incas the native farmers today have mostly vegetarian diets. The Incas had an intricate system of roads and bridges that connected the vast expanse of the empire. The road systems, most of which are still in existence, are used everyday by the people that inhabit their ancestral lands.

The current natives not only utilize the land and methods of their forefathers, but much of the culture is still prevalent. The Quechua language spoken by the Incas is still used by many natives. The idiom has transformed over time and dialects have developed

but the roots originate from the ancient language. Another, custom concerning communication is oral tradition. Neither the Incas nor their indigenous descendents use written language. Quechua was originally based in oral tradition and knowledge was passed on in this manner. Presently, although a written Quechua has been developed, many people that speak the language do not write. The Inca society was founded on a caste system. The Sapa Inca and his family were royalty and their relatives, nobles. The Sapa Inca ruled over the entire empire, but a counsel appointed by the King was employed to govern the villages. The vast majority of the population was made up of soldiers and workers. These people were organized in *allyus*. Aforementioned, the workers were revered for their craftsmanship and ability.

Nowadays, the social structure of indigenous people in Peru greatly resembles this same system. There is no king that rules over the indigenous people, but there are elders of the communities that hold similar roles as the council members did. They preside over their community providing advice to the members. Also, the communities of people are still organized in *allyus*. These kinship groups live, farm and raise their children together. The *allyu* survives through cooperation. The members produce crops and then trade with one another. They are spread out over the mountains and through the Amazon just as 500 years ago. In addition, many of the textiles, ceramics and other arts are still created using the same techniques and materials as their predecessors.

The Incas believed that the King was the son of the god Inti and his divinity was passed down through the bloodline. The workers and soldiers worshipped the Sapa Inca along with other Gods and cosmological beings. Some of the main gods they worshipped were the Inti, Mamaquilla, Illapa, Pirúa and Pachamama. The gods Inti and Quilla were

polar opposites. Inti represented masculinity, superiority and high beings. This side was called Hanan. Quilla was Inti's female counterpart and thus represented, Hurin, inferiority, femininity and low beings. Also, the Inca's believed in afterlife. Their world was divided into three parts' past, present, future. The past was called Uku Pacha, present was Kay Pacha and future was Hanan Pacha. They separated the present time into heaven, earth and hell, which were depicted by the condor, puma and snake, respectively. They paid respect to their gods by holding ceremonies and celebrations where they sacrificed cuy and llamas and drank chicha and chewed coca.

The indigenous peoples today still believe and observe the religion set forth by the Inca's. There is no Sapa Inca but many present day natives worship the gods of their ancestors. Also, they have retained many of the practices like observance of feasts and ceremonies. Llamas and cuy are seldom sacrificed anymore, but are still regarded as sacred animals and eaten on religious occasions. Chicha is produced and consumed and the coca leaf is widely used for everything from a religious offering to a tealeaf. The belief of Hanan and Hurin have also brought about sexism in the native communities. Indigenous people have the idea of male superiority and female inferiority instilled at a young age and grow up believing it. This discriminatory belief has caused problems for native women who are taken advantage of by employers and other male figures because they are taught to be submissive. The natives today have miraculously preserved the practices and ideology of this ancient culture that is passed on solely by oral tradition.

Indigenous Struggle After the Conquest

The Incas were a strong flourishing empire into the beginning of the 16th century. However, there were a number of unfortunate circumstances that led to the demise and conquering of the Incas. Firstly, in 1524 a small pox epidemic brought over by the Spanish devastated the empire killing many farmers, nobles and even the Sapa Inca, Huayna Capac, before he had appointed a son to take over the thrown. There were two more epidemics that hit the empire between 1530-1535 weakening and killing many people. Another impediment for the Incas was the subsequent civil war that erupted between two of Huayna Capac's sons. His two sons Huáscar and Atahualpa both claimed they were the legitimate heirs to the thrown. These two, one in the north and the other in the south, divided the people forming armies hoping to triumph and then claim the kingship. Between the weakening and reduction of the population due to disease and the separation of their forces by Huáscar and Atahualpa the Incas were very vulnerable at the time of the Spanish arrival. Even with the setbacks the Incas fought valiantly, but eventually the foreigners took Cusco and conquered the Empire.

