

# “The state has a debt to us, it ended our dreams, our life projects”: Reconstructing life projects after torture

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## Key points of interest:

- The term ‘life project’ originates from sentences in the Inter-American Court of Human Rights (IACtHR) and has become part of the legal consciousness of persons affected by serious and systematic human rights violations.
- The term is useful for understanding how torture and other human rights violations impact individual victims’ lives and the lives of their children.

## Abstract

*Introduction:* The concept of ‘life project’ is at the core of several Inter-American Human Rights System decisions. This concept has also become part of the legal consciousness of torture survivors in Peru and is often referred to when they describe the impact of torture and imprisonment on their lives and the lives of their children. *Methods:* The paper is based on qualitative interviews with seven Peruvian torture survivors. *Results:* The interviewees describe damage to their life projects both regarding health and the impact of stigma but place special emphasis on how as a result of being imprisoned, they have been unable to take care of their children for more extended periods, their children have been subjected to violence, and they have had less access to education. Still, the interviewees describe how they reconstruct their life projects and how the concept serves as a starting point for demanding reparations.

**Keywords:** Life project – reparations – livelihoods – intergenerational consequences of torture and imprisonment

The concept of ‘life project’ is at the core of several decisions in the Inter-American Human Rights System. This concept refers to the expected development of a person, something that can change drastically with being subjected to torture or other cruel and inhuman treatment and is often referred to when survivors describe the impact of torture and imprisonment on their lives and the lives of their children.

In Peru, persons suspected or accused of terrorism during the internal armed conflict in the 1980s and the authoritarian regime of Alberto Fujimori in the 1990s were routinely subjected to torture and other harsh inhuman treatment or punishment. After the transition to a democratic regime in 2000, several reparation

policies towards the population targeted by political violence have been put in place. Some of these policies, such as access to health care, cover the whole of the population affected by state or political violence; others have stricter criteria for inclusion. Many torture survivors with suspicion or sentences for terrorism have been excluded from some schemes. Some have taken their cases to the Inter-American Human Rights System.

The paper takes the concept of ‘life project’ as it is used by the Inter-American Court of Human Rights (IACtHR) as a starting point and explores how the concept has been included in the legal consciousness of torture survivors in Peru. The paper explores the survivors’ descriptions of what they have

lost, including their source of income and sometimes homes, and how they seek to re-construct both housing and livelihood in a context where they have very limited access to physical and mental health care. Still, torture survivors take responsibility for reconstructing their life projects while also making demands towards the state for economic reparations as well as health care and the possibility of education for their children.

### **On life projects and legal consciousness**

The concept of ‘life project’ is central in legal consciousness in Peru, as persons affected by state or political violence often talk about their life projects and how their life project was damaged or changed due to detention, imprisonment, maltreatment, or the disappearance or death of a loved one. ‘Damage to the life project’ is a concept developed by the IACtHR and is related to the Court’s decisions on reparations. The term is relatively new and places the victim at the centre of the attention (Woolcott & Monje, 2018).

The Inter-American Human Rights System plays an important role in Peru, as persons who have been targeted by state violence often do not find an answer within the Peruvian system. Therefore, the Inter-American Court of Human Rights (IACtHR) is an option after domestic remedies have been exhausted, and individual victims can have their cases tried before the court (Davis & Warner, 2007).

The term ‘damage to the life project’ was first introduced in the case of *Loayza Tamayo v. Peru* (CIDH, 1997), the case of a university professor who was detained in 1993 on suspicion of terrorism and subjected to torture, which had consequences for her physical and mental health. In 1999, the IACtHR ruled that states have an obligation to ensure that all children can develop a life project, including children who live on the streets (CIDH, 1999). The concept was established as a reason for reparations on its own in the case *Cantoral Benavides v. Peru* in 2000 (CIDH, 2000), where the Peruvian state was given the obligation to pay for the victim’s university studies. In the case *Molina Theissen v. Guatemala* from 2004 (CIDH, 2004), the IACtHR refers to the damage to the life project of a family, whereas they establish the damage to the life project of a community in the case *Masacre Plan de Sánchez v. Guatemala* from 2004 (CIDH, 2004a). IACtHR further developed on the concept in the case of *Gutiérrez Soler v. Colombia* in 2005 (CIDH, 2005), as the Court found that the crime endured had irreparable damage to the victim’s life and had ended the realisation of his expectancies regarding personal and professional development that would otherwise have been possible. (Nuez, 2020; Galdámez, 2007; Quintana, 2021). Thus, the IACtHR establishes that both indi-

viduals, families, and communities have the right to a life project (Cancado, 2005).

For the IACtHR, ‘life project’ refers to the complete development of the person who has been affected, taking into consideration the person’s vocation, potential, and circumstances, which allows the person to make certain goals in life and reach them. The harm to the life project is more than the loss of opportunities: Life project relates to a situation which is probable and not only possible within the natural and expected development of a person (Galdámez, 2007). Life projects are related to the right to existence and rely on decent living conditions, safety and human integrity (CIDH, 1999).

