

PERU 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Peru is a constitutional, multi-party republic. Ollanta Humala Tasso of the Peruvian Nationalist Party (part of the Gana Peru electoral alliance) won the June 2011 national elections in a vote widely considered free and fair. Authorities maintained effective control over the security forces.

The most serious human rights problems included violence against women and children, trafficking in persons, and corruption and impunity that undermined the rule of law.

The following human rights problems also were reported: harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention and inordinate trial delays, intimidation of the media and threats towards human rights activists, limits on religious freedom, and incomplete registration of internally displaced persons (IDPs). In addition there was discrimination against women; individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, and transgender (LGBT) persons; and persons with HIV/AIDS. Socio-environmental conflicts involving extractive and development projects occurred and sometimes turned violent. Other problems were a lack of labor law enforcement and child labor, particularly in informal sectors.

The government took steps to investigate, and in some cases prosecute or otherwise punish, public officials accused of abuses. Officials sometimes engaged in corrupt practices with impunity.

The terrorist organization Sendero Luminoso (Shining Path) was responsible for killings and other human rights abuses, including kidnapping and forced recruitment of child soldiers, extortion, and intimidation. The government maintained an active counterterrorism campaign against the Shining Path.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings. Journalists were killed (see section 2.a.).

On March 14, former Ancash regional government council member Ezequiel Nolasco was killed. Nolasco reportedly had received numerous threats to his life in the months prior to his death. Regional President Cesar Alvarez and the mayor of the Santa district (who also belonged to Alvarez's party) were charged with murder and corruption and as of November were being held in prison under pretrial detention while an investigation was pending.

On September 2, in La Convencion province, Cusco region, police reportedly shot and killed 17-year-old Jean Pierre Huilca Pereyra during protests against a proposed gas plant. As of October an investigation was pending.

During the electoral campaign for regional presidents and provincial and district mayors, three candidates were murdered. On August 14, Marzony Vasquez, a mayoral candidate running for re-election for the district of Amarilis, Huanuco region, was shot and killed. As of November four persons were in pretrial detention accused of murder: Amarilis mayor Honorato Lazarte Tello, Ricardo Moreyra, Genry Zeallos, Jose Mori, and Ronald Aranibar. On September 26, Alejandro Zarate, a city council candidate for the district of Aguas Verdes in Tumbes region, was shot and killed. As of November an investigation was pending on this case. Also on September 26, Lider Villasana, mayoral candidate for the district of San Martin de Pangoa in Junin region, was shot and killed. As of November 4, three persons were accused of Villasana's murder and were being held in pretrial detention: Jose Alberto Cotrina, Emilio Ernesto Flores Magillo, and Fredy Luis Castaneda Farfan.

On September 1, illegal loggers and drug traffickers allegedly killed four Ashaninka indigenous leaders from the Alto Tamaya-Saweto community in a remote Amazon area of Ucayali region near the border with Brazil. One of the victims, Edwin Chota, was a vocal activist against illegal logging and drug trafficking in the region. As of October, two suspects were in custody and under investigation for their role in the killings.

On October 30, a Peruvian National Police (PNP) officer shot and killed Fidel Flores Vasquez during a forced eviction in Cajamarca city, Cajamarca region. The general inspector of the Interior Ministry determined that eight of the police officers had abused their authority and subsequently dismissed them. As of November PNP officer Norvil Gonzales Silva was accused of the crime and released on bail while the investigation and trial were pending.

The government reported that through October, the Shining Path conducted 18 terrorist acts, resulting in the deaths of two soldiers and two civilians, as well as injuries to six soldiers, seven civilians, and one police officer. The incidents occurred in the Apurimac, Ene, and Mantaro River Valleys (VRAEM) emergency zone, which includes parts of Ayacucho, Cusco, Huancavelica, Huanuco, and Junin regions (see section 1.g.). A separate emergency zone in the Upper Huallaga Valley (UHV) includes parts of San Martin and Ucayali regions. On September 11, the government decreed a new emergency zone in Loreto region due to drug trafficking activity.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. Local nongovernmental organizations (NGOs), however, reported that torture continued to be a problem, primarily within the police force, and stated the government did not effectively prevent and punish those who committed such abuses.

According to the local NGO Human Rights Commission (COMISEDH), many victims did not make formal complaints about their torture, and those who did had trouble obtaining judicial redress and adequate compensation. As of October COMISEDH reported two cases of torture. Donato Guillen and Delfin Ayala reported police officers beat them on July 7 at a police station in the district of Julcamarca, Huancavelica region. Prisoners Jorge Manuel and Saravia Prado reported penitentiary personnel beat them on July 21 in Piedras Gordas prison in Lima.

Allegations of abuse most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees. In some cases police and security forces threatened or harassed victims, relatives, and witnesses to prevent them from filing charges of human rights violations.

During the year the Ombudsman's Office appealed the decision of a prosecutor to archive the case in which human rights lawyers Genoveva Gomez and Amparo Banto alleged that police used excessive force during a 2012 antimineral protest in

Cajamarca. The Constitutional Court ordered a new investigation, and as of September the appeal was pending.

Prison and Detention Center Conditions

Prison conditions remained harsh for most of the country's inmates, due to overcrowding, poor sanitation, inadequate nutrition and health care, and corruption among guards. Guards received little or no training or supervision.

Physical Conditions: As of August there were 67,597 prisoners, of whom 24,237 were women and 1,339 were teenagers aged 18 to 19. Men and women were not held together in the same facilities. Juveniles were not held in the same facilities as adults. The National Penitentiary Institute (INPE) operated 287 of the active prisons, the PNP had jurisdiction over seven, 31 were operated jointly, and INPE and the army jointly operated one. Pretrial detainees were held temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Palace of Justice. As of August INPE reported that the national penitentiary system had 67,597 prisoners in 67 facilities originally designed for 31,452 prisoners. The San Juan de Lurigancho men's prison held 9,131 prisoners in a facility designed for 3,204. The Sarita Colonia prison in Callao was built for 572 persons but held 3,247. Prisons for women also were overcrowded and marked by conditions similar to those for men. The Santa Monica women's prison in Chorrillos was designed for 450 inmates but held 704.

Prison guards and fellow inmates reportedly abused prisoners. Inmates reportedly killed fellow inmates. Inmates had intermittent access to potable water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners often slept in hallways and common areas for lack of cell space. Prisoners with money had access to cell phones, illegal drugs, and meals prepared outside the prison; prisoners who lacked funds experienced much more difficult conditions.

Basic medical care was available at most prisons, but there was a shortage of doctors, and inmates complained of having to pay for medical attention. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels; the Ombudsman's Office reported the incidence of tuberculosis was 50 times higher than outside the prisons, while the HIV/AIDS rate was more than eight times higher. The Ombudsman's Office reported insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisons lacked specialized medical equipment needed for disability care, such as wheelchairs and

transferrable beds. Low accessibility to adequate psychological care for prisoners with mental health problems was also reported.

Administration: Recordkeeping on prisoners was adequate and up to date. The government did not use alternatives to prison sentencing for nonviolent offenders. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Authorities investigated such complaints and documented the results in a publicly accessible manner. The ombudsman reported that most complaints stemmed from the failure of authorities to release inmates on time due to delays in the judicial process or INPE procedures. Prisoners are allowed free access to religious observance.

Independent Monitoring: The government permitted monitoring visits by independent human rights and international humanitarian law observers. International Committee of the Red Cross officials made 20 unannounced visits to inmates in 12 prisons and detention centers and individually monitored 219 persons. As of September Ombudsman's Office representatives made 96 visits to Lima and provincial prisons and 22 visits to juvenile detention centers.

Improvements: In July the government inaugurated a building to reduce overcrowding at the El Milagro prison in La Libertad region.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Some arbitrary detentions during social protests occurred. The right to freedom from arrest without warrant was constitutionally suspended in designated emergency zones (see section 1.g.).

Role of the Police and Security Apparatus

The PNP, with a force of approximately 112,000, is responsible for all areas of law enforcement and internal security except in the VRAEM emergency zone, where the military is responsible for internal security. The PNP functioned under the authority of the Ministry of Interior.