After the fall of the Inca Empire and the beginning of Spanish rule the conditions for the indigenous people greatly deteriorated. By 1535 the new Spanish capital was erected in Lima. The captured natives were made slaves or forced laborers. By the 1570's the Spanish had imposed a mita, a labor requirement, on the indigenous population, which subsequently forced them into mines to work. This led to the relocation and death of many indigenous people. The relocation process moved them from their sacred

ancestral lands to Spanish created towns called reducciones. This separation from their allyus and land further weakened the Natives and their traditions.

Throughout the late 16th century other iconic occurrences like the death of the final Sapa Inca, Tupac Amaru, and the entrance of religious missionaries divided the indigenous people, but led to uprisings against the new power. The first rebellion was the year that Tupac Amaru died and was named after him to honor the last Sapa Inca. The Spanish quickly stopped this rebellion and the natives were quiet for a while. There was a Tupac Amaru II rebellion in 1780. This attempt never grew exponentially because the leader lacked the support of the indigenous who were afraid to rebel and he also had trouble organizing the widely spread out groups. There were three rebellions in the 1800's. The first was the Latin American Independence Movement. This movement was based in Northern Peru where there was a high concentration of natives. On the heels of this rebellion was the Cuzco rebellion, neither of which made much progress. Finally in the 1824 the Spanish were expelled from Peru and with independence came the promise of improved conditions and power for the indigenous. There was a time of peace and prosperity for Peru and its native community due to the start of guano cultivation. Unfortunately, this did not last for long. When General Odría came to power in the 1950's peace ended. Odría began a process of land invasion, which affected many natives. He set up housing programs to supposedly help the natives improve their conditions as they moved from the highlands and Sierra to Lima. This housing though was cramped, poorly constructed and only thrust the indigenous people further into poverty. Not only were they removed from the land and jobs they knew, but they were sent into worse conditions. After this point there was no significant increase or decrease

in the conditions or position of the indigenous. Their land had been taken away or greatly decreased in size. They were separated from their allyus and forced into dangerous, poor paying jobs to survive.

Indigenous Issues in Peru

Currently in Peru 45% of the population is indigenous. The main indigenous groups are Quechua and Aymara but there are 51 groups in total. Also, more than 4.5 million Peruvians speak an indigenous language (The World Factbook). There is a growing movement of resistance against the nation state and corporations and a push for awareness by the indigenous people in order to improve conditions and protect their rights. Since the time of their conquest by the Spanish, natives have struggled to live and hold on to the rich culture and practices of their ancestors. The state has made this ever more difficult by taking away their lands, relocating them and pushing for their assimilation into western Peruvian society. Due to these occurrences the standard of living for the indigenous population in Peru has steadily decreased. There are a few specific areas in which the indigenous population is struggling most and the Peruvian nation state has failed to improve.

In order to highlight the issues of the indigenous people, the following will be an analysis based on what the Peruvian Constitution claims is the law and then the reality of the situation based on interviews and reports from government or non-government sources.

i.

ii. Citizenship and Nationality

To understand the injustices faced by the indigenous people in Peru one must realize that under the constitution it states, “Son peruanos por nacimiento los nacidos en el territorio de la República. También lo son los nacidos en el exterior de padre o madre peruanos, inscritos en el registro correspondiente durante su minoría de edad” (Peru, 13). Meaning, the indigenous people residing in Peru were born in Peru, thus they are citizens under the law, and should be provided with all the inalienable rights that Peruvians are promised. The constitution also speaks specifically to the native population declaring, “Las Comunidades Campesinas y las Nativas tienen existencia legal y son personas jurídicas” (Peru, 21). This further establishes that natives in Peru are legal citizens. With this in mind, it is even more astounding to observe all of the rights that are promised to these citizens under the law, and are denied.

iii. Land, Territory and Resources

One of the most evident areas of dispute between the Peruvian nation state and the indigenous people is in regards to land, resources and territory. Since the Spanish conquistadors the people in power have been stealing the land of the natives and exploiting their natural resources. The Peruvian nation state has had mines setup all over the country raping the land of its natural resources for hundreds of years. The majority of such land has been stolen from indigenous people through loopholes and technicalities and in turn forced them to work in the mines on the land they once owned and worshipped. The state is taking their land in order to sell it to big corporations for profit. Indigenous congresswoman Hilaria Supa Huaman explains, “lo que está pasando con los pueblos [es que] están quitando [por] las impresas privadas... es decir que el pueblo debe desarrollar pero sin embargo las impresas transnacionales están dejando [los indígenas] en el peor pobreza... Nuestros rios, nuestras tierras están muriendo, están contaminados y están dejando enfermedades” (Huaman). The congresswoman notes that international corporations and businesses are taking over towns leaving the natives in extreme poverty and killing and contaminating the land.