A life project represents what a human being has decided to be and to do in life, what a person does to be, Fernández (2007) holds. He identifies three elements as central to a life project: freedom, coexistence, and temporality. Life projects are chosen and carried out within a society, in the company of others, and they are temporal. Damage to the life project affects a person’s freedom to develop according to his or her own decision and affects the person’s existential being. Furthermore, it damages how a person has chosen to live, truncates their destiny, and makes the person lose the very meaning of life.

Damage to the life project changes the life course of a person (Tonon, 2011). When a person’s life project is damaged, it implies a loss of the freedom to seek for the goals that the person has set (Calderón, 2005): thus, damage to the life project implies damage to freedom, understood as having possibilities to carry out such a project (Nuez, 2020). In rulings from the IACtHR, life projects can be damaged both due to violations committed by the state, as well as where the state does not protect citizens and fails to develop institutions so that a person cannot even imagine having a life project, as in the case of *Niños de la Calle v. Guatemala* (CIDH, 1999; Nuez, 2020). The IACtHR contrasts such a life project with what happened to a person when their lives changed drastically as the result of serious violations of human rights (Galdámez, 2007).

Violations of human rights can cause irreparable damage and may lead to ruptures that influence all aspects of a person’s life (Galdámez, 2007), and when the IACtHR meets out reparations, it takes as a starting point, the material damage, the moral damage, and the damage to the life project suffered by the victim (Woolcott & Monje, 2018). The IACtHR has argued that no measure can give back the possibilities of personal realization that was taken away and that it is impossible to quantify the damage in economic terms since the damage is complex and affects many aspects of life. Thus, harm to the life project requires guarantees of non-repetition as well as other measures that go beyond the monetary (Galdámez, 2007). The

Court has obliged states to provide reparations, such as returning a person to her position as a teacher and access to a sentence from the IACtHR.

Legal consciousness focuses on the legal meanings that people attach to events and experiences and how they understand and use legal practices in everyday life: “the ways in which people make sense of law and legal institutions, that is, the understandings which give meaning to people’s experiences and actions” (Ewick & Silbey, 1992). Legal consciousness can lead to legal mobilisation, as when cases are taken to court and eventually to the IACtHR. The term helps to grasp how the term ‘life project’ has become embedded in the way of thinking of many who were targeted by state or political violence in Peru.

### **Arbitrary detentions and masked judges: Peru in the 1980s and 1990s**

The persons interviewed for this project were detained and subjected to harsh treatment and torture during the internal armed conflict in the 1980s, which mainly hit the Andes region of the country, or during the authoritarian regime of Alberto Fujimori (1990 – 2000).

The anti-terrorism legislation established by the Fujimori regime in 1992 allowed for arrests without a warrant based on a vague definition of terrorism and sedition (Laplante, 2006). This also led to many being imprisoned who had no affiliation with the guerrillas (Wurst et al., 2012; García-Godos & Reátegui, 2016; Burt, 2006; Laplante 2006).

Trials with ‘faceless’ or masked judges were common during the 1990s as a measure to protect the judges’ identities and ensure their safety, and several of the interviewees have been sentenced in such trials after some time in detention. Lisa Laplante (2006) describes these trials as cursory: it was not possible to know whether the judges had proper legal training, and there was no possibility of an adequate defence (Castellón & Laplante, 2005; Faverio & Naimark, 2013). Prisoners could be kept in prolonged incommunicado detention during interrogations, and petitions of *habeas corpus* – a request to determine whether the detention is lawful – were denied (Laplante, 2006).

Mistreatment and torture were permitted to get coerced confessions, and the majority of those arrested for terrorism were subjected to torture and mistreatment, especially during interrogations (Laplante, 2006). 64% of those who testified to the Peruvian Truth and Reconciliation Commission (TRC) about being detained by state agents between 1980 and 2000 affirmed having been subjected to torture (CVR, 2003). The persons interviewed for this project talked about torture, sexual violence, and forced nudity in relation to detention, imprisonment and interrogations. Some of the interviewees tell about

violence against their children and close family members in relation to their arrest or imprisonment, as Wurst and colleagues (2012) also found in their study.

It is estimated that almost 20.000 persons were imprisoned during the internal armed conflict in Peru between 1980 and 2000, and that 27% of them were either killed or disappeared (CVR, 2003: tomo V, cap. 2.22 ‘las cárceles’; Wurst et al., 2012). In 1996, the Fujimori government created a special commission to review cases of allegedly innocent people imprisoned in maximum-security prisons on charges of terrorism. Almost 800 persons were released through a presidential pardon as a result of this review process, as the commission found that there was no reasonable basis for their detention (CVR, 2003; Laplante, 2006). The use of legal pardons was pragmatic yet contradictory, as those who were pardoned had not committed any crime (Jibaja, 2003). In addition, the CVR estimates that almost half of the 33,954 persons detained between 1983 and 2000 were acquitted through regular judicial proceedings (CVR, 2003; Laplante, 2006). Several of the survivors interviewed for this study belong to these groups.