The armed forces, with approximately 100,000 personnel, are responsible for external security under the authority of the Ministry of Defense but also have

limited domestic security responsibilities, particularly in the VRAEM emergency zone.

Corruption and a high rate of acquittals in civilian courts for military personnel accused of crimes remained serious problems. The Ministries of Interior and Defense employed internal mechanisms to investigate allegations of security force abuse. The Public Ministry conducted investigations, although access to evidence held by the Ministry of Defense was not always forthcoming. The Ombudsman's Office can also investigate cases and submit conclusions to the Public Ministry for follow-up.

The Public Ministry is charged with witness protection responsibilities but lacked resources to provide sufficient training to prosecutors and police officers, conceal identities, or provide logistical support to witnesses.

On January 14, congress modified the law regarding the use of weapons by security forces. The modified law states that security forces may be exempt from criminal prosecution if they kill or injure civilians in the line of service. The new language allows security forces to use any type of weapon, not only their officially issued firearm to which the previous code restricted them. It also removes language that required the officer's act(s) to be in accordance with official guidelines for weapons use. Human rights groups and the Ombudsman's Office criticized the changes, arguing they support impunity.

Arrest Procedures and Treatment of Detainees

The law permits police to detain persons for investigative purposes. The law requires a written judicial warrant based on sufficient evidence for an arrest unless the perpetrator of a crime is apprehended in the act. Only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, for which arraignment must take place within 15 days; in remote areas arraignment must take place as soon as practicably possible. Military authorities must turn over persons they detain to the police within 24 hours. The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest, and authorities respected this requirement.

Judges have 24 hours to decide whether to release a suspect or continue detention, and this provision was respected. A functioning bail system exists, but many poor

defendants lacked the means to post bail. By law detainees are allowed access to family members and a lawyer of their choice. Police may detain suspected terrorists incommunicado for 10 days. The Ministry of Justice provided indigent persons with access to an attorney at no cost, although these attorneys often had poor training. Some NGOs provided capacity-building training for attorneys.

Arbitrary Arrest: In contrast with 2013, as of October there were no reports of arbitrary arrest.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. By August authorities had sentenced only 30,927 of the 67,597 pretrial detainees held in detention facilities and prisons. According to INPE statistics, approximately 25 percent of individuals in prison over the course of the year were awaiting trial, the majority for one to two years. Delays were due mainly to judicial inefficiency, corruption, and staff shortages. The law requires release of prisoners held more than 18 months without being tried and sentenced; the period is extended to 36 months in complex cases. Under the new criminal procedure code, the terms are nine months for simple cases and 18 months for complex cases.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. NGOs and other analysts asserted that the judiciary often did not operate independently, was not consistently impartial, and was subject to political influence and corruption. Authorities generally respected court orders from the judiciary.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right, although reports of corruption in the judicial system were common. The government continued the implementation, begun in 2006, of a new criminal procedure code designed to streamline the penal process. As of October the new code was in place in 23 of 31 judicial districts, although implementation in the largest judicial districts – Lima and Callao – was pending. The code requires public hearings for each case and assigns the investigative responsibility to public prosecutors and police.

All defendants are presumed innocent; they have the right to be informed promptly and in detail of the charges and to a fair and public trial without undue delay. They enjoy the right to communicate with an attorney of their choice or have one

provided at public expense; however, state-provided attorneys often had poor training. Although citizens have the right to be tried in their own language, language services for non-Spanish speakers were sometimes unavailable. This deficiency primarily affected indigenous people living in the highlands and Amazon regions. Defendants have the right to adequate time and facilities to prepare a defense.

Defendants generally had access to government-held evidence related to their cases. Exceptions reportedly occurred in some human rights abuse cases during the period 1980-2000 and particularly with respect to those involving the Ministry of Defense, because the government classifies those documents as secret and subject to disclosure limitations by law. Defendants enjoy the right to confront adverse witnesses and to present their own witnesses and evidence. Defendants have the right not to be compelled to testify or confess to a crime. Defendants may appeal verdicts to a superior court and then to the Supreme Court. The Constitutional Tribunal may rule on cases involving issues such as habeas corpus or the constitutionality of laws.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may seek civil remedies for human rights violations, but court cases often continued for years. Press reports, NGOs, and other sources alleged that persons outside the judiciary frequently corrupted or influenced judges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions. There were reports, however, that authorities sometimes entered private dwellings before obtaining a warrant; for example, the right to inviolability of the home was legally suspended in the UHV, VRAEM, and Loreto emergency zones.

g. Use of Excessive Force and other Abuse in Internal Conflicts

The Shining Path was responsible for killings and other human rights abuses. Government efforts to combat the terrorist organization also resulted in abuses.

Killings: During a counterterrorist operation on May 23, in Uchuy Sihuís, Huancavelica region, members of the armed forces killed a pregnant civilian. The Uchuy Sihuís mayor criticized the military for failing to report the killing. The military's Joint Command denied any wrongdoing. On July 18, the Public Ministry opened an investigation, which was pending as of October.

Abductions: There were reports that the Shining Path abducted children to work for the terrorist organization during the year. Local media reported on February 12 that members of nongovernmental militias (ronderos) kidnapped Consuelo Urbina in the district of Sarín, La Libertad region, accusing her of sorcery practices that may have caused the death of Esteria Alayo. Militia members released Urbina one day later.

Physical Abuse, Punishment, and Torture: There were reports that the Shining Path utilized forced labor.

Child Soldiers: There were reports that the Shining Path recruited and used child soldiers under forced labor conditions. Reports persisted that the Shining Path used children in both combat and drug-trafficking activities. Some of these children were kidnapped or recruited from local towns, while others apparently were the children of Shining Path members. A military operation on January 8 successfully rescued a 17-year-old boy in Quillabamba, Cusco region. The Shining Path had abducted the minor when he was six months old and submitted him to forced labor as he grew older. On July 7, the military rescued two minors in Satipo, Junín region, from forced labor under the Shining Path.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. Generally, an independent press and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech: There are no hate speech laws, and the Shining Path front group Movement for Amnesty and Fundamental Rights (MOVADEF) freely called

for the release of jailed terrorists and others. MOVADef leaders were arrested in April for alleged links to drug trafficking, terrorism, and money laundering but were released in August pending their trials.

Press Freedoms: Despite violence and harassment, the independent media were active and expressed a wide variety of views.

Violence and Harassment: Two reporters were killed in La Libertad and Lima regions, and a number of journalists and media outlets reported experiencing threats or intimidation. The Press and Society Institute (IPYS) reported that threats were most commonly directed against radio and television broadcast journalists investigating local government authorities and were often linked to reporting on corruption. IPYS reported that the aggressors were often local and regional government officials (e.g., mayors, local heads of government offices, regional presidents). The National Journalists Association reported that Loreto, Lambayeque, and Lima were the regions with the most incidents of harassment seeking to limit freedom of expression.

On July 8, La Libertad region radio reporter Donny Buchelli Cueva was killed at his home, allegedly for criticizing mayoral candidates' professional credentials and behavior. On November 9, gunmen shot investigative journalist Fernando Raymondi in Canete, Lima region. Investigations were pending in both cases.

As of September the National Journalists Association reported 64 cases of harassment, compared with 82 in all of 2013, and IPYS issued 29 alerts, compared with 41 in 2013. Of the harassment cases reported by the National Journalists Association, seven involved harassment by local authorities, 16 by police and military personnel, 27 by civilians (citizens, protesters, or political party members), one by media owners, and six by unknown perpetrators.

On April 21, Henry Pinedo, director of Radio Ayahuasca Nauta in Loreto region, reported that his reporters Raul Silvano and Henry Vela received death threats and that municipal worker Hitler Montenegro Torres assaulted reporter Denis Flores at the radio station on April 16, after publishing information about alleged corruption by Nauta Mayor Darwin Grandes.

Censorship or Content Restrictions: Some media, most notably in provinces outside of Lima, practiced self-censorship due to fear of local government reprisal. Most instances of self-censorship were linked to media reports of corruption among government officials and subsequent reprisal.