The Peruvian Constitution cites specific laws that protect the land and its owners. The constitution starts by stating, “Toda persona tiene derecho: a la propiedad y a la herencia” (Peru, 3). Citizens have the right to land and inheritance. When speaking of property the Constitution affirms that the right to property is inviolable and guaranteed by the state (Peru, 16). The constitution even specifically declares, “El estado... Garantiza el derecho de propiedad sobre la tierra [y] La propiedad de sus tierras es imprescriptible” for

native communities (Peru, 21). The problem with this guarantee by the state of right to land is that in the same articles it states that abandoned territories fall under the control of the state. The use of the word abandoned is vague and undefined, thus leaving room for the state to claim that lands were abandoned before their seizure. In regards to resources the constitution claims patrimony over all resources (Peru, 16). This leaves even more ambiguity in the law concerning the ownership of land. Even if the natives do own land to what extent do they have control over it? Also, in Article 67 the state claims they are to promote the sustainable use of natural resources in the country. The observance of this law is refutable.

Most of the recent problems concerning land and resources have been caused by President Alan García and his cohorts. During his time in power one of the most recognized accomplishments of his was the United States-Peruvian Free Trade Agreement (FTA). This agreement opened up trade between the US and Peru, but at a cost to the indigenous people. The agreement required that both parties have Environmental policies in place for protection, but at the time of signing Peru did not have any. Consequently, this enabled García to push through a law that allowed his administration to implement any legislation regarding the FTA without legislative approval. In this time García removed and altered many laws regarding non-governmental territories leading to their seizure and exploitation. Most of these lands were in resource rich areas of the Amazon and belonged to natives.

People began to protest the atrocities that were being committed against the lands and their owners. One of the most famous was in Bagua, Peru where a group of indigenous activists and farmers blockaded roads and rivers. In response the Peruvian

government sent the military to handle the situation. The result was a bloody massacre; the details of which are still a mystery to the world. The government reported more law enforcement personnel dead than indigenous people, but, according to Palacin, an indigenous leader present at the demonstration, there were 250 protestors, most of which were indigenous leaders, that went missing and were never accounted for in government records (Palacin). He also comments on their report saying, “how can those with guns and prepared to attack have 25 dead, and those who were unarmed and were defending themselves had only 9 people dead. Most people don't believe that anymore” (Palacin). This is one example that epitomizes that issues regarding the injustice of land seizure.

When looking historically at Peru all of the territory initially belonged to the Incas and thus the indigenous descendents would be the inheritors of all of the land. This is not the reality though since most of them are left with small plots or no land. The government states the natives have ownership of the little land, they have left, but there are many ways the state has deceived the indigenous people in order to acquire their lands and resources for government gain.

iv.

v. Labor

During the Inca Empire everyone paid his or her social debt by working. Whether it was as a farmer, a skilled craftsman or a soldier. All of the jobs were important and valued. When the conquistadors invaded they imposed labor requirements on the indigenous and due to discrimination they were forced into the mines and other dangerous careers. Since that time the working conditions for the indigenous people has not improved much. There have also been problems with child labor, abuse, and forced labor over the years.

In the Peruvian constitution there are laws put in place protecting workers. Article 22 explains that a job is a right and the base of well-being of citizens. It also promises the protection of mothers, children and disabled workers (Peru, 8). The constitution states, “Ninguna relación laboral puede limitar el ejercicio de los derechos constiucionales, ni desonocer o rebajar la dignidad del trabajador” (Peru, 8), that labor relationships are not allowed to take away your constitutional rights. The state even sets guidelines for working. Under the law no person can work more than eight hours a day or 48 hours a week (Peru, 8). The constitution additionally promises equality in job opportunities without discrimination and the right to strike (Peru, 9). Most of these rights that are promised in the constitution have been violated and not enforced.

In an interview with indigenous women one describer, “nuestros esposos trabajan en construcción civil y no tienen buen salario, el 500 soles [o] 600 soles” (Portal Rural). Men usually work in dangerous low-wage sectors like mining, construction, and petroleum. When entering into these markets many of them are not forced into labor but

tricked into a present day form called debt bondage. The International Labor Organization (ILO) explains, “Indigenous workers are recruited by labour intermediaries who – through wage advances and other manipulations - induce them into an artificial debt that they cannot repay” (Hauchère). The native men attempt to repay the debt working long hours but do not succeed and the interest builds plunging them further into debt. In addition to this manipulation the Inter-American Development Bank also found, “The number of people working more than 48 hours a week has risen, as has the number of those working without a labor contract and the proportion of employees who have no social security coverage” (IDB). This is a direct violation of the Peruvian Constitution.