### **Peruvian reparations**

If the IACtHR finds that someone’s life project has been damaged, the Court sets out to find out which kinds of reparation would be accurate. Hence, ‘life project’ is intrinsically linked to reparations: Victims of crimes against humanity have the right to both reparation and rehabilitation (Sveaass, 2013), and in criminal international law, reparations are a way in which a state can assume responsibility after committing a crime (Calderón, 2005).

Policies and measures of reparation are important because they recognise victims and offer a political and ethical context in which violations of human rights can be repudiated (Lira, 2016). Reparations seek to reconstruct some of what has been destroyed, something that is not possible through a court sentence alone (Tonon, 2011). Reparations can be conceptualised as “rights-based political projects aimed at giving victims due recognition and at enhancing civic trust both among citizens and between citizens and state institutions” (Rubio-Marin & Greiff, 2007, p.321), and form part of the institutional memory of the state. Reparations have plural justice aims (Laplante, 2015), and can aim at preventing similar crimes, or attempt to mend the consequences (Tonon, 2011). Reparation programs often imply that it is possible to repair social bonds, dignify victims of violence and reconstitute what is lost (Ulfe & Málaga Sabogal, 2022).

Reparations in Peru can be divided into two main categories: Administrative reparation schemes granted by the Peru-

vian state through law 28592 on comprehensive reparations<sup>1</sup> (ley 28592 sobre Reparaciones Integrales, 2005; Ministerio de Justicia y Derechos Humanos, 2024), and reparation schemes for particular groups through the Inter-American Human Rights System. The IACtHR has the faculty to oblige states to yield reparations for the damages done (Woolcott & Monje, 2018,), and cases that reach the Inter-American Human Rights System can yield particular reparation schemes. The Peruvian law of comprehensive reparations includes most of the recommendations from Peru's TRC, such as programmes of individual economic reparations, collective reparations, health and education programmes, and symbolic reparations (Coordinadora Nacional por los Derechos Humanos, 2017; Ministerio de Justicia y Derechos Humanos, 2024). Alleged members of guerrilla groups are excluded from being registered as victims, and, thereby, from reparation programs (Rivas & Cori, 2013; Ulfe & Málaga, 2022). Such exclusion is in contravention of international jurisprudence. A special reparation program consisting of reparations in health, education, housing and work was established for the group of persons who were pardoned by the Fujimori government (Jungbluth, 2021), and they have been included in the health reparation scheme (Castellón & Laplante, 2005).

### **The study: Dealing with the past**

The present study represents part of a larger investigation: ‘Dealing with the past’. The aim of the study was to explore how survivors of gross and systematic human rights violations and relatives of persons killed in massacres or forcefully disappeared perceive and experience trials and reparations. The authors applied a variety of research approaches, including fieldwork, in-depth interviews with survivors of torture and relatives of persons who have forcefully disappeared, interviews with persons who work professionally in the field, and a review of relevant documents.

*Participants:* This article is based on interviews with seven persons, five women and two men, all torture survivors. All had been detained or incarcerated between 1980 and 2000, on suspicion of terrorism or of having sympathies with guerrilla groups. The selection was strategic and aimed at exploring the experiences and engagement of survivors who had experiences with legal processes and reparation schemes in Peru. Interviewees were recruited through participation in different activities related to truth, justice, and memory, as well as through snowballing. One of the interviewees had received individual

economic reparations at the time of the interview; others had received reparations of other kinds, such as education programs for their children or health.

*Interviews:* The interviews were conducted between February 2010 and December 2014. They were semi-structured, conducted in Spanish, taped, and later transcribed. Each interview lasted between 40 minutes and one hour.

The interviewees were asked about their thoughts and experiences regarding the possibility of justice through trials and individual economic reparations, and what they would consider justice after what they had endured.

*Ethical considerations:* The study is carried out according to the Norwegian ethical guidelines for research in social sciences and humanities (NESH, 2021), and was recommended by the Norwegian Social Science Data Services in 2010.

*Data analysis:* The transcribed interviews were coded and systematised through thematic analysis (Braun & Clarke, 2006). Among the themes identified were the human rights violations endured, the needs that emerged from the human rights violations that were not met, and the different kinds of activities that the interviewees engaged in searching for truth, justice, and memory.

### **Findings: How life projects were interrupted**

Life projects are related to all the things that a person does in order to be (Carlos Fernández Sessarego, 2007), the probable and expected development of a person (Galdámez Zelada, 2007) and is developed in freedom (de la Nuez Sánchez-Cascado, 2020). The persons interviewed for this study had different life projects; some had ‘care for their children’ as their focus and expected to continue to maintain themselves and their children through their work. Others held jobs in the formal sector, they had studied and planned for careers or were elected for positions in their communities or organisations. They all had in common that the arrest and posterior incarceration led to a loss of livelihood due to prolonged absence from their place of work and that physical and psychological consequences of torture, as well as the stigma endured due to the suspicion or conviction for terrorism, has changed their lives in significant ways. Some had lost their jobs and were unable to return to the kind of work they had prior to their arrest; others spoke about losing most of what they owned.

