

PERU 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Peru is a constitutional, multiparty republic. Dina Ercilia Boluarte Zegarra assumed the presidency on December 7, following an attempt by then President José Pedro Castillo Terrones, elected in July 2021, to unilaterally dissolve congress and his subsequent impeachment and arrest. President Boluarte previously served as Castillo's vice president from July 2021, until December 7. The 130 members of congress, elected in 2021 alongside the executive, continued with their terms.

The Peruvian National Police report to the Ministry of Interior and maintain internal security. The Peruvian Armed Forces, reporting to the Ministry of Defense, are responsible for external security in addition to some domestic security responsibilities in designated emergency areas and in exceptional circumstances. Civilian authorities maintained effective control over security forces. There were reports that members of security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; restrictions on free expression and media, including the existence of criminal libel laws and violence or threats of violence against journalists; serious government corruption; and lack of investigation of and accountability for gender-based violence.

The government took steps to investigate and, in some cases, prosecute or otherwise punish public officials accused of abuses and corruption, including high-level officials. Nonetheless, corruption and a perception of impunity remained prevalent.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings. The Ministry of Health reported 28 protest-related deaths as of

December 31. The Attorney General's Office investigates whether security force killings were justifiable and pursues prosecution.

At the invitation of President Boluarte, the Inter-American Commission on Human Rights (IACHR) conducted a visit on December 20-22. The delegation met with the president in Lima and regional government officials in Cusco and Ayacucho. The IACHR also consulted with detained citizens and organizations engaged in the protests that followed former President Castillo's failed attempt to dissolve congress and his subsequent impeachment. IACHR findings were expected to either legitimize or discredit claims of excessive, unlawful, and fatal use of force during protests that took place between December 7 and December 20.

The Attorney General's Office continued investigating the May 2021 killing of 16 persons, including two children, in the town of San Miguel del Ene, in the Valley of the Apurímac, Ene, and Mantaro Rivers (VRAEM). The Joint Command of the Armed Forces attributed the killings to the self-named Militarized Communist Party of Perú, which authorities considered the successor of the terrorist organization Shining Path (Sendero Luminoso). Press outlets reported surviving witnesses' testimonies that cast doubt on the official account.

In July the Attorney General's Office suspended its investigation into the killings allegedly committed by security forces of Inti Sotelo and Brian Pintado in 2020, which occurred during protests following the congressional impeachment of former President Vizcarra. The suspension followed a court ruling that the case did not amount to a human rights violation and should be investigated as a regular crime. The Attorney General's Office appealed the ruling.

The Attorney General's Office continued investigating the 2020 death of demonstrator Jorge Muñoz, allegedly killed by police during an agricultural workers' strike in the town of Chao, La Libertad.

In March courts sentenced former midlevel police officer Raúl Prado Ravines to 35 years in prison for leading an extrajudicial killing squad from 2012 to 2015. Fellow former police officers Carlos Llanto Ponce and William Castaño Martínez also received 35-year sentences, and nine more police officers received lighter sentences. As of October, the whereabouts of Prado, Ponce, and Castaño were

unknown. The case, under investigation since 2016, involved the alleged killing of more than 27 criminal suspects during at least nine separate police operations and were committed to cover up police corruption and generate awards and promotions.

As of December, at least three Indigenous environmental rights defenders in the Amazon region had been killed. In March authorities found the body of Juan Fernández Hanco at his home in the province of Tambopata, Madre de Dios, with two gunshot wounds. In April Ulises Rumiche died of a gunshot in the head in Satipo, Junín, hours after participating in a meeting with the vice minister of vulnerable populations. On December 7, authorities in Puerto Inca, Huánuco, found the body of Vilca Ampichi López dead from 14 gunshot wounds alongside the highway that gave access to his community. Courts issued sentences for only one of at least 11 killings of environmental defenders that had occurred since 2020. Activists claimed the slow, ineffective justice process supported continued impunity.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, but there were reports that government officials employed them. Local and international nongovernmental organizations (NGOs) stated the government did not effectively prevent the abuses or punish those who committed them. According to NGO representatives, many victims did not file formal complaints against their alleged abusers, and those who did so purportedly had difficulty obtaining judicial redress and adequate compensation.

Investigations of police abuses against protesters during the five-day presidency of Manuel Merino in 2020 continued, albeit slowly. In June congress formally allowed criminal charges to proceed against former President Merino, his former Prime Minister Ántero Flores Aráoz, and Merino's former Minister of Interior Gastón Rodríguez. The charges, if confirmed, would hold them responsible for the

abuses, including two confirmed killings.

Impunity remained a significant problem in the security forces. The lack of repercussions for the alleged abuses by security forces during the 2020 political protests heightened public concern regarding accountability. Active-duty police and military personnel conduct is guided by legal frameworks and extensive regulatory procedures and formal codes of conduct. Prosecuting high-level officials, including ministers of interior and ministers of defense, requires a formal request from prosecutors to congress to lift officials' immunity and congressional approval to proceed.