Issues with child labor and abuse of women workers have also been cited in Peru. Since there is such high unemployment for indigenous men, jobs for women are even sparser. The International Trade Union Confederation (ITUC) found there were high levels of workplace discrimination which adds to their difficulty finding jobs and causes them to, “suffer disproportionately from the country’s pervasive poverty and unemployment” (ITUC, 2007). The gender discrimination indigenous women confront is only further worsened by the racial discrimination that is so apparent in Peru. In Peru the minimum age to work is 14 and 18 in some careers (US Department of Labor). However the US Department of Labor found in 2007 that Peru had 2.3 million child workers ages 6 to 17. Furthermore, 600,000 of these children were younger than 12 years of age (US Department of Labor). These children who work in fields such as domestic work, stone crushing, logging, and mining are faced with trafficking, abuse and sexual abuse. These statistics are for all child workers but the report specifically notes that, “Most victims are

from the impoverished Amazon and Andean regions, which have heavy concentrations of indigenous people in the population” (US Department of Labor).

Recently, indigenous workers have been getting together to form unions and inform themselves about their rights. One of these rights is to strike when they are unsatisfied with their working conditions. As seen in the case in Bagua indigenous people just as all other Peruvians have the right to strike but when practicing their right there are serious repercussions. Another incident took place in the Central Sierra of Lima, a place of high indigenous population, when workers protested the closure of a mine that left 1,950 people jobless. In response to the strike national police used tear gas bombs and guns on the strikers and local community. The attack killed two workers and an 18-month-old baby and injured 9 people. As in the case of the Bagua strike the government responded to an allegedly peaceful strike with excessive and unnecessary force taking the lives of innocent people who were simply exercising their rights as Peruvian citizens (ITUC, 2008).

The reason why many of the indigenous people are leaving their traditional jobs as farmers and taking work in such exploitative jobs is because over the past years the production of one of their main crops and sources of income, coca, has become challenged. As the drug trade moves west into Peru and its surrounding states the countries are clamping down on the production of coca. This sacred leaf that is used by the indigenous people for religious ceremonies and Peruvians alike for products such as tea and baked goods is being eradicated from the country. The Peruvian government recently released the Estrategia Nacional de Lucha contra las Drogas (ENLD) 2012-2016 which states that in 2012 alone the government plans to eliminate 54 square miles of

coca. The natives that cultivate this crop are having their fields torn up and are left with no means of survival.

There are many laws and regulations setup to ensure workers rights such as to strike and freedom of production and to protect them from abuse such as forced labor, child labor and discrimination. In Peru however, it is evident that most of these legal provisions are not followed or employed especially in the case of indigenous peoples.

vi.

vii. Education

Another issue that indigenous Peruvians are confronted with is lack of education. There are some natives who do not want assimilation of any kind into western culture excluding education, but many indigenous Peruvians want their children to have the opportunity to go to school and become educated so they can live better lives.

In the Peruvian Constitution there are numerous laws regarding education. In Article 6 it references the duty and right of parents to provide education to their kids and that all the children have equal rights no matter who their parents are. Article 16 states that the state should supervise the completion and quality of education and they should assure that no matter the circumstances the child shall receive an adequate education. Article 17 affirms that elementary, middle and high school are obligatory and free. It also touches on education issues that affect indigenous populations. The state is supposed to promote the creation of centers of education where the population requires and encourage bilingual and intercultural education in zones that necessitate it. In terms of higher education Article 17 explains that public universities shall provide free education for pupils who demonstrate satisfactory work but do not have the means to pay for it.

Overall, in Peru illiteracy has dropped and more children are attending school. Nevertheless, there is a disparity when it comes to indigenous children. Still, 28.7% of indigenous children do not attend school and of the ones that do 73.1% of the children are behind for their age (Huamán, 2009). The lack of attendance is commonly caused by location. Many students live in remote areas of the country inaccessible by car or bus. These children sometimes have to walk 5 miles to get to the nearest village with a school.

At that point their parents must make living arrangements for the child during the school week, as it is not feasible for them to commute to school. The economic position of most of the parents does not allow for the extra cost of housing and care for their children while they are away at school.