In the following, I will explore several of the ways in which the interviews describe how their life projects have been interrupted, focusing on health, stigma, and how the lives of their children were affected.

1 For an overview of the different reparation schemes, see the page of the Peruvian ministry of justice.

### Health

Life projects are dependent on health: if the health of a person changes, it may alter the freedom to make choices about the future. Consequences of torture are complex and wide-ranging, both in the short and long term (Sveaass, 2023, p.185). The survivors report pains, problems with sight and hearing, numbness, problems with speech, as well as with the use and movement of hands and legs, and they describe nightmares and nervousness – all of which have implications for the possibility of gaining a living.

They have destroyed me. They have hurt my back. [...] I cannot walk straight because of that. They threw something in my eyes, so I could not see well. Since that day, I do not see much.

Severe injuries and health consequences, as well as the lack of possibilities of treatment, have an impact on the choices available, including choices related to work, career and family life. The question of health, injuries and physical and mental consequences of torture and imprisonment became even more of an everyday challenge due to the lack of health services.

Medical attention? None. But my family members sent me some herbs from the sierras [...] My wife brought some small worms and oil, and they put the medicine on me here, and so I stopped throwing up blood. After six or seven months, it stopped.

Health services that cover the physical and mental consequences of torture could be repaired, and torture survivors have the right to rehabilitation (Sveaass, 2013). Yet, those interviewed describe a lack of medical attention despite “comprehensive health insurance” for the poorer segments of the population and a program of health reparations that was initiated in 2009 (Pérez-León Acevedo 2010). The program of health reparation covers the majority of those who have an RUV (Register of Victims) credential and has been implemented mainly through the integration of victims into the ordinary SIS system. The Ombudsman (Defensoría del Pueblo) had registered several complaints about such shortcomings as lack of medication, attempts from health personnel to charge victims for health services that should be free, and from victims who were not allowed to register with SIS (Defensoría del Pueblo, 2012).

The state has the obligation to help me. They say that they are going to help, but there is nothing. They do not even

receive me when I want to register for SIS. They say, “not you, this is only for the grandparents and those who live in chositas<sup>2</sup>”. But I was affected, too.

Yet, the main worry for those who have received a victim certificate for access to SIS seemed to be that their health problems were not covered. Another worry was that the medication they were asked to buy was often not available at the pharmacies.

I did affiliate with SIS, but there are things they do not cover, and things they cover. My head, for instance, they do not cover.

When injuries are not covered by SIS, survivors must cover the expenses themselves. Both medical visits and medication are quite expensive, and a medical examination could easily equal a month’s pay for the poorer segments of the population, to which several of the interviewees belonged. Health problems are frequent after torture (Quiroga & Jaranson, 2005), and the sequela of torture combined with the lack of adequate healthcare constitute health as an important area in which life projects have been interrupted.

### *Stigma: being labelled as a terrorist*

Life projects are developed in co-existence with others, within a society (Fernández, 2007). Stigma is understood as an attribute that conveys devalued stereotypes (Clair, 2019; Goffman, 1963), has an impact on how a person is perceived in society and, hence, on the liberty to make choices in social life. Several interviewees talked about the stigma of being labelled a ‘terrorist’. Some had been imprisoned on suspicion of terrorism, and some had convictions from the ‘faceless’ courts. One of the interviewees was presented on television as a terrorist a short time after being arrested. The stigma related to suspicions of terrorism or sympathies for the guerrillas influenced all spheres of life: it made it almost impossible to get a job in the formal sector or to travel abroad, and some had become estranged from their families and friends.

What happens to us, those of us who were indultados<sup>3</sup>, is that we suffer the stigma. That they say we are terrorists.

2 Small, rural houses

3 Released with a pardon; refers to persons who were imprisoned during the Fujimori government on suspicion of terrorism, and who were later released by the same government.

The pardons and acquittals were incomplete, and suspicions and sentences can still remain in registers. This makes it difficult to find employment or get an education (Faverio & Naimark, 2013). Some people opted to break off relationships with those who had been incarcerated on suspicion or sentences of terrorism, as they were tainted by such a stigma (Aguirre, 2011). In Fujimori's Perú, anyone who dared oppose the regime was vilified as a terrorist (Burt, 2006), and the idea that if a person was targeted by the police or the armed forces, there had to be a reason for it has been strong. Such ideas were often expressed through the saying “*he must have been a terru-co!*”. *Terruco* is a term used to refer to real or supposed members of armed groups and to discredit some of persons with leftist political views and human rights groups. It has been used to stigmatise various sectors of Peruvian society, including family members of detained persons and other victims of violations of human rights and human rights defenders (Aguirre 2011). As Sveaass (1994) reminds us, to be targeted by state violence becomes almost proof in itself that a person is guilty, and to be victim of human rights violations can lead to marginalisation or even social exclusion (Beristain, 2008, p. 8)

When they opened the gates and let me out, they said I was free. But I've never been able to take up a new life. I was released without a trial. They did not even sentence me. They knew I had not committed any crime [...]. Then they opened the gates and they kicked me out, but only after destroying my family.