Prison and Detention Center Conditions

Prison conditions were generally harsh due to overcrowding, improper sanitation, inadequate nutrition, poor health care, and corruption among prison guards, who allegedly smuggled weapons and drugs into the prisons.

Abusive Physical Conditions: As of August, the National Penitentiary Institute (INPE) reported the prison system held 90,155 prisoners in 68 facilities designed for a total of 41,018 prisoners. The population of the largest prison in the country, the Lurigancho penitentiary, was 2.8 times above its prescribed capacity. Almost 40 percent of the inmates were in pretrial detention.

Many inmates had only intermittent access to potable water. Bathing facilities were often inadequate, kitchen facilities were unhygienic, and prisoners often slept in hallways and common areas due to a lack of adequate cell space.

Most prisons provided limited access to medical care, which resulted in delayed diagnoses of illnesses. Inmates complained of having to pay for medical care. A study by researchers from Pedro Ruiz Gallo University found tuberculosis, HIV, and AIDS remained at levels high enough to constitute a potential threat to the broader public's health. The Ombudsman's Office continued to report insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisoners with mental disabilities usually lacked access to adequate psychological care.

Assaults on inmates by prison guards and fellow inmates occurred. Prisoners with money, influence, or other resources had access to privileges including cell phones,

illegal drugs, and higher quality meals prepared from outside the prison.

Administration: Independent and government authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring visits by independent human rights and international humanitarian law observers. Unannounced visits to inmates by International Committee of the Red Cross officials and representatives of the Ombudsman's Office resumed after a two-year halt due to COVID-19 restrictions. The Ministry of Women and Vulnerable Populations and UNICEF monitored juvenile detention centers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of persons to challenge in court the lawfulness of their arrest or detention. The government constitutionally suspended the right to freedom from arrest without warrant in designated emergency zones, and nationwide during the national state of emergency for COVID-19, effective until October.

Arrest Procedures and Treatment of Detainees

The law requires a written judicial warrant based on sufficient evidence for an arrest unless authorities apprehended the alleged perpetrator in the actual conduct of a crime. In all other circumstances, only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of suspected terrorism, drug trafficking, or espionage, for which arraignment must take place within 15 days. In remote areas, arraignment must take place as soon as practicable. Military authorities must transfer persons they detain to police within 24 hours. Police must file a report with the Attorney General's Office within 24 hours of an arrest. The Attorney General's Office, in turn, must issue its own assessment of the legality of the police action in the arrest.

The law permits detainees to have access to family members and a lawyer of their choice. Police may detain suspected terrorists incommunicado for 10 days.

Pretrial Detention: Lengthy pretrial detention was a problem. According to a

May report by INPE, 39.5 percent of prisoners were being held under pretrial detention provisions. The length of pretrial detention occasionally equaled but did not exceed the maximum sentence of an alleged crime. Delays were due mainly to judicial inefficiency, corruption, staff shortages, and the backlog created by the COVID-19 pandemic restrictions. In accordance with the law, courts released prisoners held more than nine months (up to 36 months in complex cases) whom the justice system had not yet tried, convicted, and sentenced. The courts factored pretrial detention into final sentences.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. NGO representatives alleged the judiciary did not always operate independently, was not consistently impartial, and was sometimes subject to political influence and corruption.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right, although reports of judicial system corruption were common.

Defendants have the right to be present at their trial and to communicate with an attorney of their choice or have one provided at public expense; however, state-provided attorneys often had inadequate training and excessive caseloads. Although the law grants citizens the right to a trial in their own language, interpretation and translation services for non-Spanish speakers were not always available. This deficiency primarily affected speakers of Indigenous Andean and Amazonian languages.

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 take years to resolve. Press reports, NGOs, and other sources alleged that persons outside the judiciary frequently corrupted or influenced judges.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions. The government's continued declaration of emergency zones in the VRAEM and La Pampa – due to drug trafficking and terrorist activity, and illegal mining, respectively – suspended the right to home inviolability in those regions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press and a functioning democratic political system generally promoted freedom of expression, including for members of the media.

Violence and Harassment: The Institute for Press and Society, Association of Foreign Press of Perú, and Ombudsman's Office denounced an increase in aggression and intimidation towards journalists who covered local and regional election campaigns, and in the context of December protests' call for new elections and other demands.

The Peruvian National Association of Journalists (ANP) *Annual Report on Press Freedom*, published on December 31, stated there were 303 attacks against journalists during the year, the most recorded since ANP began tracking these cases in 2005. The highest number of incidents occurred in December (63) during protests calling for early elections after the impeachment of former president Castillo. Other critical months were April (34) during agricultural blockades, and September (28) before the October 2 regional elections. Most media targets comprised digital press, followed by television, radio, and print. Two-thirds of cases were physical or verbal attacks. The remaining third involved harassment, intimidation, and threats. Private citizens represented most alleged aggressors, but government officials and security officers also participated, according to ANP. In

November foreign correspondent for Spanish newspaper Diario ABC Paola Ugaz and other prominent journalists reported they suffered multiple threats and government-sponsored intimidation. These sentiments echoed June findings from the IACHR.

