

In Memoriam: Giulia Tamayo, 1958-2014

This issue of Health and Human Rights is dedicated to the memory of Giulia Tamayo.

In the course of preparing this special issue for publication, the world lost a tireless fighter for the causes of human rights, health rights, and social justice in the world. Giulia Tamayo was a beloved friend and mentor, as well as an inspiration. I first met her when I moved to Peru in the late 1990s. By then, Giulia was already in the thick of an investigation through which she and colleagues would come to show that the autocratic regime of Alberto Fujimori was responsible for systematically sterilizing over a quarter of a million, overwhelmingly indigenous, women. The lack of appropriate consent in the overwhelming majority of cases, as well as inadequate conditions for the bilateral tubal ligations, which caused death and injury in multiple cases, were the grounds for litigation that Giulia, together with colleagues from two Peruvian institutions, ended up bringing to the Inter-American Commission on Human Rights.¹

That case, *Mamérita Mestanza v. Peru*, led to a friendly settlement, in which the government of Peru promised both reparations and policy changes.² With the “Flora Tristán” Center of the Peruvian Woman (Flora Tristán) and the Peru office of Latin American Committee for the Defense of the Rights of Women (CLADEM Perú), Giulia launched successful campaigns for law reform in the wake of the case, and policy changes were instituted to some degree. However, the overwhelming majority of the victims of the forced sterilizations are still awaiting restitution, as well as a full investigation of potential criminal liability for the violations they suffered. Nor have the government or the donors ensured adequate medical care for the victims’ physical and psycho-social needs.

The sterilization revelations created an enormous scandal in Peru and abroad. USAID, which had underwritten the government’s family planning



Giulia Tamayo

program, hired the Population Council to write a report, which feebly concluded that there had been lapses in quality of care. But Giulia and the advocates with whom she worked had none of it. They rightly asserted that the sterilizations were representative of pervasive structural violence and discrimination against women, and in particular indigenous women, in public health services across Peru which, in turn, reflected the cleavages in Peruvian society. CLADEM Perú and the national Ombuds office issued reports detailing not just the brutal conditions under which many sterilizations had occurred, but also the ugly ways in which policies were institutionalized, quotas were imposed on health providers throughout the country, and “sterilization fairs” and other coercive measures were used to secure impoverished women’s participation.

In addition to the law reform and litigation

efforts, the revelations of forced sterilizations led to tremendous social and political mobilization, in which Giulia always had a hand. An Association of the Victims of Forced Sterilizations in one particularly-affected area was formed (*Asociación de Mujeres víctimas de esterilizaciones forzadas de Anta*) and the Broad Movement of Women (*Movimiento Amplio de Mujeres*, or MAM) took on a far more visible role in Peruvian society. In some instances, litigation can surface the different agendas and visions of lawyers and grassroots activists. That was not the case with Giulia. Indeed, so beloved was Giulia, that the MAM's leader, Maria Esther Mogollón, travelled to her bedside in Uruguay just days before she died.

Not only did the blatant injustice of the sterilizations unite the sometimes disparate human rights movement in Peru—at least for a time—but reproductive rights and health became part of the public agenda for democratization, which eventually led to the resignation of Fujimori.

But Giulia paid a high price; she received death threats from the Fujimori regime. Eventually Giulia had to leave the country with her family to move to Spain, where she continued fighting for the same causes, with the same bottomless indignation and passion, on behalf of Amnesty International for many years.

Never one to congratulate herself or others when she believed victories to be hollow or efforts insufficiently diligent, Giulia was an implacable skeptic. But despite her naturally critical perspective—and perhaps because of her natural combativeness—she maintained faith in the use of the law, including litigation, as a tool for social transformation. Giulia spent 37 years as a lawyer, from 1977 when she founded the Workshop in Law at the Catholic University in Peru, and began providing legal assistance to prisoners and women from the peri-urban slums.

Social change and democratic progress do not happen in a vacuum, and Giulia understood that it was necessary to build institutions and networks, both nationally and regionally, in order to advance women's rights. Giulia directed the Legal Program for victims of gender-based and domestic violence, including children, at Flora Tristán, and

served as director of Flora Tristán from 1994-1996. She was also a founder (1987) and member of the Peru office of CLADEM, and later of the regional CLADEM network. Additionally, she was a founder (1988) and a member of the Steering Committee of DEMUS—Study for the Defense of the Rights of Women—in Lima. She was also one of the founders (1990) of Roots and Wings (*Raíces y Alas*), a regional collective for work on Gender, Human Rights, and Democracy, through which she led trainings, conducted research, and directed publications, the most recent: *The Convention on the Elimination of All Forms of Discrimination Against Women, its Optional Protocol and Committee of CEDAW: Tools for Action*.

At a time when the Latin American feminist movement, and feminists generally, were divided over the use of rights language and tools as a way of combating inequality and exclusion, and of international human rights mechanisms, in particular, Giulia was a ceaseless advocate for the importance of appropriating these strategies and spaces. For Giulia, rights were constitutive of our experience of being human, and she felt at a visceral as well as intellectual level that for those who do not have power—for women and children and indigenous groups—using rights tools was the only way to enable them to live lives of dignity, as full and equal members of society.

As Ronald Dworkin wrote in one of the last books he published before he died, “Without dignity our lives are only blinks of duration. But if we manage to lead a good life well, we create something more. We write a subscript to our mortality. We make our lives tiny diamonds in the cosmic sands.”³ Giulia died far too young; I will miss her and the world will miss her—and her family will ache for her. But she is shining brightly in the cosmic sands.

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References

1. The Peruvian institutions were the Association for Human Rights in Peru (APRODEH) and Study for the Defense of the Rights of Women (DEMUS), and the international organizations were the Latin American Committee for the Defense of the Rights of Women (CLADEM), the Center for Justice in International Law (CEJIL) and the Center for Reproductive Rights.

2. *María Mamerita Mestanza Chávez v. Peru* (2002)(Inter-American Commission on Human Rights, Case 12.191, Report No. 71/03, settlement October 14, 2002). Available at http://www.cidh.oas.org/women/Peru.12191sp.htm#_ftn1.

3. R. Dworkin, *Justice for hedgehogs* (Cambridge, MA: Harvard University Press, 2011).