When the children get to school they are disadvantaged in comparison to their Spanish-speaking classmates. Although, the state guarantees the availability of bilingual education in regions where it is needed there is not the proper training or availability of teachers to accomplish this. UNICEF found that in reality only 11% of native children attended bilingual schools. Eduarda Vega Luna, the Peruvian ombudsman, found that 46% of bilingual teachers do not have training in that area and among bilingual teachers providing education in the Amazonian region 59.5% of them were Spanish speakers or spoke an indigenous language that is not native to the indigenous people of that area (LaRepublica.pe). Vega affirms,

"Los niños, niñas y adolescentes indígenas, tanto de la Amazonía como de la zona andina, no están recibiendo una educación intercultural bilingüe de calidad, lo cual constituye un serio problema en el ámbito educativo de nuestro país.... Estos niños y niñas -cuya lengua materna es indígena tienen derecho a la Educación Intercultural Bilingüe. Sin embargo, la supervisión realizada da cuenta de la problemática de inequidad y abandono educativo en que se encuentran"

(LaRepublica.pe).

In a sense he is admitting that even though the state promises bilingual education in schools it is not being implemented and when it is the quality is poor. These children are either behind because they must first learn Spanish to understand the content

being taught in the classroom, or they are learning in their native language, but the teacher is not qualified and cannot provide the education that is equivalent to Spanish-speaking students.

In regards to University, most children do not make it that far due to economic and educational impediments. The state resolves that University will be free for any child that shows academic achievement but cannot afford it. This would seem to be a resolution to the issue of economic disparity, but as previously mentioned, the majority of indigenous children who attend school are behind because of the lack of availability of bilingual schools and the quality when they are available. If an indigenous child is struggling to get through primary school they most likely will not meet the standard to receive a gratuitous university education. This only serves to sustain the inequality among educational opportunities and learnedness.

v. Politics/ Government

The indigenous population in Peru has struggled since their conquest to be heard. They are discriminated against, ignored because of lack of education and cannot properly communicate due to language barriers.

The Peruvian constitution states citizens have the right to participate in public matters by means of a referendum (Peru, 9). Also, they have the right to vote, elect and be elected into government (Peru, 9). In Articles 189-190 it speaks of the local and regional governments and in Article 191 states that there should be established minimums for representation of indigenous communities.

The law claims that indigenous citizens, as any other Peruvian citizens, have the right to take part in government. Also, they have the right to representatives that are representative of the majority. In many areas with majority indigenous populations the government officials are not indigenous and cannot speak on their behalf. These people do not know or concern themselves with indigenous needs and issues and thus the community is not spoken for in the government. Without representation in the government it is difficult to receive the aid they require. Also, the Peruvian Constitution does not recognize indigenous forms of self-governance. The natives have their own systems by which they govern themselves that are more effective than the state who does not know enough about the indigenous peoples and culture to makes decisions regarding them.

United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (DRIP) was adopted by the United Nations General Assembly in 2007. The United Nations (UN) implemented this Declaration as, "an important standard for the treatment of indigenous peoples that will undoubtedly be a significant tool towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalisation" (UN Permanent Forum on Indigenous Issues). UN Declarations are not legally binding for the member states, but they set out international models and show a dedication on the part of the member states when followed. Peru has been a member state of the UN since 1945 and approved the DRIP (UN News Center).

This section will discuss the UN recommendations for the areas in which indigenous Peruvians struggle.

- i.
- ii. Citizenship and Nationality

The definition and understanding of ones nationality and citizenship is very important because it indicates the person's role and how they function in society. The DRIP recommends that,

“Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State” (DRIP, 5).

The important detail of this Article is the incorporation of the phrase “if they so choose,” thus expressing that indigenous peoples should not be forced to partake in State affairs if they do not desire, but can participate “fully” if they do.

Article 33 of the DRIP is very important in the formation of the indigenous role in society. The article states,

“Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live” (DRIP,12).

This implies that indigenous peoples do not even have to recognize themselves or be recognized by the state as citizens if they do not want to. This poses the question of how the state will govern the indigenous peoples if they are not citizens and thus do no have to abide by the constitution.

Lastly, Article 36 speaks about allyus or peoples that are divided by state borders. These artificial barriers added long after the natives had established borders of their own serve as obstacles for the cooperation and relations between indigenous peoples. The article exclaims,

“Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders” (DRIP, 13).