Libel/Slander Laws: The law treats libel and slander as criminal offenses. In January a lower court sentenced journalist and author Christopher Acosta and Penguin Random House local director Jerónimo Pimentel to a two-year suspended prison sentence and a civil reparation of 400,000 soles (\$103,000), following a lawsuit by a businessman and head of a political party, César Acuña. Acosta wrote a book published by Penguin Random House Perú in 2021 in which he cited numerous identified sources alleging Acuña had engaged in vote buying, misappropriation of public funds, and plagiarism when campaigning for president in the 2016 general election.

Nongovernmental Impact: NGO representatives said persons linked to a wide array of political and economic interests threatened press freedom by intimidating local journalists who reported on their activities. This was particularly acute in areas with a strong presence of illegal activities.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful, unarmed assembly and association, and the government generally respected these rights. Freedom of assembly may be suspended in areas under state of emergency. The government declared a 30-day, countrywide state of emergency on December 15 due to protests following former President Castillo's attempt to dissolve congress and his subsequent impeachment, and it set curfews in 15 provinces across eight regions. Other emergency zones included the VRAEM, where elements of the Militarized Communist Party of Perú and drug traffickers operated.

Freedom of Peaceful Assembly

The law does not require a permit for public demonstrations, but the government may restrict or prohibit demonstrations at specific times and places to ensure public safety and health. Police used tear gas and force occasionally to disperse protesters in demonstrations. Although demonstrations were generally peaceful, protests in some areas turned violent, resulting in at least 55 deaths, with at least 26 of them resulting from December's political protests following former President Castillo's attempt to dissolve congress and his subsequent impeachment.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

In-country Movement: The government maintained emergency zones that restricted movement in the VRAEM due to the presence of the Militarized Communist Party of Perú. These illegal actors at times interrupted the free movement of persons by establishing roadblocks. In addition, individuals protesting extractive industry projects occasionally established roadblocks throughout the country. On December 15, the government declared a state of emergency that included evening curfews in 15 provinces across eight regions.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

More than 1.5 million foreign-born persons, including immigrants, refugees, and asylum seekers, lived in the country. Venezuelans were by far the largest

nationality, numbering 1.49 million, according to government officials. As of July, 434,000 Venezuelans had regular migratory resident status and 532,000 had status of asylum seekers, per the national migration and refuge authorities. In July the government expanded the validity of temporary migration status to two years, giving beneficiaries more time to adjust to permanent status.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for protecting refugees. The government cooperated with UNHCR and recognized the Peruvian Catholic Migration Commission as the official provider of technical assistance to refugees and asylum seekers.

Durable Solutions: The government does not have a formalized integration program for refugees, but it received persons recognized as refugees by other nations, granted refugee status to persons who applied from within the country, and provided some administrative support toward their integration. The Office of Migration started a working group to facilitate integration, but their role and funding was not defined. UNHCR provided these refugees with humanitarian and emergency aid, legal assistance, documentation, and, in exceptional cases, voluntary return and family reunification.

Temporary Protection: As of September, the government provided temporary protection to 532,000 individuals, almost all of whom were Venezuelan, while they awaited a decision on their refugee status. Venezuelan asylum seekers were also eligible for humanitarian residency migration status while their asylum applications remained active with the foreign ministry.

f. Status and Treatment of Internally Displaced Persons

The Ministry of Women and Vulnerable Population's National Registry for Displaced Persons recognized 59,846 internally displaced persons (IDPs) in the country, most of whom were victims of the 1980-2000 internal conflict. The registration and accreditation of IDPs provided for their protection, care, and humanitarian assistance during displacement, return, or resettlement. According to the government's Reparations Council, some IDPs who were victims of the 1980-2000 internal conflict experienced difficulties registering for reparations due to a

lack of proper identity documents.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their national and local government in free and fair periodic elections held by secret ballot and based on universal, compulsory, and equal suffrage.

Elections and Political Participation

Recent Elections: In July 2021 national elections, José Pedro Castillo Terrones from the Free Perú party won and assumed the presidency, with Dina Ercilia Boluarte Zegarra as vice president. Presidential runner-up Keiko Fujimori from the Popular Force party and some of the party’s political allies presented legal challenges to the second-round result that brought Pedro Castillo to the presidency, alleging fraud. Electoral authorities reviewed the challenges per the electoral rules for six weeks after the election and eventually dismissed them as unsubstantiated. Citizens elected all 130 members of the single chamber congress freely and fairly, according to observers.

Vice President Dina Boluarte assumed the presidency on December 7 following an attempt by then President Castillo to unilaterally dissolve congress and his subsequent impeachment and arrest.