On March 7, journalists Pedro Escudero Cardenas and German Escudero Saldarriaga reported that they received death threats after publishing on their websites corruption allegations against officials working for Mayor Juan Ponte Carranza. Escudero Cardenas and Saldarriaga claimed that subsequently their websites were hacked and that an anonymous blogger's page attempted to discredit them.

On August 26, Ayacucho's Channel 55 station owner Ivan Bendezu Vargas canceled the *Claridad* program despite its reported high ratings. According to the National Journalists Association report, Bendezu told station reporters the station's parent company, Corporacion Daxi, received death threats for *Claridad's* political slant. Station reporters said the program also came under pressure when cable signal owner Cablevision indicated it planned not to renew Channel 55's license because of its political criticism of Regional President Wilfredo Ocorina.

Libel Laws/National Security: The penal code criminalizes libel, and officials reportedly used libel charges to intimidate reporters.

The law designates all information about national security and defense as secret. Press freedom activists and local NGOs, such as IPYS, criticized the law as an attack on transparency, freedom of information, and freedom of the press.

Nongovernment Impact: Some media reported that narcotics traffickers and illegal mining operations threatened press freedom. There were reports that narcotics traffickers intimidated journalists reporting information that undermined their operations. In August reporter Nick Miroff reported harassment from miners operating in the Madre de Dios illegal mining area.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to World Bank 2013 estimates, 39.2 percent of the population had access to the internet. According to the National Statistics and Information Institute (INEI), 26 percent of residences had fixed connections to the internet.

The cybercrimes law combats data sharing and the illegal access of information. IPYS and other local NGOs criticized the law as legally ambiguous and argued that

it could be used broadly to target journalists and limit press freedom, but there were no reports that the government did so.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, but there were reports that at times the government did not sufficiently respect these rights.

Freedom of Assembly

The law does not require a permit for public demonstrations, but organizers must report the type of demonstration planned and its intended location to the appropriate regional governor, an official appointed by the national government who reports to the Ministry of Interior. The government suspended freedom of assembly in emergency zones where armed elements of the Shining Path operated and in regions suffering from acute natural disasters (see section 1.g.).

Demonstrations may be prohibited for reasons of public safety or health. Police used tear gas and occasional force to disperse protesters in various demonstrations. Although most were peaceful, protests in some areas turned violent, resulting in deaths and injuries.

Freedom of Association

The law provides for freedom of association; however, there were reports the government did not sufficiently respect this right, particularly with regard to minority religious groups' right to government registration and recognition.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The government maintained three emergency zones in parts of eight regions, where it restricted freedom of movement in an effort to maintain public peace and restore internal order.

Narcotics traffickers and Shining Path members at times interrupted the free movement of persons by establishing roadblocks in sections of the VRAEM emergency zone.

In March illegal miners blocked roads in Arequipa, Lima, Madre de Dios, and Puno regions to protest the government's policy to combat illegal mining. Environmental activists blocked the highway in Junin in September to protest Pluspetrol operations in the area. In October hundreds of indigenous persons occupied a small airport in Andoas, Loreto region, to protest environmental pollution from Pluspetrol petroleum operations.

Internally Displaced Persons (IDPs)

There were no major incidents of internal displacement related to violence and terrorism during the year, and the situation of former IDPs continued to be difficult to assess. According to the UNHCR, the number of IDPs remained unknown, since officials registered relatively few. There were minor instances of internal displacement involving the relocation of some rural communities to accommodate extractive industry projects.

The governmental Reparations Council continued assisting persons who suffered during the 1980-2000 conflict with the Shining Path and Tupac Amaru Revolutionary Movement. IDPs were disproportionately represented by the Quechua and other Andean indigenous populations, due to the legacy of the conflict that took place primarily within the Andean region of the country. The council compiled a registry of victims, which as of September included 189,639 victims and 5,708 communities eligible for reparations. A number of victims and family members lacking proper identity documents had difficulties registering for reparations, and NGOs reported that many victims were not included in the

registry. As of September the government had paid 195 million new soles (\$69.6 million) in reparations to 54,840 registered victims.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government cooperated with the UNHCR and recognized the Catholic Migration Commission as the official provider of technical assistance to refugees. The commission also advised citizens who feared persecution and sought asylum abroad. The government provided protection to refugees on a renewable, year-to-year basis, in accordance with commission recommendations. Through September the Ministry of Foreign Relations recognized 112 refugees and rejected 28 pleas for refugee status; 20 of the 28 rejected pleas were from Cuban nationals seeking refugee status. The UNHCR reported 540 pending refugee requests.

Durable Solutions: There was no resettlement program, but in past years the state received persons recognized as refugees in other nations and provided some administrative support toward their integration. The UNHCR provided such refugees with humanitarian and emergency aid, legal assistance, documentation, and in exceptional cases, voluntary return and family reunification. All Haitian refugee seekers received an identity card affording them temporary protection, temporary permission to work, and fundamental rights.

Temporary Protection: As of September the government provided temporary protection to 232 individuals awaiting a decision from the state on their refugee status.

Stateless Persons

Citizenship is derived either by birth within the country's territory or from one's parents. If overseas, parents must register their child's birth by age 18 for the child to obtain citizenship. According to INEI, 340,173 minors and 206,275 citizens over age 18 lacked identity documents and could not fully exercise their rights as citizens, making them de facto stateless, a sharp decrease from the 1.2 million individuals without identity documents in 2012 and the result of the government's aggressive efforts to address this problem.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the ability to change their government through free and fair elections, and citizens exercised this right through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2011 Ollanta Humala Tasso assumed the presidency after two rounds of elections that were considered free and fair. Domestic and international observers declared the nationwide elections, held in April 2011, (for president, congress, and the Andean Parliament) and in June 2011 (a second round for the presidential race only), to be fair and transparent, despite some controversy over campaign financing and minor irregularities in some areas. In elections for the unicameral congress, President Humala's Gana Peru alliance won 47 of 130 seats, which constituted the largest of six legislative blocs.

On March 16, voters in 36 districts elected 23 mayors and 158 city council members to replace authorities recalled in July 2013. Regional and municipal elections took place on October 5. Voters elected 11 regional presidents and regional vice presidents, 274 regional council members, 1,842 mayors (both provincial and local) and 10,526 city and provincial council members. Voters elected 14 more regional presidents and vice presidents in run-off elections on December 7. International observers reported the elections were free and fair. Controversy over candidate qualifications, illicit campaign financing, and links to crime were heavily reported. The National Electoral Jury (JNE) revealed in August a list of 345 local and regional candidates who had outstanding sentences for different crimes, including three cases of rape, three cases of terrorism, three cases of drug trafficking, three cases of kidnapping, 11 cases of robbery, 11 cases of inflicting severe injuries, four cases of driving under the influence of drugs or alcohol, four cases of family violence, and four cases of embezzlement. The JNE prohibited them from participating in the October election.

Political Parties and Political Participation: Political parties operated without restriction or outside interference, although they remained weak institutions dominated by individual personalities. In regional and local elections, regional movements continued to gain ground at the expense of national parties. By law groups that advocate violent overthrow of the government, including the political group linked to the Shining Path, MOVAREF, are not permitted to register as political parties.

Participation of Women and Minorities: The law mandates that at least 30 percent of candidates on party lists be women, and the parties complied. In April the government increased the indigenous quota to at least 15 per cent of candidates on electoral lists for regional and provincial elections in certain areas of the country. This reform expands the use of the indigenous quota from 13 to 18 regions. In regional elections the quota applies to 44 provinces (up from 34), while for provincial elections it applies to 95 provinces (up from 30).

There were 28 women in congress, including the president of congress. Three members of congress identified themselves as Afro-Peruvians. Six of 19 cabinet members, including the prime minister, were women. There were three women on the 18-member Supreme Court. Two members of congress identified themselves as indigenous. An estimated seven members of congress spoke Quechua as one of their native languages, but not all identified themselves as indigenous.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for officials engaged in corruption; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. There was a widespread perception that corruption was pervasive in all branches of government.