A life project presupposes the freedom to make choices (Nuez, 2020), a freedom that this man felt was lost both for himself and his family.

Police records and sentences continue to appear in their files, which contributes to suspicion and stigma – even within their family.

It is complicated, in our country and in other countries. For instance, there are people who are indultados who travel to other countries. They send them back [to Peru], because they say, ‘you’ve been a terrorist’. This keeps happening. We go to the police to get a background check, and they find your name in their files. Then you don’t get a job. It’s a constant struggle.

The ‘individual’s tainted records make them second-class citizens’, in Faverio & Naimark’s (2013) words: the stigma of having been incarcerated and of having been labelled a “ter-

rorist” limits choices and matters for the possibility of getting work as well as for social interaction.

#### *The impact on the life project of the children*

Serious violations of human rights have inter-generational effects: They affect not only the person who is subjected to the violation but also their children. The impact on individuals and on families is indivisible, as it leads to difficulties for the children and changes family dynamics (Beristain, 2008). Hence, torture and harsh and inhumane treatment not only damages the life project of the person subjected to it but also the life projects of their children. Common to all the interviewees was a worry about the children and an emphasis on how the incarceration had impacted their life projects.

The interviewees describe three different ways in which the children were affected: First, by the detention and imprisonment of the parents, and how this impacted on the lives of the children because they did not have their parents present to take care of them. Second, by the violence endured by the children related to the detention or imprisonment of the parent, and third, by how the future of the children was affected as the detention and imprisonment of a parent influenced their possibilities for education and impacted the relationships within the families.

*Taking care of the children:* Some of the interviewees were single mothers; they were, in their own words, ‘*mother and father to their children*’, so when they were arrested, the children were left unprotected.

After they detained me, I could not communicate with anyone. My sister looked for me, my children cried because they were small. They did not know what to do with my children.

Some older children took on the responsibility for younger siblings, in other families the children were moved between the homes of different relatives in informal kinship-based fostering, as described by Leinaweaver (2014) and similar to what Wurst and colleagues (2012) find in their study of psychosocial consequences of detentions during the internal armed conflict in Peru. This situation has had an impact on the children’s possibility to study, as well as on their participation in social life.

The conditions in prison led to less contact between the imprisoned parent and the children, as prisoners could receive visitors only three or four times a year, and the family members, including the children, were subjected to harsh examination by the police when they entered the premises (Wurst et al., 2012).

I was in prison without communicating, nothing. Without seeing my children. I thought a lot about my children, how they were, what happened to them. After several months, my children came to see me. I saw my children, and it made me angry, I cried. I cried as I hugged them: ‘I am going to get out of here, I am going to get out of here!’

The imprisonment of the parent and the lack of contact had consequences both for the imprisoned parent, for the children and for the relationship between them.

*Violence towards the children:* Harsh treatment towards the children was common when they visited the prison. In addition, some of the children were subjected to violence or harsh treatment during the detention of the parents or while they were imprisoned.

My children were without parents, completely abandoned, and one of the girls was raped. That is the worst pain I have to carry [...] The police, they came back to the house and they raped the girl. Whom should she tell? She was left like that.

Such violence towards the children has an impact not only on the child but also on the parent who was left unable to intervene. Sexual violence was used systematically in Peru, both in prisons and in the countryside, most often towards girls and women between 10 and 29 of age (CVR 2003, tomo VI, p. 276). Systematic sexual violence are intentional acts that aim at destroying individuals as well as communities and harms both individuals and the community (Lloret & Wurst, 2007), and sexualised violence affects women’s life projects in a series of ways (Escribens, 2012). To be witness to violence towards others without being able to intervene constitutes a particular kind of humiliation (Goffman, 1961), as it also is for a parent to become aware that their children have been subjected to violence related to their detention, even though they were not present.

*The impact on the life project of the children:* The imprisonment of a parent has changed the relationship between children and their parents, and it has had an impact on the life project of the children: They have not received the care and education that their parents wanted to give them, and the incarceration of their parents have often left them in a socio-economic situation that is worse than it would otherwise have been.

The years I spent in prison, you destroyed a whole future where I could have educated my children differently.

The lives of the children would have been different had the parents been present, and the children might have been raised with other ideas and more affection had they been able to live with their parents. The imprisonment of the mother affected the physical and mental health of the children (see also Wurst et al., 2012). Yet, the interviews focused on the question of how their children had lost the possibility to study.

My children have not finished their studies, they dropped out. Sometimes I think, sometimes I cry alone, what to do? I can’t do anything. I have often felt bad from thinking too much, and my head hurts.