Political Parties and Political Participation: By law groups that advocate the violent overthrow of the government and adhere to ideologies “intrinsically incompatible with democracy” cannot register as political parties.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not always implement the law effectively. There were numerous

reports of corruption by government officials during the year, including at the highest levels. Citizens continued to view corruption as a pervasive problem in all branches of national, regional, and local governments.

Corruption: As of September, Attorney General Liz Patricia Benavides Vargas was investigating six corruption cases with alleged involvement of former President Castillo and other high-level members or former members of government, and additional charges were filed in December after former President Castillo attempted to unilaterally dissolve congress. According to the constitution, presidents may be accused of crimes during their mandate only for a narrow list of charges, such as treason, impeding scheduled elections, or unlawfully closing congress.

Several high-profile political figures remained under investigation for corruption, particularly in relation to the Odebrecht corruption scandal. There were widespread allegations of corruption in public procurement and in public-private partnerships. Large transportation and energy infrastructure contracts frequently generated high-ranking political interference and corruption, including by former presidents and regional governors. Companies also reported mid-level government officials skewed tender specifications to favor bidders who paid bribes.

There was evidence of widespread corruption in the justice system. Prosecutors continued an investigation initiated following 2018 media reports of a judicial scandal involving allegations of influence peddling and graft by judges and prosecutors at multiple levels. Allegations of corruption existed at all levels of the Peruvian National Police.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses 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.

Retribution against Human Rights Defenders (HRDs): NGOs, fellow activists, the United Nations, and various government actors expressed concern regarding the increase in killings of environmental activists (see section 1.a.). Activists claimed the slow, ineffective process for punishing harassers and killers effectively led to impunity.

Government Human Rights Bodies: The Ministry of Justice and Human Rights, and in particular the Vice Ministry of Human Rights and Access to Justice, oversaw human rights policies and issues at the national level. The Ministry of Interior, Ministry of Women and Vulnerable Populations, and Ministry of Labor and Employment Promotion played significant human rights roles. These government bodies were generally considered effective. The independent Ombudsman's Office operated without government or party interference. NGOs, civil society organizations, and the public considered the Ombudsman's Office effective.

Congressional committees overseeing human rights included Justice and Human Rights; Women and the Family; Labor and Social Security; Andean, Amazonian, Afro-Peruvian Peoples, and Environment and Ecology; Health and Population; and Social Inclusion and Persons with Disabilities. Effectiveness varied, with committee priorities often subject to partisan interests and agendas.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, including spousal rape, and stipulates penalties ranging from 14 years to life in prison. Enforcement of sexual and domestic violence laws was inadequate, often at the discretion of the relevant authorities, according to gender-based violence experts. Undue dismissals of charges were allegedly common.

The law defines femicide as the crime of killing of a woman or girl based on expectations, assumptions, or factors distinctive to her gender. The minimum sentence for femicide is generally 20 years, or 30 years when the crime includes aggravating circumstances (for example, crimes against a child, the elderly, or a

pregnant victim). Police action to enforce the law was weak and slow, and prosecution of cases was often lengthy and ineffective.

During the year, the Ombudsman's Office began tracking cases of missing women and girls in monthly reports. As of September, the Ombudsman's Office reported 3,528 cases of women who went missing and were not found between January and September, an increase of 22 percent compared with the first nine months of 2021. Of the missing persons, 68 percent were young girls and teenagers.

The law prohibits domestic violence; penalties generally range from one month to six years in prison. The law authorizes judges and prosecutors to prevent a convicted spouse or parent from returning to the family home. The law also authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. The law requires a police investigation of domestic violence to take place within five days of a complaint and obliges authorities to extend protection to female victims of domestic violence. Enforcement of the law was lax, according to NGOs specialized in combating gender-based violence.

Violence against women and girls, including sexual, physical, and psychological abuse, was a serious, underreported national problem. As of September, the Ministry of Women and Vulnerable Populations reported 71 percent of women victims of violence did not file formal charges.

The Ministry of Women and Vulnerable Populations operated 430 service centers for victims of domestic violence, sexual abuse, and other crimes, including sex trafficking, and their accompanying children. Almost half of the centers were embedded in police stations. Some of the centers provided basic short-term shelter as well as legal, psychological, and social services. NGO representatives expressed concern regarding the quality and quantity of the program's services, particularly in rural areas. The ministry operated a toll-free telephone hotline and implemented projects to sensitize government employees and citizens to the problem of domestic violence. The Attorney General's Office operated emergency accommodations that women and children survivors of domestic violence and other crimes, such as human trafficking, could use for short-term accommodation. The government made efforts to expand temporary shelters, but NGO

representatives and members of congress said these measures were not enough.

Provincial prosecutorial offices are required by law to incorporate survivors of sexual violence into the national Victims and Witness Assistance Program or to request required protection measures from the court; however, an NGO reported 15 percent of criminal prosecutors did not make these requests.