If employed this would respect the indigenous peoples membership of in their own groups and communities and not undermine their culture by imposing restrictions on them.

iii.

iv. Land, Territory and Resources

The disrespect and disregard of indigenous land, territory and resources is one of the most apparent and prevalent issues native s face. The DRIP recognizes their right, “to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard” (DRIP, 10).

This article is very important in its recognition of the importance of land to the indigenous people as more than just a material asset. Natives traditionally and currently have strong connections to land and certain ceremonial sites. These locations however are not necessarily owned or controlled by indigenous people. The UN acknowledges that land, territories and resources owned by corporations, the state or other Peruvians might hold distinct significance for them and they have a right to protect these areas.

Article 26 of the DRIP discusses indigenous peoples’ right to traditionally owned, occupied or otherwise acquired lands. Also, their right of use, development, control and state protection of these lands is mentioned. The article raises questions in terms of reference to traditionally owned lands because traditionally almost all lands in Peru were owned and controlled by some indigenous group.

In Article 27 the UN recommends the negotiation of the ownership of land that indigenous peoples claim but do not control. The article states,

“States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving

due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process" (DRIP, 10).

This is important because in Peru over the years many territories have been wrongfully seized from the natives by the state and given to corporations and companies that exploit their resources. This would develop a process by which indigenous peoples could dispute land claims and hopefully return a great deal of land to its rightful owners.

The following article establishes means of compensation in the case that the state determines the unlawful apprehension of land, territory of resources. It proposes restitution for these entities in the form of monetary compensation or lands, territories and resources of equal quality or size. This is a crucial article because many indigenous people live off their land and support themselves and their families with its resources and production from it. Since the unjust loss of lands many natives have become destitute and unable to provide for themselves or their families. This article provides recognition for the wrongdoings committed against the indigenous people and promotes the regaining of lands that would improve their conditions. (DRIP, 10).

Article 32 is relevant because it commences a dialogue between the indigenous people and the Peruvian nation state regarding land territory and resources. The article provides that natives shall have the right to oversee the use and development of their land and shall be consulted if the state plans to execute projects that affect indigenous owned land, territory or resources. Additionally, the UN declares that after prior consent for use

of lands, territory or resources if the people or environment is in anyway affected then the state must fairly compensate the owners.

v.

vi. Labor

The indigenous issues concerning labor such as forced labor, child labor and worker abuse are grave problems. The DRIP touches on these labor concerns in Article 17. This three-part article discusses the protection of indigenous workers, child workers and just conditions. The first section states, “Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law” (DRIP, 8). This seems like an obvious statement as labor laws are articulated in most constitutions, but in regards to indigenous people most of the protections presented in these documents are not realized.

The second section of the DRIP Article 17 discusses child labor. The UN recommends,

“States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment” (DRIP, 8).

This is a very necessary declaration protecting indigenous children who are more frequently exploited and abused than children of non-indigenous descent. The article will safeguard their health in fields like mining and puts emphasis on education. This educational emphasis is appropriate because it does not specify state education. This

leaves it at the discretion of the parents to decide what constitutes education and the conditions in which the child will obtain that knowledge.

Finally, the labor article speaks about worker conditions. There are many discrepancies in the conditions of indigenous and non-indigenous workers. It declares, “Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary” (DRIP, 8). There are conditional norms set out by international labor laws and national documents, but the UN speaks specifically to the indigenous population that is often overlooked.

i.

viii. Education

Education is a crucial part of growth and development. Every person should have the same opportunities for knowledge acquisition. Nonetheless, the population frequently forgets the different forms that education can take. Educating in a classroom following a systematic curriculum is not the only method that can be utilized. Many indigenous people want their children to obtain a national education, but many also want the ability to prescribe their own form of learning that includes their culture and local knowledge. The DRIP speaks to both of these possibilities. Article 14 starts by discussing the rights of children to education. It states,

“Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning” (DRIP, 7).

This gives power to the indigenous people to provide learning that is tailored to their needs. It mentions language, which is an issue due to the fact that many indigenous people do not speak the majority language of their residential country. Additionally, it introduces culture into the equation showing respect and consideration for their practices and opinions.

Next, Article 14 discusses the right of indigenous people, especially children, to obtain all levels of state provided education (DRIP, 7). It is significant that the UN specifies “all levels” because many indigenous children are disregarded after a certain point because of their frequent inability to afford education. The UN even includes adults in this declaration stating “indigenous individuals, particularly children” (DRIP, 7). That

implies that they are even making a recommendation to extend this educational offer to adults who may not have been able to obtain an education as a child.