Corruption: The Office of the Comptroller General implements and monitors anticorruption and disclosure processes required by law and informs congress of its findings. The office has independent authority to sanction public officials who commit corrupt acts; penalties include temporary suspension, termination of employment, and criminal prosecution. The executive branch's Unit for Prosecution of Corruption Crimes reports to the Minister of Justice and has the lead role in prosecution of corruption crimes. The High Commission on Anti-Corruption within the Prime Minister's Office coordinates efforts and proposes policies to combat corruption. All judicial districts review corruption cases in regular courts except Lima, which has a specialized anticorruption court in its Superior Court. The governmental Public Service Office, which reports directly to the cabinet, manages a registry of former government officials who are no longer eligible for public service due to corruption crimes. As of July the list included 2,016 persons ineligible for public service. As of October, nine of 25 regional presidents were under investigation for corruption, malfeasance, or drug trafficking charges. As of October, three regional presidents were in pretrial detention, and one was a fugitive on corruption allegations. All agencies actively worked with

civil society groups and operated freely and independently. Sector experts reported that government agencies were not sufficiently resourced.

There were allegations of widespread corruption in the judicial system. The new criminal procedural code, while not yet implemented in Lima and Callao, was applied to corruption cases in these judicial districts. Judge Guhtember Pacherras Perez was caught receiving a bribe of 11,200 new soles (\$4,000) in Cajamarca during a judicial anticorruption operation. As of September Pacherras was in jail awaiting trial. As of September the Office of Judicial Control had imposed 1,950 sanctions, 63 of which were permanent removals from public service and 37 were one-year suspensions.

During their time in office, members of congress enjoy congressional immunity and cannot be prosecuted for any acts during their time in the legislature. In the case of flagrant crimes, the judicial branch can request that congress lift immunity and allow the arrest of a member. By law congressional immunity does not apply to crimes committed before the member was sworn in, but it impeded most prosecutions. It also does not officially protect members of congress from civil crimes, such as failure to fulfill contracts or pay child support. As of September the Congressional Ethics Committee had investigated and suspended two members of congress for conflicts of interest and was investigating five members of congress for questionable activities ranging from falsifying their resumes (by including false degrees and omitting prior convictions) to involvement in illegal mining, money laundering, prostitution, trafficking in persons, and narcotics trafficking.

On September 4, a congressional committee accused former president Alejandro Toledo, Toledo's wife, and Toledo's mother-in-law of money laundering and fraud connected to real estate purchases totaling several million dollars. As of November the Public Prosecutor's Office was reviewing the case. On November 10, the Attorney General removed the prosecutor in charge of the case; appointment of a new prosecutor was pending.

Corruption in prisons was a serious problem, and in some cases guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons. There were several reports of military corruption, impunity, and resistance in providing information on military personnel under investigation for human rights abuses committed during the country's internal armed conflict. Security forces sought to strengthen accountability with training in human rights and the revision of disciplinary procedures but were doing so slowly.

On September 2, Constitutional Court Judge Hugo Velasquez rejected the congressional committee's investigation and recommendation to accuse former president Alan Garcia of corruption and links to narcotics trafficking related to presidential pardons he authorized as president. Velasquez ruled that the investigation did not follow due process.

In September local media reported 200 police officers were suspended and put under investigation by the Ministry of Interior for their alleged involvement in a criminal network that included members of the PNP antinarcotics, antimoney-laundering, criminal investigation, and anticorruption units. The criminal network was alleged to have been involved in human trafficking, prostitution, money laundering, and the manipulation of land titles. As of November the investigations were pending.

Financial Disclosure: Most public officials are subject to financial disclosure laws and must submit personal financial information to the Office of the Comptroller General prior to taking office and periodically thereafter. The office monitors and verifies disclosures, but the laws were not strongly enforced. Declarations are made available to the public. There are administrative sanctions for noncompliance that escalate from 30-day to one-year suspensions, include bans on signing government contracts, and culminate with being barred from holding government office.

The declaration regime clearly identifies which assets, liabilities, and interests public officials must declare, but it does not include assets and income of spouses and dependent children. The law requires officials to make financial disclosures the first quarter of every year, but there are no provisions for additional declarations when changes occur in their holdings and when they enter and leave office.

Public Access to Information: The law provides for public access to government information, and most ministries and central offices provided information on websites. Implementation of the law was incomplete, particularly outside of Lima, where few citizens exercised or understood their right to information. The ombudsman encouraged regional governments to adopt more-transparent practices for releasing information and monitored their compliance with the requirement for public hearings at least twice a year.

The law has a narrow list of exceptions outlining grounds for nondisclosure that includes classified and protected information, including topics of national security, intelligence, police investigations, and advanced technology. The law requires a reasonable timeline for officials to disclose financial information, at the beginning of the first quarter of every year, and does not require the official to bear any processing fees. The law imposes administrative, but not criminal, sanctions for noncompliance. The law allows for appeals of disclosure denials. There were no reports of the government denying disclosure requests or of authorities failing to provide justification under the law. Sector experts reported that appeal mechanisms functioned.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Human rights activists expressed concern about their safety while working in situations of social unrest, in regions including Cajamarca, Cusco, Madre de Dios, and Arequipa, where there were conflicts over natural resource extractive activities. They also alleged harassment by locally elected authorities in places where there also were charges of corruption against elected officials (at the local, provincial, and regional levels) in regions including Ancash, Tumbes, and Junin. The activists claimed that the slow, ineffective process for sanctioning harassers essentially supported impunity.

Government Human Rights Bodies: The Ministry of Justice and Human Rights and Vice Ministry of Human Rights and Access to Justice oversaw human rights issues at the national level. On July 4, the cabinet passed a 2012-16 national human rights plan designed to ensure that human rights are considered in policy making across all government entities. Human rights organizations and the Ombudsman's Office criticized the plan for failing to address key issues, including LGBT rights, domestic worker rights, and justice for families of victims from the internal conflict.

The independent Office of the Ombudsman operated without government or party interference and was considered effective. The entity operated under an acting ombudsman for the entire year, due to congress's failure to appoint a permanent

ombudsman. As of September the ombudsman issued five reports with recommendations on child labor and children's rights, strengthening police training centers, LGBT rights, the government response to environmental emergencies, and monitoring the state of critical infrastructure. The ombudsman also issued numerous letters to senior government officials on health sector reform, the national human rights plan, strengthening the capacity of public prosecutors, socio-environmental conflicts, child labor, citizen security, sexual assault on public transportation, monitoring a national program to provide food in schools, education, discrimination, indigenous and environmental issues, government transparency, and security forces' use of lethal force.

Congressional committees included Justice and Human Rights; Women and the Family; Labor; Andean, Amazonian, Afro-Peruvian Peoples and Environment and Ecology; Health, Population, and Persons with Disabilities; and Women and Social Development.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged, and discrimination persisted. The law does not specifically protect individuals from discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The legal framework governing women's rights and protections is comprehensive and well defined. Application and enforcement of the law, however, were severely lacking. The law criminalizes rape, including spousal rape, with penalties of six to eight years in prison, but enforcement was ineffective. The government reported 1,920 cases of rape nationwide through August, but sector experts maintained that rape was significantly underreported due to a fear of retribution, including further violence and stigma. There were no available statistics on rapists prosecuted, convicted, or punished.

The law prohibits domestic violence, and penalties range from one month to six years in prison. The law authorizes judges and prosecutors to prevent the convicted spouse or parent from returning to the family home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries. The law requires police investigation of domestic violence to take place within five

days and obliges authorities to extend protection to female victims of domestic violence. There were no statistics available on the number of men sentenced for crimes related to domestic violence. The Ministry of Women and Vulnerable Populations reported that seven in 10 women had suffered physical or psychological abuse.

Violence against women and girls – including rape, spousal abuse, and sexual, physical, and mental abuse – remained serious national problems. The Ministry of Women and Vulnerable Populations reported that an average of seven women died per month as a result of domestic violence. As of September the ministry documented more than 21,000 cases of violence against women. Police and judicial authorities were sometimes reluctant to assist female victims, and arrest and prosecute abusers. The government reported 66 actual and 88 attempted femicides as of September. Femicide is incorporated into the criminal code and carries a minimum sentence of 15 years' imprisonment for those convicted of killing a woman who is an immediate relative, spouse, or partner. The law establishes sentences of up to life in prison when the victim is a minor, pregnant, or disabled.

