INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 107th Session of the Human Rights Committee

PERU

(Military service, conscientious objection and related issues)


Contact:
Derek BRETT
International Fellowship of Reconciliation
Main Representative to the UN, Geneva
derekubrett@gmail.com
Tel: (41) 77 462 9825

Summary

Since 2002, Peru has filled its armed forces by voluntary recruitment. The legislative basis and practical arrangements for resorting to conscription to make good any shortfall in the number of volunteers. The lack of any provision for conscientious objectors to military service is therefore of concern.

Although 18 is the official minimum recruitment age, there are also various concerns of the involvement of younger persons in military organisations and activities.
PERU: Basic Information

Population (November 2011, estimated\(^1\)) 29,949,000

Conscription imposed until 1999
- Last conscript demobilised 2002.

Military service currently voluntary (but conscription could be reintroduced if not enough volunteers are forthcoming)
No provision ever made for conscientious objectors.

Minimum recruitment age\(^2\): 18
- (but cadets and pupils at military schools are considered members of the armed forces at a younger age.)

Manpower reaching “militarily significant age” in 20103: 304,094
Armed forces active strength, November 20114: 115,000
- as a percentage of the number of men reaching “military age”: 37.8%

Military expenditure (US $ equivalent), 20115 $2,098m
- Per capita $70
- As % of GDP 1.3%

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1 Source: The Military Balance 2012 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.


3 Source: CIA World Factbook. [https://www.cia.gov/library/publications/the-world-factbook/index.html](https://www.cia.gov/library/publications/the-world-factbook/index.html). The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.

4 As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2012. The same source indicates that there are also between 77,000 and 100,000 members of the paramilitary National Police.

5 Stockholm International Peace Research Institute (SIPRI), April 2012
Obligatory military service and conscientious objection

Peruvian military recruitment legislation has never contained any provisions for conscientious objectors.

Under the 1999 Military Service Act⁶, the performance of military service ceased to be obligatory, and forced recruitment in order to impose it was explicitly outlawed⁷. The requirement was however retained that all Peruvians should register with the military authorities in the calendar year in which they became 17 (men between 2⁰ January and 31⁰ March; women between 1⁰ April and 30⁰ June);⁸ on registration they were to go through physical and psychological tests which would result in them being categorised as fit or unfit for military service, or exempt. All those fit for service who did not volunteer were to be formally assigned to the “mobilisation reserve” from the age of 18 to 50, and subject to call-up in the event of war or national emergency. Transitional arrangements embodied in the Act left open for two years after it came into force the possibility of calling up persons registered for military service in the event that not enough volunteers were forthcoming.⁹

The new voluntary military service was otherwise indistinguishable from the former obligatory service, with a 24 month (maximum) period of service,¹⁰ at the end of which those who wished might re-enlist on a contract basis for a succession of further two-year periods. After the second such period, promotion to the rank of sergeant or equivalent would normally be automatic.¹¹

A wide range of incentives was proposed to encourage sufficient volunteers to come forward. The military service was guaranteed to include an element of technical training leading to certification which higher education institutions had undertaken to accept. Any existing health insurance scheme membership would continue without any requirement to pay premiums during the period of military service; otherwise the health insurance provided during military service would apply for three months after the end of such service; there would be priority for employment in public administration, free plots of land for those who wished to go into agriculture, and priority access to micro-credit and agricultural loans. Those who applied to enter the officer training colleges of the armed forces or the police would receive a 10% bonus on their qualification score and a 50% discount on their registration fees; the latter also applied in State Universities and other higher education institutes. There was also a 50% discount on tickets to performances sponsored by the National Institute of Culture.¹²