Sexual Harassment: Sexual harassment was a serious problem. The law defines sexual harassment as comments, touching, or actions of a sexual nature that are unsolicited and unwanted by the victim. The penalty for sexual harassment is up to eight years in prison. Sexual harassment in the workplace is also a labor rights violation subject to administrative penalties. Government enforcement of the law was minimal, according to experts on gender-based violence.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law requires public health centers to provide free access to emergency contraception, which was also available for purchase in commercial pharmacies. Postsexual assault kits included emergency contraception. There were complaints of unnecessary delays due to staffing shortages and logistical problems in processing the kits.

Both public and private health centers provided care for post-abortion obstetric emergencies. Experts noted, however, that because abortion is criminalized, there was a risk of public health centers filing charges against the patient following the procedure. This was less of a concern at private health centers, leading to socioeconomic disparities regarding the legal implications of abortion.

Access to menstrual health products and adequate spaces for menstrual hygiene (including bathrooms and clinics) were a problem, particularly in rural and poor areas, due to the lack of water and sanitation, high price of menstrual hygiene products, and lack of information and awareness by teachers and employers.

Of births nationwide, 94 percent occurred in institutional facilities, such as hospitals, clinics, and health centers. This figure dropped to 84 percent in rural areas. NGOs reported women in rural areas, especially Quechua women, were

distrustful of health-care providers, who sometimes imposed fines on Indigenous women who gave birth at home. NGOs focused on sexual and reproductive health reported health-care staff at times threatened to withhold birth certificates, and Indigenous women in rural areas experienced “verbal aggressions, mistreatment, the imposition of institutionalized and horizontal childbirth, and ignorance of their language and customs” when seeking reproductive health services. Factors such as lack of sexual education, location of health centers, economic hardships, and religious, spiritual, and social customs also contributed to the mistrust of the state health-care system among certain populations.

Early motherhood continued to be a risk to adolescent health. The 2020 data (the latest available) from the Demographic and Family Health Survey reported 8 percent of female adolescents ages 15-19 had been pregnant at least once (12 percent in rural areas).

Discrimination: The law provides for equality between men and women. It prohibits gender-based discrimination between partners regarding marriage, pregnancy, pay, and property rights. Despite this, the law obliges only women to wait 300 days after widowhood or divorce to remarry. The government did not always enforce the remarriage law effectively, according to specialized NGOs.

Arbitrary dismissal of pregnant women and workplace discrimination against women were common. The law stipulates women should receive equal pay for equal work, but women often were paid less than men for the same jobs.

Systemic Racial or Ethnic Violence and Discrimination

The constitution grants equality of rights. Government enforcement was uneven. Racial or ethnic discrimination is a crime in the criminal code, alongside other factors such as language, religion, age, gender, or socioeconomic status. It carries penalties up to four years in prison and fines of up to 1.9 million soles (\$500,000). Enforcement varied, subject to case visibility, power of those affected, and corruption, among others.

Indigenous Peoples

Indigenous persons remained politically, economically, and socially

disadvantaged. Indigenous communities in the Amazon region faced threats from land grabbers, narcotics traffickers, illegal miners and loggers, and extractive industries that operated near or within Indigenous land holdings. Indigenous persons were particularly at risk for both sex and labor trafficking. Many Indigenous persons who lived in rural communities had limited access to the justice system, protection, or abuse prevention activities. Indigenous leaders claimed the national and regional governments did not adequately protect their communities nor their property interests.

Regulatory measures and protection responses were insufficient to deter threats posed to environmental rights defenders. Experts cited a need for public policy changes to provide effective protection, including a system in line with the Escazú Agreement, whose purpose was to deepen the link between human rights and environmental justice. They criticized congress for refusing to ratify the agreement.

While the constitution recognizes Indigenous communities have the right to own land communally, Indigenous groups often lacked legal title to demarcate the boundaries of their land. Amazonian Indigenous communities continued to accuse the national government of delaying the issuance of land titles. By law, Indigenous communities retain the right of nonassignability, which is designed to prevent the title to Indigenous lands from being reassigned to a non-Indigenous person. Some Indigenous community members, however, sold land to outsiders without the majority consent of their community.

The national government retains subsurface mineral rights for land nationwide. This led to disputes between local Indigenous communities, the national government, regional governments, and various extractive industry interests. The law requires the government to consult with Indigenous communities on proposed extractive projects or on changes to current extractive projects. The law also requires the government to produce a detailed implementation plan to facilitate government and private-sector compliance. Observers considered implementation of this law as somewhat effective.

The law requires the Ministry of Culture to establish a database of Indigenous communities entitled to consultation. The ministry recognized 55 Indigenous

peoples entitled to “prior consultation” and confirmed the existence of another 24 Indigenous “peoples in voluntary isolation” with very limited or no contact with the rest of the country, all of them located in the Amazon rainforest. As of September, the government initiated 81 prior consultations with 801 Indigenous communities belonging to 19 Indigenous peoples, which generated 487 agreements. Of the 81 prior-consultation processes, 70 were concluded and 11 continued as of September. NGOs, legal experts, and the Ombudsman’s Office expressed concern that Indigenous communities often did not have sufficient training to engage effectively in consultations with the government and extractive industries.