Many domestic abuse cases went unreported, and NGOs stated that the majority of reported cases did not result in formal charges due to fear of retaliation or the expense of filing a complaint. The protections offered were limited because of legal delays and ambiguities in the law. Through the national program against family and sexual violence, the national government provided technical assistance to regional governments to support 48 temporary shelters in nine of 25 regions. There was an insufficient number of shelters for victims of domestic violence and trafficking in persons.

The women's ministry operated the Women's Emergency Program, which included 216 service centers that combined police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse. It also addressed the legal, psychological, social, and medical problems of victims. In addition the ministry operated a toll-free hotline that received 25,000 calls per year. Through July the program attended to 24,879 cases of domestic and sexual violence, of which 21,808 cases represented violence against women.

The women's ministry implemented projects to sensitize government employees and the citizenry to domestic violence. The government continued to implement a broad national plan for 2009-15 to address violence in the family and against women. Nonetheless, NGOs and the ombudsman asserted that police officers

reacted indifferently to charges of domestic violence, despite legal requirements to investigate such complaints.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: Sexual harassment was a serious problem. The law defines sexual harassment not as a criminal offense, but rather as a labor rights violation subject to administrative punishment, which depends on the professional situation in which the violation occurred. The law defined sexual harassment poorly, and government enforcement was minimally effective. The ability of women to report sexual harassment was hampered by the undue burden on the victims themselves to prove their cases and by the fear of retribution. There were no available statistics on sexual harassers prosecuted, convicted, or punished.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Access to information on contraception and family planning was widespread. According to 2012 UN Children's Fund (UNICEF) estimates, only a skilled birth attendant attended 70 percent of births in rural areas, while 96 percent of women giving birth within urban areas had access to a skilled birth attendant. According to 2010 INEI data, the average maternal mortality rate was 93 deaths per 100,000 births.

Discrimination: The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights. While the law prohibits sexual discrimination in employment and educational opportunities and the arbitrary dismissal of pregnant women, discrimination remained common (see section 7.d.). The law stipulates that women should receive equal pay for equal work, but women often were paid less than men for equal work. Societal prejudice and discrimination also led to disproportionate poverty and unemployment rates for women. Women were more likely to work in the informal sector or in less secure occupations, such as domestic service, factory workers, or street vendors, and they were more likely to be illiterate due to lack of formal education. The interministerial National Antidiscrimination Council monitors discrimination and develops antidiscrimination public policies.

Children

Birth Registration: Citizenship is derived either by birth within the country's territory or from one's parents. There were problems with government registration of births, although the government was making significant efforts and progress. Failure to register made it more difficult to obtain public services, such as education and health care.

Obtaining a national identity document requires a birth certificate, but many births in rural areas occurred at home and were not registered. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens faced social and political marginalization and barriers to accessing government services, including running for public office or holding title to land. Government representatives and NGOs assessed that undocumented citizens were particularly vulnerable to labor exploitation, human trafficking, and crime.

Education: The constitution stipulates that primary and secondary education is compulsory and universal from age six through 16 and free through the secondary level. Nevertheless, citizens and NGOs asserted that neither was completely free in practice, and fees for parental associations, administration, and educational materials greatly reduced access for lower-income families.

Child Abuse: Violence against and sexual abuse of children were serious problems. Through June the Ministry of Women and Vulnerable Populations reported 1,147 cases of violence against or sexual abuse of children age five or younger and 2,995 cases of abuse of children ages six to 11. Many abuse cases went unreported because societal norms regarded such abuse as a family problem to be resolved privately.

The ministry supported 36 overnight shelters for abandoned or neglected children and child victims of violence, including child trafficking victims in 14 of 25 regions. The Women's Emergency Program received information through child rights and welfare protection offices and assisted child victims of violence. The Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, child rights and welfare protection offices resolved complaints ranging from child physical and sexual abuse to abandonment and failure to pay child support. Provincial or district governments operated approximately half of these offices, while schools, churches, and NGOs ran the others. Law students staffed most of the units, particularly in rural districts. When these offices could not resolve disputes, officials usually referred cases to the

Public Ministry's local prosecutor offices, whose adjudications were legally binding and had the same force as court judgments.

Early and Forced Marriage: The legal minimum age of marriage is 18. The law allows minors over 16 years old to marry with civil judge authorization. The government does not keep national statistics on child marriage, but according to 2012 UNICEF data, 19 percent of women between the ages of 20 and 24 were married or in union before the age of 18.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The law prohibits exploiting children in prostitution and penalizes perpetrators with five to 12 years in prison. There were many known cases of minors exploited in prostitution. The country was a destination for child sex tourism, with Lima, Cusco, Loreto, and Madre de Dios as the principal locations. Involvement in child sex tourism is punishable by four to 10 years in prison. The Foreign Trade and Tourism Ministry disseminated information about the problem. On May 14, the Ministry of Women and Vulnerable Populations opened in Lima the first shelter exclusively for female trafficking victims under age 18.

The minimum age for consensual sex is 18. Statutory rape law stipulates different rape offenses, including rape of a minor younger than 14, with penalties ranging from 25 years to life in prison. The law prohibits child pornography, and the penalty for conviction of involvement in child pornography is four to 12 years' imprisonment and a fine.

Child Soldiers: The minimum age for military recruitment is 18. The country's military bars the enlistment of minors, including those who obtain their parents' permission. As of September the Ombudsman's Office no reported cases in which the army admitted underage soldiers. There were no reports of persons under age 18 taking part in hostilities as part of a governmental armed force.

There were multiple reports of the Shining Path using child soldiers (see section 1.g.).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance

at travel.state.gov/content/childabduction/english/legal/compliance.html as well as country-specific information at <http://travel.state.gov/content/childabduction/english/country/Peru.html>.

Anti-Semitism

Estimates of the Jewish population ranged from 3,000 to 4,000 persons. There were reports of a minor anti-Semitic group, named the Andean National Socialism Movement, operating in the rural Andean region, but no violence or harassment of the Jewish population was reported.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transport, access to health care, and provisions of state services, and it establishes infractions and sanctions for noncompliance with specified norms. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office.

In addition the law mandates that internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries. The law establishes employment quotas for persons with disabilities: 3 percent for private businesses with more than 50 employees and 5 percent for public sector organizations. On April 8, the government passed implementing regulations that specify procedures for implementing the quotas and establish fines for companies and government agencies not in compliance with the law. Congress included several individuals with disabilities, including two wheelchair users and one individual with two prosthetic arms.

The National Council for the Integration of Persons with Disabilities oversees compliance with the law. The council supported 14 regional workshops with both public- and private-sector participants, three national workshops with persons with disabilities, and technical multi-sectoral meetings to develop strategies and activities to implement the law. The Ministry of Women and Vulnerable Populations coordinated with the National Assembly of University Rectors to raise awareness of the need for universities to provide reasonable accommodation to support matriculation and graduation of persons with disabilities.

The government devoted limited resources to law enforcement and training, and many persons with disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were few interpreters for deaf persons in government offices and no access to recordings or Braille for blind persons. The majority of government websites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation. INEI reported that there were 18 registered sign language interpreters for more than 500,000 deaf persons.

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was insufficient to care for all patients.

The ombudsman and NGOs reported that many children with disabilities were unable to attend public schools due to lack of physical access. The most recent data, from a 2011 Ombudsman's Office report, noted that nearly half of public schools had no entrance ramps, and 88 percent lacked restrooms to accommodate persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive or special education. More than half of public schools did not meet basic standards for students with disabilities.

National/Racial/Ethnic Minorities

The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language. Nevertheless, persons of African (Afro-Peruvian) descent faced societal discrimination and prejudice. Afro-Peruvians generally did not hold leadership positions in government, business, or the military. Few Afro-Peruvians served as officers in the navy or air force.

The ombudsman and UNICEF issued reports on the Afro-Peruvian community that cited structural discrimination and social exclusion as key barriers to integration into society and stated that Afro-Peruvians had particular difficulty accessing health and education services. NGOs reported that employers often found ways to refuse to hire Afro-Peruvians or relegated them to low-paying service positions. Although the law prohibits the mention of race in job advertisements, the government does not track national statistics on the matter. The Ministry of Culture's Alert Against Racism website reported one instance of employers advertising jobs with racial requirements as of August. Additionally, employers often required applicants to submit photographs.