The educational system above primary school is not free in Peru, and some institutions are quite expensive. Still, many had plans for their children’s education, plans that were interrupted by their detention.

### **Reconstructing a life project**

The violence did not end people’s capacity to find solutions (Wurst, 2004). In Latin America, women targeted by state violence have engaged in two kinds of action: in the private realm, they engaged in a struggle to support their families, while they created human rights organisations in the public realm (Crisóstomo, 2019). Similarly, the interviewees for this study have rebuilt their lives and that of their families, while some of them have also formed and engaged in organisations to demand reparations and improve their situation through collective efforts. Pérez-Sales (2023) reminds us that victims have led most of the achievements in the struggle for truth, justice, and reparations.

In the private realm, the interviewees sought to improve their health and to reunite with their families. For some of the single mothers, this meant that they had to find a new place to live and gain an income so they could take care of their children again.

Slowly, I gathered all of my children. [...] my son is still angry with me sometimes. He says, ‘First you looked for my brothers and sisters, then you looked for me’. I did not have any money; slowly I managed to get some, so in the end all of us were together. I have not abandoned them, I never wanted to abandon them.

Family ties and networks have often been a strong pillar in reconstructing life after serious violations of rights (Wurst, 2004). The TRC made a series of recommendations, among them for individual and collective reparations, which raised the

expectations for such monetary reparations in the population targeted by state and political violence (Laplante & Theidon, 2007). Programs of collective reparations have been working for some time, while programs of individual economic reparations were implemented in 2011.

The indignation is there. The wish to search for justice, you carry that with you. The desperation changes over the years and you can be calmer when you say, ‘Señores, I demand justice immediately. It has been enough of letting time pass.’

The lack of response from the Peruvian state led some of the interviewees to take their cases to the Inter-American Human Rights System, and in some cases the Court has obliged the Peruvian state to yield them reparations. Some groups have been granted a land area as part of the reparation scheme, and they have built a neighbourhood.

It is really wonderful, because we have reached all this based on our own hard work, our sacrifice. We have had to face stigmatisation, and we have had to face this government which constantly tries to evict us.

This quote points both to the importance and pride in having built a neighbourhood, and to the fact that even though they had been given the land by the state as part of a reparation scheme, it took both time and effort to ensure the paperwork. Some described the land and the possibility to build their own house as being very repairing.

### Discussion

‘Life project’ originates from the sentencing in the IACtHR, and the concept is developed through the sentencing in the IACtHR as well as academic works. The concept has, in turn, become included in the legal consciousness of Peruvian torture survivors and other persons affected by serious human rights violations and is a useful concept for understanding the impact of torture and other serious human rights violations on the lives of both persons targeted and that of their children and families.

The persons interviewed for this project refer to the concept when they describe and discuss how detention, incarceration, torture and the sequela of torture have impacted their lives and the lives of their children. Hence, the concept contributes to describing and grasping how the violations endured have impacted their lives as well as the lives of their children. A person’s life project relates to what is probable, not only possible; what a person can expect their lives will be like, and harm

to a person’s life project is more and more fundamental than the loss of opportunities (Galdámez, 2007). The persons interviewed for this study had expectations for their lives; they expected to continue working and providing for themselves and their families, either in the informal or the formal sector, to take care of their children and provide an education for them. These are things that they could reasonably expect from life, and which were changed in the moment they were subjected to imprisonment and torture. Their life projects were harmed in a series of different ways: They lost their jobs and their income, some also their houses, and others became estranged to their families. For several of the interviewees, their health has been severely impacted, which in turn has had an impact on their livelihoods, their possibility to work and get an income, and the expenses that they have had related to health.

However, while the interviewees do talk about how their own lives have been impacted by imprisonment and torture, it is noticeable how much emphasis they place on intergenerational aspects: their children’s lives and life projects have also been impacted in a series of ways. The children lost important years with their parents, which influenced their thinking and their education. Some of the children had to grow up far too soon as they had to take care of the household and of their siblings, their parents’ lack of income mattered both for their childhood and for their future; they lost out on education, and the imprisonment and torture of their parents have impacted on their relationships. Analysing these impacts through a lens of ‘life project’ contributes to a better understanding both of long-term consequences, and of consequences on the families and children and even larger community.

Former judge Oliver Jackman (CIDH, 2005) has argued that the concept of ‘damage to life project’ does not address a judicial need. However, our findings suggest that whatever the legal use for the concept, it can contribute to grasping the ways in which gross and systematic human rights violations impact persons’ lives.

### Concluding remarks

‘Life project’ refers to the complete development of the person who has been affected, taking into consideration the person’s vocation, potential, and circumstances, and which allows the person to make certain goals in life and reach them. The court contrasts such a life project with what happened to a person when their lives changed drastically as the result of serious violations of human rights. ‘Life project’ is useful to describe how systematic and serious violations of human rights impact the lives of individuals, as it points not only to how the wrongs endured matter for everyday life but even to how they have an impact on the future.



