

# INTERCULTURAL JUSTICE SYSTEM

## Promoting the recognition of indigenous justice and the guarantee of rights

EUROSociAL collaborates with the Judiciary of Peru to create a system of intercultural justice, thus implementing international standards on human rights.



### THE CHALLENGE OF JUDICIAL PLURALISM

Peru is a heterogeneous country that has a rural population of 6.5 million people, which is 24% of the total population, and a large percentage, 60.3%, lives in poverty.

The mostly indigenous rural population lives in the less accessible areas of the country and has limited access to the State's Justice services. These ordinary Justice services also coexist with different levels of indigenous justice that have operated in the communities since time immemorial.

In this context, the Judiciary of Peru has assumed national and international political commitments to facilitate access to justice for vulnerable people located in rural areas, promoting legal pluralism and the recognition of indigenous justice. The

purpose is to achieve that both justice systems live together and develop in a parallel and complementary way.

This initiative means an important advance in strengthening the role of the Judiciary as an institution to guarantee rights, and in practice it means the launch of a route to resolve conflicts and establish empathies between the Justice systems that thus far have had a rather difficult coexistence.

EUROSociAL has collaborated in this process to launch the international standards for human rights together with the Judiciary and the National Office of Justice for Peace and Intercultural Justice (ONAJUP), a body that takes over the utmost responsibility in the management of Justice of the Peace and the coordination between the special and ordinary jurisdictions.

### JUSTICE



### DISSEMINATION OF RIGHTS, GUIDANCE AND LEGAL ASSISTANCE

### PERU



### EUROSOCIAL'S SUPPORT

The Programme has joined the process from many of its working lines, mainly promoting the drafting and implementation of three supplementary protocols, approved between 2013 and 2014:

- ▶ Protocol for inter-body coordination to implement conflict resolution mechanisms.
- ▶ Protocol for court proceedings in order to guarantee the indigenous population's rights.
- ▶ Protocol for legal attention and guidance, aimed at improving the conditions for indigenous people to access justice.

The collaboration of the Programme includes the training of indigenous leaders and officials as well as the dissemination of rights among the indigenous population.

## 'RONDAS CAMPESINAS' (PEASANT PATROLS): OF RURAL POLICE TO PROVIDE JUSTICE

When the State abandoned its security and justice duties, the farming communities in rural areas took the duty upon themselves to protect their goods, and then also to apply justice according to their own rules. During the period of terrorism, in the 80s, the so called *rondas campesinas* (peasant patrols) extended to many areas in the country, and went on from having the duty of "rural police", consisting of patrolling during the night to avoid thefts and other crimes, to that of judging cases due to

the inefficiency, slowness and corruption of the judiciary system.

Although the 1993 Constitution legally recognised the cultural diversity and legal pluralism, a model of inclusive justice has only recently been created with EUROSOCIAL's support, and the *rondas campesinas* now carry out their duties with legal powers. These types of patrols were created as a specialist committee within the organisational structure of the community.

## EUROSOCIAL'S SUPPORT ITINERARY

### 2013.

- ▶ Drafting a strategic plan to strengthen ONAJUP for the 2014-2016 period. This plan includes diagnosis and improvement and assessment mechanisms agenda.
- ▶ Drafting an action protocol to create court proceedings to improve the protection mechanisms and participation of the indigenous population.
- ▶ Launch of a pilot project in the Judicial District of San Martín, to diagnose, prepare an access strategy for the rights of indigenous people, design of an institutional coordination mechanism and training.

### 2014.

- ▶ Launch of the protocol and specialist advice to design implementation guides.
- ▶ Design the training and awareness Programme for Judiciary officials and the leaders of indigenous communities.
- ▶ Definition of the dissemination strategy for the rights of indigenous communities connected to the protocol.
- ▶ Preparation of a replication strategy and validation of the protocol in Uyalali and Loreto.
- ▶ Training courses in parallel with staff from the Peruvian Justice system and with authorities from the special justice system.

## VIDEOS



21 years after: a history of inter-culturality



The meeting of different worlds: challenges of Peruvian intercultural justice

## PUBLICATIONS



- ▶ Protocol for the coordination between Justice Systems and Protocol for Action in Court Proceedings Involving *Comuneros* and *Ronderos*
- ▶ Knowing our duties and rights: guidance materials for native *comuneros* and native communities (published in Quechua, Awajun, Shawi and Spanish)

Coordinating Partner



Operating Partners



## FIRST-HAND

▶ Martina Vásquez  
Rondera from Bambamarca



"I am very proud of being a *rondera* [...] I would like to be a *rondera* all my life [...] supporting my colleagues who ask us for justice, ask us for authority".

▶ Helmut Ramírez  
Shipiva interpreter



"Our justice system has been applied for thousands of years [...] there are differences between populations, they all have their own customs and traditions".

▶ Mikel Berraondo  
EUROSOCIAL's international expert



"It is remarkable that the end beneficiaries of the process are all the justice officials, the indigenous peoples and the *rondas campesinas* that have their own justice systems [...]. The protocols establish channels to allow the authorities from the different justice systems to have a relationship of equals, allowing them to live together [...] breaking with the existing dynamics [...]. Protocols are not going to solve all the problems the indigenous communities have [...] but it is a very significant step for a country with large levels of racism. The ordinary justice system is starting to recognise the existence of another justice that must be respected".