Government efforts to improve the social inclusion of Afro-Peruvians occurred through the Ministry of Culture and Ministry of Women and Vulnerable Populations. The women's ministry coordinated an Afro-Peruvian Women's Working Group to address challenges facing Afro-Peruvian women. The two ministries sponsored Afro-Peruvian Culture Month in July that included a public series of academic and cultural activities and a conference for the International Day for Afro-Latina and Afro-Caribbean Women.

Indigenous People

The government did not provide sufficient resources to protect the civil and political rights of indigenous persons effectively, and indigenous communities continued to be politically, economically, and socially marginalized.

The constitution and law stipulate that all citizens have the right to use their own language before any authority by means of an interpreter and to speak their native language. In the zones where they are predominant, Quechua, Aymara, and other indigenous languages share official status with Spanish. Nevertheless, insufficient resources resulted in language barriers that impeded the full participation of indigenous persons in the political process. Indigenous women, especially from poor and rural areas, were particularly marginalized. The ombudsman reported that 46 percent of indigenous primary and secondary students did not have access to education in their native language.

Many indigenous persons lacked identity documents. In many cases there were no government offices in the areas where they lived; in some instances government officials allegedly sought bribes in exchange for documents, which indigenous persons were unable or unwilling to pay. Without identity cards they were unable to exercise basic rights, such as voting and gaining access to health services and

education. The infant mortality rate was higher in rural areas, where most indigenous persons lived, than in urban areas. Public health centers were located primarily in urban areas, but during the year the government further expanded them to rural areas and increased roving teams.

While the constitution recognizes that indigenous persons have the right to own land communally, indigenous groups often lacked legal title to demarcate the boundaries of their lands, making it difficult to resist encroachment by outsiders. By law local communities retain the right of unassignability, which should prevent the reassignment of indigenous land titles to nonindigenous tenants. Some indigenous community members, however, sold land to outsiders without the majority consent of their community. Moreover, in the absence of an effective representative institution, there were social conflicts between indigenous and nonindigenous persons, particularly concerning environmental issues and extractive industries, that occasionally led to violence. Additionally, mineral or other subsoil rights belong to the state, which often caused conflict between mining interests and indigenous communities. The law requires the government to conduct consultations with indigenous communities before authorizing extractive industry activities that would affect their land and livelihoods.

The law requires the government to establish a database of indigenous communities entitled to consultation under the law and to produce a detailed implementation guide to facilitate government and private sector compliance under the law. The government continued to update an online database of indigenous groups eligible for prior consultation. Several indigenous organizations and the ombudsman expressed concern that indigenous communities did not have sufficient training and capacity to engage appropriately in consultations with government and industry. As of September the government had completed two prior consultation processes.

Indigenous peoples often faced threats from illegal miners and loggers who operated near or within their claimed land holdings. Indigenous leaders raised concerns that the government was unable to protect indigenous communities from these threats, due in part to the relative isolation of indigenous communities within the Amazon provinces. In response to the killings of the four indigenous activists in September (see section 1. a.), the government announced the creation of a High Commission Against Illegal Logging and a Multi-Sectoral Commission for Indigenous Communities to protect indigenous communities from illegal actors and better enforce their land titles.

Many indigenous persons and others with indigenous physical features faced societal discrimination and prejudice. They were often the victims of derogatory comments and subjected to illegal discrimination in public places, including theaters, restaurants, and clubs.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not specifically prohibit discrimination against persons based on sexual orientation or gender identity, and the government did not keep any national-level statistics on such discrimination. The Ministry of Interior's *Handbook of Human Rights Applied to the Civil Police* stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the rights of lesbian, gay, and transgender individuals. During the year, however, there were instances of official and societal discrimination based on sexual orientation and gender identity in employment, housing, and access to education and health care. According to NGO and Ombudsman Office reports, government authorities, including police, harassed and abused LGBT persons.

The law does not specifically guarantee transgender persons the right to identify with their chosen gender, including by changing their name and gender on government-issued identification. Transgender persons reported encountering obstacles when attempting to do so. A local NGO's 2012 survey reported that 94 percent of transgender persons in Lima stated their national identity document did not contain their desired name, and 13 percent of transgender persons chose not to register for a national identity document because they could not secure the name and gender that corresponds to their identity.

Local NGOs stated that discrimination based on sexual orientation and gender identity was widespread, culturally sanctioned, and largely underreported for fear of violence or additional discrimination. NGOs reported that LGBT youth were frequently targets of severe bullying that contributed to higher rates of suicide than for straight youth. A local NGO reported four killings of LGBT persons through August. The government did not keep statistics on these crimes.

HIV/AIDS Social Stigma

Persons with HIV/AIDS faced discrimination and harassment, including societal discrimination for employment, housing, and general social inclusion. The Ministry of Health executed policies to combat discrimination based on HIV/AIDS

status. Some of these policies enjoyed success, such as the treatment of HIV/AIDS, but observers maintained that education and prevention programs needed strengthening. In May a local NGO published a report on LGBT rights and documented 97 LGBT cases of persons with HIV/AIDS, 27 of whom claimed they were victims of discrimination in the home, and 13 of whom claimed they were victims of discrimination in public places.

Other Societal Violence or Discrimination

The Ombudsman's Office reported 164 active social conflicts in July, 71 percent of which were socio-environmental conflicts connected to extractive industry activities. These conflicts disproportionately affected indigenous populations in the Andean and Amazon regions. At times violence occurred during protests between the security forces and protesters, and one death resulting from protests was reported during the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

With certain limitations, labor laws and regulations provide for freedom of association, the right to strike, and collective bargaining. The law prohibits employer intimidation and other forms of antiunion discrimination and requires reinstatement of workers fired for union activity. Regulations allow workers to form unions without seeking prior authorization. The minimum membership required by law to form a union – 20 employees for a workplace-level union and 50 employees for a sector-wide union – was prohibitively high in some instances, particularly for small and medium-sized enterprises. The law specifies that public and private sector workers have the right to organize, bargain collectively, and strike, but it stipulates that the right to strike must be “in harmony with broader social objectives.” Judges, prosecutors, and members of the police and military are not permitted to form or join unions.

In May the Ministry of Labor changed the procedure for registering new unions. Under the new process, the Ministry of Labor's General Registry Office no longer processes new union registration, a process that took one day to complete. New unions must register in the Ministry of Labor's Sub-Directorate of Conflict Prevention under a process that takes up to four days, during which time employers can dismiss unionized workers and leaders. Unions and labor experts reported that the Ministry of Labor refused to register newly affiliated union members after the

initial union registration period concluded. Labor NGOs and labor leaders criticized this change as one that exposes workers who form unions to dismissal.

The law allows unions to declare a strike in accordance with their statutes. Private and public sector union workers must give advance notice of a strike of at least five working days for private sector workers and 10 days for the public sector to employers and the Ministry of Labor. The law also allows nonunion workers to declare a strike with a majority vote as long as the written voting record is notarized and announced at least five working days prior to a strike.

Unions that the government determines are essential in public services are permitted to call a strike but must provide 15 working days' notice, receive the approval of the Ministry of Labor, be approved by a simple majority of workers, and provide a sufficient number of workers during a strike to maintain operations, as jointly determined by the union and labor authorities on an annual basis. Workers who strike legally cannot be fired for striking, but illegal strikers in the private sector can be fired on the fourth day of absenteeism, and public sector strikers after an administrative procedure.

Unless there is a pre-existing labor contract covering an occupation or industry as a whole, unions must negotiate with companies individually. The law establishes processes for direct negotiations and conciliation. If those fail, workers can declare a strike or request arbitration. The law outlines the process that authorizes the use of arbitration to end collective labor disputes. The law gives a party the ability to compel the other party to submit to arbitration (whether worker- or employer-initiated) whenever either of the parties cannot reach an agreement in the first collective bargaining negotiation, or a party does not engage in good faith during collective bargaining by delaying, hindering, or avoiding an agreement. If the parties disagree over whether or not a prerequisite for binding arbitration has been met, the law also allows a party to submit the matter to independent, nongovernmental arbitrators for an initial decision.