References

- Aguirre, C. (2011). Terruco de m... Insulto y estigma en la guerra sucia peruana. *Historica*, XXXV.1, 103–139.
- Beristain, C. M. (2008). *Dialogos sobre la reparación. Experiencias en el sistema interamericano de derechos humanos. Tomo 2*. Instituto Interamericano de Derechos Humanos.
- Braun, V., Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.
- Burt, J.-M. (2006). «Quien habla es terrorista». The Political Use of Fear in Fujimori's Peru. *Latin American Research Review*, Vol 41(No 3), pp 26-62.
- Calderón Gamboa, J. F. (2005). La reparación del daño al proyecto de vida en casos de tortura. I *AAVV. Memorias del Seminario los Instrumentos Nacionales e Internacionales para Prevenir, Investigar y Sancionar la Tortura*. Programa de Cooperación sobre Derechos Humanos México-Comisión Europea/ Secretaría de Relaciones Exteriores.
- Cancado Trindade, A. A. (2005). *Voto razonado del juez A.A. Cancado Trindade. In Caso de la Comunidad Moiwana Vs. Suriname Sentencia de 15 de junio de 2005*. Corte Interamericana de Derechos Humanos.
- Carlos Fernández Sessarego. (2007). Los jueces y la reparación del «Daño al Proyecto de Vida». *Revista Oficial del Poder Judicial*, 1(1). <https://doi.org/10.35292/ropj.v1i1.99>
- Castellón, R., Laplante, L. (2005a). *Los afectados por el conflicto armado interno del Perú. Exigiendo el derecho a la salud mental*. Praxis - an institute for social justice/Ediciones Nova Print.
- Castellón, R., Laplante, L. (2005b). *Los afectados por el conflicto armado interno del Perú. Exigiendo el derecho a la salud mental*. Praxis - an institute for social justice/Ediciones Nova Print.
- Clair, M. (2019). Stigma. I M. Ryan (Red.), *Core Concepts in Sociology*. John Wiley & Sons.
- Coordinadora Nacional por los Derechos Humanos. (2017). *Informe anual de la Coordinadora de Derechos Humanos 2015-2016. El camino de la verdad y justicia*. Coordinadora Nacional por los Derechos Humanos.
- Corte Interamericana de Derechos Humanos (CIDH). (1997). *Caso Loayza Tamayo Vs. Perú Sentencia de 17 de septiembre de 1997*.
- CIDH (2000). *Caso Cantoral Benavides Vs. Perú Sentencia de 18 de agosto de 2000*.
- CIDH (2004a). *Caso Masacre Plan de Sánchez Vs. Guatemala Sentencia de 19 de noviembre de 2004*. Corte Interamericana de Derechos Humanos.
- CIDH (2004b). *Caso Molina Theissen Vs. Guatemala Sentencia de 3 de julio de 2004*. Corte Interamericana de Derechos Humanos.
- CIDH (2005). *Sentencia de 12 de septiembre de 2005 Caso Gutiérrez Soler vs. Colombia*. Corte Interamericana de Derechos Humanos.
- CIDH (1999). *Caso de los “Niños de la Calle” (Villagrán Morales y otros) Vs. Guatemala*. Corte Interamericana de Derechos Humanos.
- Crisóstomo Meza, M. (2019). Memories between Eras: ANFASEP's Leaders before and after Peru's Internal Armed Conflict. *Latin American Perspectives*, 46(5), 128–142. <https://doi.org/10.1177/0094582X19856901>
- CVR (2003). *Informe final Comisión de la Verdad y Reconciliación*. Comisión de la Verdad y Reconciliación.
- CVR (2005). *Ley sobre reparaciones integrales*. Lima
- Davis, J., Warner, E. H. (2007). Reaching Beyond the State: Judicial Independence, the Inter-American Court of Human Rights, and Accountability in Guatemala. *Journal of Human Rights*, 6(2), 233–255. <https://doi.org/10.1080/14754830701338591>
- de la Nuez Sánchez-Cascado, P. (2020). El daño al proyecto de vida en la Corte Interamericana de Derechos Humanos a la luz del pensamiento político de J. Shklar. *Andiamos*, 17(42), 147–166. <http://dx.doi.org/10.29092/uacm.v17i42.738>
- Den nasjonale forskningsetiske komité for samfunnsvitenskap og humaniora (NESH). (2021).
- Escribens, P. (2012). *Proyecto de vida de mujeres víctimas de violencia sexual en el conflicto armado interno*. DEMUS - Estudio para la Defensa de los Derechos de la Mujer.
- Ewick, P., Silbey, S. S. (1992). Conformity, Contestation, and Resistance: An Account of Legal Consciousness. *New England Law Review*, 26, 731–749.
- Faverio, A., Naimark, A. (2013). Perpetual injustice: The 20 year battle for reparations in Peru. *Human Rights Brief*, 20(3), 32–36.
- Galdámez Zelada, L. (2007). Protección de la víctima. Cuatro criterios de la Corte Interamericana de Derechos Humanos: Interpretación evolutiva, aplicación del concepto de víctima, daño al proyecto de vida y reparaciones. *Revista chilena de derecho*, 34(3), 439–455.
- Goffman, E. (1961). *Asylums*. Anchor Book.
- Goffman, E. (1963). *Stigma. On the Management of Spoiled Identities*. Penguin Books.
- Jibaja Zárate, C. (2003). Saliendo del consultorio al trabajo de campo. I R. K. de Burstein, M. Stornaiuolo, M. del C. Raffo (Red.), *Desplegando alas, abriendo caminos*. CAPS Centro de Atención Psicosocial.
- Jungbluth, W. (2021). Diversas deficiencias y graves limitaciones. Políticas de reparación en vivienda y realidad de dos barrios de afectados y víctimas del conflicto armado interno en Lima. I I. Jave (Red.), *La humillación y la urgencia. Políticas de reparación postconflicto en Perú*. Pontificia Universidad Católica del Perú.
- Laplante, L. (2006). Heeding Peru's Lesson: Paying Reparations to Detainees of Anti-Terrorism Laws. *Human Rights Commentary*, 88, 88–98.
- Laplante, L. (2015). Just Repair. *Cornell International Law Journal*, 48, 513–578.
- Laplante, L. J., Theidon, K. (2007). Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru. *Human Rights Quarterly*, 29, 228–250.
- Leinaweaver, J. B. (2014). Informal Kinship-Based Fostering Around the World: Anthropological findings. *Child Development Perspectives*, 131–136. <https://doi.org/10.1111/cdep.12075>
- Lira, E. (2016). Human rights violations. Memory and reparations in Magallanes, Chile. *Radical History Review*, 124.
- Lloret de Fernández, J. L., Wurst, C. (2007). Sexual violence against women: Psycho-judicial approach. *Torture – Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 17.
- Ministerio de Justicia y Derechos Humanos. (2024). *Comisión Multisectorial de Alto Nivel—CMAN*. Comisión Multisectorial