Finally Article 14 declares,

“States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language” (DRIP, 7).

This section is crucial due to the lack of available education to indigenous people living in unpopulated regions. Many natives are farmers and do not live in close proximity to towns that may have schools. This is a significant impediment for many children in obtaining an education. It is not viable for a child to walk miles to and from school through difficult terrain. By decreeing that there be “effective measures taken” to provide access to education to those outside of established communities the statute places responsibility on the state. As previously discussed the presence of cultural and idiomatic recognition is imperative for the facilitation of indigenous education supported by the state.

ix.

x. Politics and Government

Due to lack of representation and language and cultural barriers indigenous people do not frequently engage or have the ability to partake in politics and government. The DRIP establishes articles to promote and facilitate the participation of indigenous people in government and politics if they choose. The first article that does that states indigenous people have the right to, “freely determine their political status” (DRIP, 4). This suggests they have the choice to involve themselves with politics.

Another issue with the government is their lack of knowledge about the indigenous communities and affairs. If lawmakers are uninformed about these populations they cannot properly pass legislation and make decisions that affect these people. Article 4 of the DRIP declares that,

“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions” (DRIP, 4).

This is very important in order to ensure the protection and provision of necessities for natives. They are the only ones who truly know what they need and can best provide for themselves with the right to self-govern.

The issue of how to involve the indigenous community into politics is clarified in Article 18, which asserts,

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in

accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions” (DRIP, 8).

This directs representatives from the community to consult with government officials to ensure the well-being and advancement of indigenous peoples.

Recommendations

Although Peru has made advances in many areas, such as human rights, over the past years there are still many problems that need to be addressed. One of the issues is the rights and well-being of indigenous people living in Peru. The Peruvian Constitution sets up guidelines for the protection and welfare of all Peruvians, but in the case of natives these are frequently not acknowledged. The United Nations composed a Declaration on the Rights of Indigenous People in order to set a model for states to follow in furthering indigenous rights. Using that model and some ideas already set out by the Peruvian government the state can improve relations with indigenous people and provide them with help they need.

- i.
- ii. Citizenship and Nationality

Indigenous people in Peru vary in their assimilation and integration into mainstream Peruvian culture. Due to the indigenous struggle to make a living many have moved to the city over the years. However these people are indigenous and preserve their culture. Indigenous people living away from society live very similarly to their ancestors. Many still grow their own food, make their own medicine, houses, and clothes and live without electricity, running water or sewage systems. To westernized people it seems primitive, but to them it is a way of life. They identify themselves with their indigenous group, whether it be Quechua, Aymara or any other. These people do not consider themselves Peruvian. They do not speak Spanish, adhere to the culture or follow the politics of the country. In many ways they do not acknowledge their imposed Peruvian citizenship. If these people do not consider themselves citizens how can they be held to the same laws and standards as non-indigenous Peruvian citizens? Even indigenous people who are living in cities and towns surrounded by modern society and who may follow cultural norms still do not receive the basic inalienable rights that are supposedly granted to all Peruvian citizens due to discrimination and other factors. These people are still citizens because they live within the borders of what is Peru, but do not receive the privileges of non-indigenous citizens.

I believe the only way to solve the problem of indigenous citizenship is to differentiate between and redefine indigenous Peruvian citizenship. Clearly, the natives are not receiving the same rights as non-indigenous citizens so they should not be compared. Additionally, to better provide for the indigenous population the state should

have a separate and unique form of citizenship for these people. Natives should have their own constitution or addendum to the constitution that describes their role in society as determined by the state and the indigenous community collaboratively. This is not to say that they should be deprived of any basic human rights or given special treatment it is just that they suffer different problems and have unique needs from non-indigenous citizens so they should be treated as such.

As the DRIP states though they should still have the ability to participate fully as a citizen of the state. That said I feel that if they so choose an indigenous person shall be able to give up their indigenous Peruvian citizenship in turn for typical Peruvian citizenship as defined by the constitution. If employed this new kind of citizenship will allow the Peruvian nation state to provide for the needs of the indigenous and non-indigenous citizens without having to compromise one or the other.

iii.

iv. Land, Territory and Resources

There is an extremely apparent dilemma with the unlawful confiscation and exploitation of indigenous land, territory and resources. The government and large corporations have found ways to steal these possessions from the natives without repercussions. The Peruvian constitution states that it recognizes property rights and citizens control over inherited land. Also, it says it protects sustainability, while having complete patrimony over resources. The DRIP recommends the return or restitution of traditionally owned lands to the indigenous people.