The law forbids businesses from hiring subcontracted workers as a simple provision of personnel, requires businesses to monitor their contractors with respect to labor rights, and imposes liability on businesses for the actions of their contractors. The law governing the general private-sector labor regime sets out nine different categories of employment contracts that companies may use to hire workers based on particular circumstances. The law sets time limits for each of the categories and contains a five-year overall limit when contracts from different categories are used together. A sector-specific law covering the nontraditional

export sectors (e.g., fishing, wood and paper, nonmetallic minerals, jewelry, textiles and apparel, and the agriculture industry) exempts employers from this five-year limit and allows them to hire workers on a series of short-term contracts indefinitely, without requiring a conversion to the permanent workforce. Worker unions, NGOs, and some multi-national apparel brands criticized the law, asserting that workers employed under this law who attempted to organize or affiliate with unions did not have their contracts renewed.

In response to complaints filed by textile workers, labor authorities determined in several cases that thousands of short-term contracts registered under the nontraditional export regime had been incorrectly approved, and the Ministry of Labor issued resolutions to rectify the error.

The law requires the phased elimination of the Administrative Service Contracts (CAS) short-term employment hiring system, which applies to public sector workers; no specific date for elimination is included in the law. CAS workers made up 17 percent of the approximately one million-member public sector workforce. CAS worker unions criticized the law, stating it leaves room for public employers to limit benefits according to budget availability and leaves CAS workers vulnerable to unjustified contract cancellation, which may violate constitutional protection against arbitrary dismissal.

The government did not effectively enforce the law in all cases. Resources remained inadequate. In April the newly created National Labor Inspectorate, SUNAFIL, assumed labor inspection duties. As of September SUNAFIL reported 295 inspectors nationwide, 212 of whom were based in Lima. Penalties for violations of freedom of association and collective bargaining range from 7,400 to 74,000 new soles (\$2,640 to \$26,400). Such penalties were insufficient to deter violations and, according to labor experts and union representatives, were rarely enforced. Workers faced prolonged judicial processes and lack of enforcement following dismissals resulting from trade union activity. For example, NGOs reported that emblematic cases of labor arbitration dating from 2012 remained suspended, with the implementation of arbitrators' decisions delayed by judicial appeals processes. These cases involved unions that represented public and private sector workers at Shougang mine, the national tax authority, and inspectors from the Ministry of Labor. NGOs also reported instances of noncompliance with arbitrators' decisions.

Workers faced challenges in exercising their rights of freedom of association and collective bargaining. As of September the Ministry of Labor registered 53 total

strikes, 48 of which were declared illegal. Employers continued to dismiss workers for exercising their right to strike. Dismissal of striking workers and delays in reinstatement of these workers, in both legal and illegal strikes, were the main tactic used by employers to dissuade workers from going on strike. For example, the entire executive committee of elected union officers for Alicorp Workers Union was fired in August after taking strike actions. Union leaders from security companies Prosegur and EcVisa were dismissed after conducting strikes.

Labor union representatives and labor sector experts reported an increased number of cases of employers who filed criminal charges alleging material damages against workers who engaged in strikes. These charges then served as the basis for dismissing union officers and workers who participated in strikes. For example, 36 workers in export-oriented agriculture companies Camposol, including union officers, 24 activists from the Field Workers Union, and five activists from the Palm Oil Processing Workers Union, faced criminal charges for property damage as a result of strikes. Workers were notified of the criminal investigations several months after the strikes. Union members expressed concern that employers were using criminal investigations as an intimidation tactic prior to impending collective bargaining activities.

Significant delays in the collective bargaining process due to employers' lack of interest in concluding agreements proved to be a common obstacle to compliance with worker rights to bargain collectively. Workers employed under laws to promote the textile, apparel, and agriculture industries faced obstacles to exercise the right to collective bargaining. Workers in the public sector, such as the employees of the stock exchange, and the mining sector faced the same obstacles. For example, as of October health-care workers at Clinica Montifim and mining companies Huanzala, Sider Peru, and Shougang had been negotiating for seven months without reaching an agreement. NGOs and worker organizations also reported that some collective bargaining arbitrators were threatened with penal sanctions for issuing economic awards in favor of public sector workers that contravene the public sector budget law.

Employers engaged in antiunion practices, including using subcontracting to avoid direct employment relationships and the associated legal requirements. Such subcontracting also limited the size of a company's permanent workforce, making it more difficult to reach the 20-employee threshold necessary to form a union. Many businesses, including export industries, hired temporary workers, who were effectively barred from participating in unions due to fear that their contracts might

not be renewed. Employers also circumvented restrictions regarding hiring temporary workers to perform core company functions.

NGOs also reported management interference in labor-management health and safety committees. Management sometimes interfered in the election of worker representatives, held committee sessions without full worker representation, and failed to notify elected worker representatives when labor inspectors conducted workplace inspections. As of September mineworkers' unions from Southern Peru Copper Company, Milpo, and Atacocha, reported several cases of employer interference and noncompliance with workplace safety and health regulations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law.

Resources, inspections, and remediation were inadequate for effective enforcement of the law. The law prescribes penalties of eight to 25 years' imprisonment for labor trafficking, although government contacts were not able to report how many individuals were convicted and sentenced for forced labor during the year. Financial penalties for violations range from 7,400 to 74,000 new soles (\$2,640 to \$26,400) but were insufficient to deter violations and insufficiently enforced. As of September SUNAFIL officials conducted 41 inspections to address forced labor and, in conjunction with the Ministry of Labor, reported they had not identified or liberated any forced labor victims. The Public Ministry registered 77 forced labor cases reported from other sources as of July. The Ministry of Labor and SUNAFIL reported conducting several training sessions around the country to raise awareness of forced labor and applicable laws.

The government continued to implement the 2013-17 national plan to combat forced labor. Sector experts criticized the plan for not containing a dedicated national budget, making it difficult to implement the plan.

Thousands of persons were estimated to be subjected to conditions of forced labor, mainly in mining, forestry, agriculture, brick making, and domestic service. There were reports that men and boys were subjected to bonded labor in mining (including gold mining), forestry, and brick making, while women were most often found working under conditions of domestic servitude. Both men and women were reported working in bonded labor in agriculture. NGOs reported forced labor in illegal gold mining, as well as child labor, risks to workers' health and safety,

and sex trafficking in the regions of Madre de Dios, Cusco, Puno, and Arequipa. The most severe exploitation was reported in Madre de Dios.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum age for employment is 14; however, children between the ages of 12 and 14 may work in certain jobs for up to four hours per day, and adolescents between 15 and 17 may work up to six hours per day if they obtain special permission from the Ministry of Labor and certify that they are attending school. In certain sectors of the economy, higher age minimums existed: 15 in nonindustrial agriculture; 16 in industry, commerce, and mining; and 17 in industrial fishing.

A permit from the Ministry of Labor is required for persons under 18 to work legally. Parents must apply for the permits, and employers must have a permit on file to hire a youth.

The law specifically prohibits the hiring of minors in a number of occupations considered hazardous for children, including working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, and working at night. The law prohibits work that jeopardizes the health of children and adolescents; puts their physical, mental, and emotional development at risk; or prevents regular attendance at school.

The Ministry of Labor and SUNFAIL are responsible for enforcing child labor laws; however, there was evidence that the law was not effectively enforced. Resources, the number of inspections, and interministerial coordination were insufficient to enforce the law. Penalties for violations range from 7,400 to 74,000 new soles (\$2,640 to \$26,400) but were insufficient to deter violations. The ministry stated that inspectors conducted routine visits without notice to areas where persons or organizations reported child labor problems. The government reported that it fined and suspended operations of companies that violated labor laws. As of September authorities fined 13 businesses a total of 9,310 new soles (\$3,325) for hiring minors illegally or for not seeking the proper authorization.