Quechua is the most widely spoken Indigenous language, with 14 percent of citizens (4.4 million individuals) claiming it as their first language. Quechua is the co-official national language with Spanish, and access to essential public services and government action in Quechua should be available, but enforcement remained weak at the national level.

Children

Birth Registration: Citizenship is derived either by birth within the country’s territory or from either of the parents. Birth registration was provided on a nondiscriminatory basis. At birth, the state issues an assigned national identification number and a subsequent identification card, which is essential to access most public and many private services. More than 98 percent of resident citizens had a valid national identification card; rural Amazonian areas had the lowest coverage, at 96 percent. Government and NGO representatives assessed that undocumented individuals were particularly vulnerable to labor exploitation, human trafficking, and other crimes.

Child Abuse: The law requires all government authorities, courts, and social service institutions to use the “best interests of the child” standard in decisions affecting abused children. The law imposes prison sentences ranging between six years’ and life imprisonment for crimes listed in the criminal code as “child abuse,” including sexual exploitation of children, child abuse, and child trafficking, but these crimes were sometimes confused with one another by prosecutors. Police did not always collect the evidence required to meet the prosecutor’s evidentiary

burden, and judges regularly applied a higher evidentiary threshold than required, resulting in courts applying lesser, easier-to-prove charges, particularly in trafficking cases.

Violence against children, including sexual abuse, was a serious problem. The 2020 (the latest available) National Health Survey reported 9 percent of parents hit their children to punish them. At-risk children may be placed with guardians or in specialized residential facilities for different kinds of victims. Not all shelters provided psychological care, although the law requires it. In most regions, residential shelters operated by provincial or district authorities were supplemented by shelters operated by schools, churches, and NGOs. The Ministry of Women and Vulnerable Populations operated six specialized shelters for girl trafficking victims that provided psychosocial, medical, and legal support.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18. The law allows a civil judge to authorize minors 16 and 17 to marry.

Sexual Exploitation of Children: The law prohibits child pornography and stipulates a penalty of six to 12 years' imprisonment and a fine. The law prohibits child sex trafficking, with prescribed penalties of 12 to 20 years in prison if the victim is 14 to 17, and at least 25 years if the victim is 13 or younger. Government officials and NGOs identified numerous cases of child sex trafficking during the year, although officials continued to classify many child sex trafficking crimes as sexual exploitation, which provides fewer protections to victims.

Although the country has strong laws to protect children, the government did not enforce the laws effectively. Media reported on the sex and labor trafficking of girls and women in the illicit gold-mining sites of the remote Amazonian Madre de Dios region. Law enforcement operations against illegal mining sites were not effective in identifying victims and removing them from exploitation.

The minimum age for consensual sex is 14. A conviction for rape of a child younger than 14 by an adult carries a sentence of life imprisonment. The law also prohibits adults from using deceit, abuse of power, or taking advantage of a child in a vulnerable situation to have sex.

Antisemitism

Estimates of the Jewish population ranged from 3,000 to 4,000 persons. There were no serious reports of antisemitism. In April former Prime Minister Aníbal Torres Vásquez praised Adolf Hitler's infrastructure developments as a national model in comments during a public cabinet meeting in the city of Huancayo. The international community and media condemned Torres' comment, for which he apologized.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There are no laws criminalizing consensual same-sex sexual conduct between adults. Civil society organizations reported that occasionally, local-level regulations against “indecentcy” and “loitering” disproportionately affected lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) individuals, and abuse in the application of local laws against street sex work was more prevalent against transgender women.

Violence against LGBTQI+ Persons: Harassment and abuse of transgender individuals, including by police and other authorities, was a serious problem. LGBTQI+ persons were particularly vulnerable to human trafficking and largely lacked access to comprehensive protective services.

Discrimination: The constitution includes a broad prohibition against discrimination, and individuals may file legal claims of discrimination based on sexual orientation or gender identity. Few national laws, however, mention sexual orientation and gender identity as explicit categories for protection from discrimination, which left room for interpretations that overlooked rights for LGBTQI+ persons. Some regions and municipalities, including La Libertad,

Loreto, Piura, and San Martín, had regulations that explicitly prohibit discrimination against LGBTQI+ persons and provide administrative relief but not criminal charges.

Government officials, NGO representatives, journalists, and social leaders reported official and societal discrimination against LGBTQI+ persons in employment, housing, education, law enforcement, and health care based on sexual orientation and gender identity. NGO representatives reported law enforcement authorities repeatedly failed to protect and, on occasion, disregarded the rights of LGBTQI+ citizens.