Following concerns raised in Congress in 2006 that not enough volunteers were coming forward, a number of Bills amending or supplementing the Act were proposed.¹³ The eventual result was a completely new Act¹⁴, which came into force from the beginning of 2009, and which incorporated three significant groups of changes. First, the incentives were strengthened. For instance a 5% quotas of University scholarships were to be reserved for demobilised service personnel, the 50% discount was extended to sporting events, the period of service was redefined as “a minimum of 12 months and a maximum of 24”, with the shorter period guaranteed to those who had served in border areas, or areas of declared states of emergency. Second, the archaic procedure whereby

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⁶ Ley no.27178 of 28⁰ September 1999
⁷ Ibid, Article 6.
⁸ Ibid, Article 11
¹⁰ Ibid, Article
¹¹ Ibid, Article 48
¹² Ibid, Articles 46 and 49.
¹⁴ Ley No 29,248 of 29⁰ June 2008.
every citizen was required to submit a “libreta militar” (military service document) in order to obtain a national identity card was scrapped. Instead, registration for a national identity card became compulsory at the age of 17 and military registration is obligatory within 90 days of the issue of the ID card. A new form of certificate, the “constancia de inscripción” is provided free of charge at the time of military registration; only those who go on to perform military service subsequently exchange this for a libreta militar. Third, the article which stipulated that, in the event of more volunteers coming forward than were needed, selection would be made by lottery was amended to include also the possibility of a lottery to make up numbers in the event that there are too few volunteers.15

It is therefore clear that even outside the context of a national mobilisation, Peruvians may find themselves at any time subject to obligatory call-up. If the right of conscientious objection to military service is to be guaranteed in such circumstances, legislative provision for conscientious objectors are essential. The example of Argentina might usefully be quoted, where the 1994 Act which suspended conscription incorporated for the first time a stipulation that any reintroduction would be accompanied by provisions for conscientious objectors.

Involvement of juveniles in military activities

Peru ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 8th May, 2002. More than ten years later, however, it has still not submitted its Initial Report to the Committee on the Rights of the Child.

On ratification, Peru made a declaration that, in accordance with national legislation, the minimum age for voluntary recruitment into the armed forces was 18 years. It transpires, however, that “Children may enrol in military schools from the age of 15, and are considered to have performed military service, as are those who have spent at least a year as cadets at the officer-training colleges of the armed forces or the police.17 The minimum admission age to the latter would appear to be 16.18

Even more disturbing is that active service in a Comite de autodefensa is considered as the equivalent of military service.19 These autonomous armed community groups were initially given formal government recognition at the height of the armed conflict against the Sendero Luminoso (Shining Path) guerrilla. In the mid-1990's a case study for the “Machel Report” on the involvement of children in armed conflict indicated substantial use of children on both sides of that conflict, with probably thousands of persons under 18 in the peak strength of perhaps 100,000 in the Comites de autodefensa and with ages as low as nine being reported.20 As late as 2005, when the conflict was effectively over, there were reports that notwithstanding an official minimum recruitment age of 18, 15-year-olds had been found taking part in these activities in some places, and community leaders had indicated that they considered everyone aged from 12 upwards deployable in case of need.21

15 Ley no.27178, Article 39; Ley No 29,248, Article 50.
17 Ley no.27178, Article 44; Ley No 29,248, Article 57.
18 Child Soldiers Global Report 2008., op cit, p.274
19 Ley No 29,248, para 57.
21 Child Soldiers Global Report 2008., op cit, p.275
Also disturbing is the military influence in the education system. The Army Intelligence School (Escuela de Inteligencia del Ejercito) reportedly offers short courses on self-defence to children from the ages of 7 and 15; perhaps as part of preparation for admission to military schools. And there are repeated legislative initiatives to reinstate “pre-military training” into the obligatory secondary school curriculum. At least two were among those considered in drafting the 2008 Act, but the resulting Article\(^{23}\) referred only in very general terms to the promotion of learning about national defence as part of citizenship education. However it is reported that this proposal was again brought forward by the First Vice President of the Congress, Manuel Merino De Lama, on December 10\(^{th}\) 2011. \(^{24}\)

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\(^{22}\) Ibid

\(^{23}\) Article 13.