The Ministry of Labor continued the “Vamos Peru” program, focused on job training, technical assistance to entrepreneurs, and job placement, and the “Peru

Responsible” program, aimed at fostering corporate social responsibility and creating formal employment for youth. The Ministry of Labor continued to implement its national strategy to combat child labor including projects in Junin, Huancavelica, Pasco, Carabayllo, and Huanuco, which focused on reducing child labor by improving educational services, providing mechanical tools, and providing cash transfers to families in rural areas.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) worked with the Ministry of Labor to document complaints regarding violations of child labor laws. There were more than 2,240 DEMUNA offices in municipalities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system. The Ministry of Women and Vulnerable Populations administered a program that sent specialized teachers to the streets to provide education and support to minors involved in begging and other kinds of work. The women’s ministry also continued to implement the Yachay program, which assists street children ages six to 17 with workshops, health care, education, legal services, and scholarships.

Child labor remained a serious problem, especially in the informal sector. INEI estimated there were 1.65 million children working in exploitative child labor during the year. In 2010 the International Labor Organization estimated there were 2.8 million working children in the country, with 68 percent (1.9 million) performing the worst forms of child labor.

The worst forms of child labor generally occurred in the informal sectors, including in commercial sexual exploitation (see section 6, Children), gold mining, brick and fireworks manufacturing, stone extraction, forestry, and agriculture, including the production of Brazil nuts and coca. In many cases children worked alongside their parents in a family business, usually in areas and sectors cited above. In July children were reported working for state oil company PetroPeru to clean up a petroleum spill in Loreto. As of October the case was under investigation.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination with respect to employment based on race, gender, disability, language, or social status. The law does not specifically identify

discrimination based on sexual orientation and/or gender identity, HIV-positive status, or other communicable diseases. The government did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to race, sex, gender, disability, sexual orientation and/or gender identity, and social status (see section 6). NGOs and labor rights advocates noted that discrimination cases often went unreported to authorities, in part due to a lack of confidence in the legal system to effectively address the case and protect the individuals in question.

e. Acceptable Conditions of Work

The statutory monthly minimum wage was 750 new soles (\$268). INEI estimated the poverty line to be 284 new soles (\$101) a month per person, although it varied by region. The law provides for a 48-hour workweek and one day of rest, and it requires premium pay for overtime. There is no prohibition on excessive compulsory overtime, nor does the law limit the amount of overtime that a worker may work. The law stipulates certain rights and benefits to which adult domestic workers are entitled, such as an eight-hour workday, no work on public holidays, 15 days of paid annual vacation, and salary bonuses in July and December. The law prohibits discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places. The law grants CAS workers who meet minimum service requirements 30 days of vacation, June and December bonuses, and up to three months of severance pay in the case of unjustified dismissal. The government sets occupational health and safety standards appropriate for main industries in the country, but sector experts reported that government resources and expertise were not sufficient to maintain appropriate health and safety standards. NGOs reported that new economic reforms weakened the workplace health and safety laws and expressed concern that implementation of protections under the law was often lacking.

In July the president signed into law labor reforms to the Occupational Safety and Health (OSH) Law and inspection law. These changes allow employers to outsource the management of health and safety to third-party service providers and restrict democratically elected worker representatives from obtaining leave to attend to their safety and health duties, including training. Employers are now responsible for conducting one health exam every two years, rather than every year, which labor NGOs and unions alleged could leave short-term contracted workers exposed to industrial illness. These reforms narrow the justification for a criminal penalty to only those cases where employers have “deliberately” violated

safety and health laws and where labor authorities have previously notified employers who have chosen not to adopt measures in response to a repeated infraction. Labor experts and NGOs expressed concern about what they considered an unreasonably high threshold for holding employers accountable for workplace injuries and for not maintaining health and safety standards. The law reduces the sentence for employers found guilty of health and safety violations from four-to-eight years' to one-to-four years' imprisonment. In the case of a serious or fatal accident where a worker is found to be solely responsible for noncompliance with OSH rules, the employer is exempted from responsibility.

As of September three employees of one of the largest palm oil companies, Grupo Palmas, died in workplace-related accidents. In all three cases, Grupo Palmas alleged the accident was the fault of the worker, thereby exonerating itself of any legal responsibility. As of October the employer had not been required to pay any penalty or receive any special oversight for these deaths, nor had it been registered in the region's statistics for occupational fatalities that are submitted quarterly and published in public record.

Reforms to the Inspection Law provide employers found in violation of labor law a grace period of three years during which SUNAFIL stipulates actions to "prevent and correct" violations. The law also specifies that during this three-year grace period, employers are fined no more than 35 percent of the value of the fines levied during this period. Exceptions to this provision include fines for very serious violations of trade union rights, violations of safety and health norms when they result in death or permanent disability of the worker, child labor, forced labor, obstruction of inspections, and recidivist conduct within a six-month period. Labor NGOs reported concern that these new modifications weaken the enforcement mechanism of the national labor inspectorate.

The government often did not devote sufficient personnel, technical, and financial resources to enforce occupational safety and health regulations and other labor laws. SUNAFIL enforced the minimum wage only in the formal sector. Many workers in the informal sector, approximately 70 percent of the total labor force received less than the minimum wage, although most were self-employed. Labor sources claimed that many inspectors were forced to pay for transportation to sites and often were harassed or refused entry to businesses. Many fines went uncollected, in part because the government lacked an efficient tracking system and at times due to a lack of political will, according to a local labor NGO. As of August the Ministry of Labor and SUNAFIL reported receiving 21,960 external complaints requesting inspections, and the Ministry of Labor and SUNAFIL

conducted 34,498 inspections at worksites. As of August the Ministry and SUNAFIL levied approximately 17.2 million new soles (\$6.1 million) in fines on 2,031 companies for failure to place employees on labor rolls and for health and safety violations. Noncompliance with the law is punishable by fines from 1,110 new soles (\$396) to 37,000 new soles (\$13,215), but labor reforms allowed a reduction of fines to 35 percent of these amounts. Penalties were insufficient to deter violations. Labor sector experts noted delays in responses to inspection requests and a backlog in the issuance of inspection reports during the period of transition to SUNAFIL.

The National System for Health and Safety in the Workplace within the Ministry of Labor offered distance-learning classes to regional representatives. The ministry managed three technical commissions to modernize and standardize a national workplace accident registry, develop ergonomic standards and training, and establish a professional certification program for health and safety experts. As of September the National Council on Health and Safety had met five times, and the government had established two new regional councils in Apurimac and Amazonas. Employers and workers (including unions, who traditionally had no voice on these matters) participated in these national bodies. The law provides for fines and criminal sanctions for occupational safety and health violations. In cases of infractions, injury, or deaths of workers or subcontractors, the penalty is one to four years' imprisonment. Union members and labor sector experts reported that regional and national statistical registers did not reflect the number of severe and fatal injuries from workplace accidents that occurred in the mining, electrical, and construction sectors. Workers reported that labor authorities did not report industrial homicides to the relevant authorities at the Attorney General's Office for legal processing. Workplace labor, health, and safety committees continued to develop across the country. The government did not keep statistics on the number of such committees in operation.

Labor, businesses, and the government reported that the majority of companies in the formal sector generally complied with the law. Employers, however, often interfered with the formation and operation of labor-management committees by influencing elections for labor representatives and limiting committee power.

Employers frequently required long hours from domestic workers and paid low wages. Numerous violations of provisions prohibiting discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places were reported during the year. The Ministry of

Labor, local NGOs, and several unions continued campaigns to inform domestic workers of their rights.

Allegations of abuse of subcontracted workers in the areas of wage and hour violations and associational rights continued to be reported. Outsourced mineworkers at the Marsa mine in La Libertad region, who worked for nine subcontracting companies and made up 90 per cent of the workforce, reported facing antiunion discrimination, health and safety violations, and wage and hour violations.

The National Federation of Mineworkers reported as of July that 19 miners (11 of whom were subcontractors) died in mining accidents in the formal mining sector, mainly as a result of rockslides, falls, and asphyxiation. In cases of industrial accidents, an agreement between the employer and worker usually determined compensation. July labor law reforms require that a worker prove an employer's culpability to obtain compensation for work-related injuries. As of September the Ministry of Labor reported 8,144 accidents, of which 2,740 were not serious, 5,327 were incapacitating, and 75 were fatal. The law allows workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Workers reported that they were subject to employer intimidation or retaliation, however, and that authorities did not sufficiently protect them in this situation.