Availability of Legal Gender Recognition: The law provides transgender persons the right to update their national identity documents to reflect their gender identity, but it requires a long, expensive legal challenge process with unpredictable results. Transgender persons, therefore, often did not have valid national identification cards, which limited their access to government services. In June, a lower court ordered the National Identity and Civil Status Registry to allow citizens to change their gender, name, and picture to reflect their current identity. The registry had allowed only for name changes and would approve changing one's gender on the document only after receiving proof of completed gender-reassignment surgery. The issue gained widespread visibility following the August detention of two transgender Peruvian citizens in Indonesia and the death of one of them under Indonesian police custody, whose gender identity and appearance did not match that written in their passports. Spokespersons of the victim's family and LGBTQI+ activists argued this discordance played a role in the outcome.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: LGBTQI+ persons reported instances where they were persuaded or forced to seek “conversion therapy” treatments to change their sexual orientation or gender identity due to “hostile family environments.” According to a September study by the domestic NGO Más Igualdad Perú, 40 percent of LGBTQI+ persons surveyed reported having undergone “conversion therapy” practices. Half of reported instances occurred in a religious institution or at the hands of professionals who subscribe to a faith tradition.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no laws restricting freedom of expression, association or peaceful assembly of LGBTQI+ persons or LGBTQI+ advocates.

Persons with Disabilities

Accessibility in public transportation and streets and highways varied widely according to locality, and while accessible infrastructure existed, it was not always reliable. Local government regulations and construction licenses require public spaces and buildings to be accessible for persons with disabilities. Nevertheless, problems facing persons with disabilities continued, due to frequently inaccessible or suboptimal infrastructure. Persons with disabilities also faced hurdles in their access to education, insufficient employment opportunities, and employment discrimination, according to government and civil society leaders. The Ombudsman's Office reported that approximately 87 percent of children with disabilities did not attend school before the COVID-19 pandemic began in 2020, and that 76 percent of persons with disabilities did not work. One government survey reported that 70 percent of employers stated they would not hire a person with a disability.

The law prohibits discrimination against persons with disabilities, defined as individuals with a physical, sensory, or mental impairment that limits one or more major life activities. The law establishes infractions and punishments for noncompliance. It provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities, and it mandates that public spaces and government internet sites be accessible to them. It requires the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media available in public libraries. The government did not always effectively enforce the law.

The law requires companies to have job selection processes that give persons with disabilities the opportunity to apply for jobs on equal terms with persons without disabilities. The law also requires employers to provide employees up to 56 hours of leave per year to accompany their relatives with disabilities to medical appointments.

The government failed to enforce laws protecting the rights of persons with mental

disabilities. NGO representatives and government officials reported an insufficient number of medical personnel providing services in psychiatric institutions. Nevertheless, awareness of mental health issues was growing, including through public messaging from the Ministry of Health and in public remarks by the president of the council of ministers in October.

Other Societal Violence or Discrimination

Persons with HIV and AIDS faced widespread discrimination and harassment with respect to employment, housing, and social inclusion. The Ministry of Health implemented policies to combat such discrimination. HIV and AIDS affected transgender women and girls disproportionately, and many transgender women could not obtain health care because they lacked national identification cards reflecting their gender and appearance.

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 intimidation by employers and other forms of antiunion discrimination. It requires reinstatement or compensation of workers fired for union activity. The law allows workers to form unions without seeking prior authorization. By law at least 20 workers must join to form an enterprise-level union, and 50 workers to form a sector-wide union or federation. Some labor activists viewed this requirement as prohibitively high, particularly for small and medium-sized businesses, which represented 96.5 percent of all businesses.

Long-term employment under short-term contract schemes was widespread, including in the public sector. The use of unlimited consecutive short-term contracts made the exercise of freedom of association and collective bargaining difficult. Unions asserted the Ministry of Labor did not apply the required procedures for legal use of limited-term contracts.

In 2021, congress approved the progressive elimination of “administrative service contracts,” a hiring method of short-term contracts with diminished rights widely

used in the public sector, even for de facto permanent positions.

Private-sector labor law sets out nine categories of short-term employment contracts that companies may use. The law sets time limits on contracts in each category and has a five-year overall limit on the consecutive use of short-term contracts. A sector-specific law covering parts of the textile and apparel sectors exempts employers from this five-year limit and allows employers to hire workers indefinitely on short-term contracts. In 2020, following protests against an additional exceptional arrangement to the agricultural labor law, congress passed a revised nontraditional exports promotion law allowing consecutive short-term contracts (which in turn undermined freedom of association), compensation, and paid-leave benefits for workers through 2031. The law sets mechanisms to compensate terminated workers, gradually raises workers' participation in revenue sharing (from the current 5 percent to 10 percent in 2027), and sets explicit requirements for the provision of transportation, meals, sanitation services, and emergency health care. It also forbids child labor, gender discrimination, and sexual harassment.

The law allows unions to declare a strike in accordance with their governing documents, with prior notice of five days for the private sector, 10 days for the public sector, and 15 days for emergency services. Essential services must also receive the approval of the Ministry of Labor to strike and provide enough workers during a strike to maintain operations. Neither private- nor public-sector institutions may legally dismiss workers who strike.