- de Alto Nivel - CMAN.
- Pérez-Sales, P. (2023). Resilience in torture survivors: Reflections, learnings and ways forward. *Torture – Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 33(3), 3–17. <https://doi.org/10.7146/torture.v33i3.141912>
- Quintana García, L. A. (2021). Configuración del daño al proyecto de vida en el Derecho del Trabajo: Aportes desde la jurisprudencia de la Corte Interamericana de Derechos Humanos y la doctrina y jurisprudencia peruana. *e-Revista Internacional de la Protección Social*. <https://dx.doi.org/10.12795/>
- Quiroga, J., Jaranson, J. M. (2005). Politically-motivated torture and its survivors. *Torture. Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 5(2–3).
- Rivas Belloso, J. A., Cori Ascona, S. (2013). *Todos los nombres. Memoria institucional del Consejo de Reparaciones 2006-2012*. Ministerio de Justicia y Derechos Humanos/Registro único de víctimas.
- Rubio-Marin, R., Greiff, P. de. (2007). *Women and Reparations. Vol 1*, pp 318-337.
- Sveaass, N. (1994). The Psychological Effects of Impunity. I *Pain and Survival*. Scandinavian University Press.
- Sveaass, N. (2013). Gross human rights violations and reparation under international law: Approaching rehabilitation as a form of reparation. *European Journal of Psychotraumatology*, 4, 1–11.
- Sveaass, N. (2023). The Politics of Torture: Legal, social and political dynamics. I Bård A. Andreassen (Red.), *Research Handbook on the Politics of Human Rights Law*. Edward Elgar Publishing; eBook Collection (EBSCOhost).
- Tonon, M. (2011). La reparación del daño al proyecto de vida en la Corte Interamericana de Derechos Humanos. *Aequitas virtual*, 5(16), 2313–9306.
- Uffe, M. E., Málaga Sabogal, X. (2022). Incommensurable worlds, irreparable wounds: Transitional justice politics and personal violent pasts in postconflict Peru. *Memory studies*, 15(6), 1484–1496. <https://doi.org/10.1177/17506980221133519>
- Woolcott Oyague, O., Monje Mayorca, D. (2018). El daño al proyecto de vida: Noción, estructura y protección jurídica según los parámetros establecidos por la Corte Interamericana de Derechos Humanos—CIDH. *Utopía y praxis latinoamericana*, 23(no extra 2), 128–138.
- Wurst, C. (2004). 1980-2000: Violencia y conflicto armado en Perú. Secuelas psicosociales. I M. del C. Raffo, M. Stomaiuolo, R. Kristal (Red.), *Llaki onqoy. La enfermedad de la tristeza*. Centro de Atención Psicosocial.
- Wurst de Landázuri, C., Cuba Oliveros, E., Antón Sarmiento, H. (2012). *Reconstruyendo historias. Estudio sobre las consecuencias psicosociales de la detención durante el conflicto armado en el Perú*. CAPS.

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