In terms of the constitution if the government actually recognized indigenous rights to land there would not be a problem. However, because indigenous people are continuously taken advantage of, the state is quick to seize their lands if it is for their gain. Also, if the people have the right to the land how can they not have the right to the resources on it? Indigenous people own some of the most resource rich territories in Peru but cannot protect or make decisions about these resources because the state controls them. The DRIP is unreasonable to say that all traditionally owned land be returned to the indigenous people because in that case it would be the whole country. Hundreds of years ago indigenous tribes inhabited almost the whole of what is Peru and modern day Latin America. If all of the land was to be returned to them where would all the non-indigenous citizens live?

In order to protect the land rights of indigenous people and provide them with redress for the wrongdoings committed against them the government needs to start a dialogue with the indigenous people. To restitute them for lands already taken or

resources already exploited the government should communicate with the natives and see what they need, whether it is more land to begin planting again or money to sustain them since the resources they used to live off of have been exploited. Also, with an exchange between the state and indigenous people they will be able to preclude any further misdeeds against the indigenous people. There should be mandatory consultation of the indigenous communities involved before the government can execute any projects or make any decisions regarding indigenous land, territory or resources. If there is a dispute over whose property it is it shall be negotiated between the two parties. The government would not just take over someone's house in the city because it wanted the land so it needs to take in to consideration the right of the indigenous people to their land and its resources also.

In regards to the problem with the coca leaf the government need not eradicate whole farms of coca instead they should track the production and regulate what happens with the plant after it is harvested. The state does not need to deny the indigenous people of their right to grow a sacred plant, instead they can monitor what is being produced from it and ensure that it does not fall into the wrong hands after cultivation.

i.

vi. Labor

When considering the atrocities being committed against indigenous laborers there are many national and international laws already in place. The Peruvian Constitution itself has a strict code for Peruvian laborers the problem then is that it is not adhered to. The DRIP makes many of the same points as the Peruvian Constitution decreeing that workers shall not be exploited and their conditions regulated.

In this case I feel that there is ample legislation and documents regarding labor and prevention of abuse, child labor, forced labor or discrimination. The recommendation then is that the Peruvian nation state open a dialogue with indigenous people and decide what from these preexisting documents is pertinent and effective in protecting native laborers rights. In addition, the state must then make a valiant effort to implement these laws and oversee their following in order to improve the conditions and protect the rights of indigenous workers in Peru.

vii.

viii. Education

Education is the key to knowledge and a basic human right. The Peruvian Constitution sets laws that ensure free state provided education for children. Also, the government claims that to have bilingual education and schools in areas where needed. Most of the time that is not the case. The DRIP says that indigenous people can establish and control their education and they shall also have access to state education.

I believe that the most effective way to provide for the needs of the indigenous students is to have indigenous schools where indigenous language is spoken and the state and local community decide upon the curriculum. Under these circumstances the government officials who know how to write and oversee curricula can work with indigenous people who understand indigenous culture and provide the best possible education for these children. The state then needs to ensure these improved schools that cater to the needs of native students be located in all regions where there is a prevalent indigenous population.

ix.

x. Politics and Government

The Peruvian government often claims that they have started conversations with indigenous peoples. The reality is they may have one or two meetings but they do not follow through with what is discussed. Also, the government and policy makers that make decisions affecting the natives are not informed about the people and their needs. The DRIP recommends that indigenous people have the right to govern themselves or participate in the state government.

Indigenous people are truly the only ones that know about their issues and what they require from their government. In order to protect the rights and provide for the indigenous people the state needs to allow for self-governance within their community. The community must appoint indigenous leaders or representatives. When the state is making decisions regarding indigenous people or their possessions, such as land, their needs to be consultation with these indigenous leaders.

Conclusion

Today in Peru nearly 50% of the population is indigenous. This community is exploited and not provided for. They do not have issues regarding citizenship, land, territory and resources, labor, education and politics and government. The Peruvian government makes promises that it does not keep and the indigenous people are left with out their basic needs. In order to improve the lives of the indigenous Peruvians they need representation, and dialogue with the government. Together the Peruvian nation state and the natives can cooperate and improve the lives of the indigenous community.

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