The government did not effectively enforce the law on freedom of association, collective bargaining, or other labor laws. Penalties were not commensurate with penalties for other laws involving denials of civil rights, such as discrimination. Penalties were rarely applied against violators.

Workers faced prolonged judicial processes and lack of enforcement following dismissals for trade union activity. In October workers at the major television channel América TV formed a union but reported that they faced harassment and threats from the corporation. Authorities launched an investigation of the matter following the workers' statement.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not always enforce it effectively. The law prescribes penalties of eight to 15 years' imprisonment for labor trafficking crimes committed against adults and six to 12 years' imprisonment for exploitation crimes classified as forced labor. The government had a separate commission, interministerial protocol, and national plan for combating forced labor and child labor.

Forced labor continued to occur in domestic service, agriculture, forestry, gold mining and related services, manufacturing, brick making, and organized street begging, as well as in illegal activities such as counterfeit operations. Illegal logging affected many Indigenous communities, who found themselves trapped in forced labor. The self-styled drug-trafficking organization the Militarized Communist Party of Perú, which authorities considered the successor of the terrorist organization Shining Path (Sendero Luminoso), used force and coercion to recruit children to serve as guards and porters in the VRAEM. It also used force and coercion to subject children and adults to forced labor in agriculture, cultivation or transportation of illicit narcotics, and domestic servitude, as well as to carry out terrorist activities.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on race, skin color, sex, religion, political opinion, national origin, citizenship, social origin, disability, age, language, or social status. Nonetheless, NGOs working on labor and discrimination issues reported employment discrimination based on race, gender, skin color, national origin, social origin, disability, language, and social status continued. The new agricultural promotion law also prohibits gender

discrimination and sexual harassment.

The law does not specifically identify discrimination based on sexual orientation, gender identity, HIV-positive status, or other communicable diseases.

Discrimination based on sexual orientation and gender identity occurred.

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. The law prohibits discrimination against domestic workers and prohibits any requirement by employers for their domestic workers to wear uniforms in public places. The National Council for the Integration of Persons with Disabilities oversees compliance with employment quotas for persons with disabilities. Compliance with quotas varied.

The government did not effectively enforce the law on discrimination. Penalties were less than those related to civil rights, such as election interference. Penalties were rarely applied against violators.

NGO representatives and labor rights advocates noted discrimination cases often went unreported.

The law stipulates women should receive equal pay for equal work, but women often were paid less than men for the same jobs. In 2021, the national statistical institute reported that the average salary of working women was 72 percent of the average salary of working men. Arbitrary dismissal of pregnant women and workplace discrimination against women were common.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage, which was above the official estimate for the poverty income level. The law provides for a 48-hour workweek and one day of rest for workers in the formal sector. There is no prohibition on compulsory overtime, nor does the law limit the amount of overtime that a worker may work. The law stipulates 30 calendar days of paid annual vacation. Domestic workers have the same rights as other formal-sector workers, such as required vacation time and yearly bonuses.

Occupational Safety and Health: The National Occupational Safety and Health commission, led by the Labor Ministry and including the Health Ministry and employer and union representatives, is responsible for defining the national occupational safety and health (OSH) policy. The law establishes appropriate OSH standards and requires employers to ensure safe workplace conditions. Workers may remove themselves from situations that endanger their health without repercussions. The law requires workers to prove an employer's culpability before they can obtain compensation for work-related injuries. The Ministry of Labor reported that as of May, there were 11 fatal workplace accidents, 1,469 serious workplace accidents, and 1,571 light accidents. Manufacturing accidents contributed 25 percent to this total.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce wage laws, and penalties were less than those for similar crimes, such as fraud. Noncompliance with the law is punishable by fines. The government rarely applied penalties against violators. According to a labor NGO and labor experts, many fines went uncollected, in part because the government lacked an efficient tracking system and at times lacked political will. Labor inspectors have the authority to make unannounced inspections and initiate charges or other penalties.

The law permits fines and criminal charges for OSH violations. The government did not effectively enforce OSH laws, and penalties for these violations were less than those for analogous crimes, such as negligence. The number of labor inspectors was not sufficient to enforce compliance. Criminal penalties are limited to cases where employers deliberately violated OSH laws, and where labor authorities had previously and repeatedly notified employers who subsequently did not adopt corrective measures.

Informal Sector: As of June, 76 percent of workers were found in the informal sector, reaching 95 percent in rural areas, a significant increase from 66 percent in 2019, largely a result of the restrictions surrounding the COVID-19 pandemic. Most informal workers were self-employed. Many workers in the informal sector received less than the minimum wage, as wage, working time, OSH and other labor regulations are not enforced in the informal sector. Nearly 90 percent of Venezuelan migrant workers were in the informal sector, most of them in suboptimal conditions and earning less than the minimum wage due to their lack of

proper documentation and inability to validate their academic credentials. Workers in the informal economy were at increased risk of exploitation in sex or labor trafficking.